

DEPARTMENT OF EDUCATION**Foreign Language Assistance Program—Local 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 local educational agency programs implementing elementary and secondary school projects teaching languages of major economic and political importance.

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.

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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 local 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 10023). 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 75 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: Sixty-two commenters suggested that emphasizing support for specific critical languages, to the exclusion of other languages, would be detrimental to foreign language instruction in traditional languages or other less commonly taught languages not specified in the priority.

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 goals and needs of this program.

Change: None.

Comment: Two commenters 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 a special consideration to projects that promote the sequential study of a foreign language for students beginning in elementary schools.

Change: None.

Comment: One commenter suggested that the priority exempt rural areas because the commenter did not believe that rural areas have adequate resources to implement critical language instruction.

Discussion: The program provides an opportunity for local educational agencies to develop programs in schools, including schools in rural areas. We believe that LEAs in both urban and rural areas should have an opportunity to receive funding. Whether an applicant has sufficient resources will be addressed through selection

criteria and peer review of the proposals submitted under any competition.

Change: None.

Comment: Seven commenters suggested that it would be difficult for many districts to implement programs that address critical languages because there are not enough teachers who are qualified to teach critical languages.

Discussion: Under the Foreign Language Assistance Program, a grantee may use funds to build its capacity to provide foreign language instruction, including increasing the number of teachers qualified to teach in a foreign language. For example, funds may be used to recruit foreign language teachers, to provide professional development to teachers, and to collaborate with institutions of higher education to increase the number of highly qualified foreign language teachers. In addition, the statute provides for the Department to give special consideration for projects proposing summer professional development foreign language programs; this should serve as a further incentive for applicants to include professional development activities in their proposals.

Change: None.

Comment: One commenter suggested that it would be helpful if required matching costs were reduced for grantees that addressed the critical languages priority.

Discussion: Under the Foreign Language Assistance Act of 2001, a local educational agency that does not have the fiscal resources to match Federal Foreign Language Assistance Program funds may request a waiver of part, or all, of the matching cost requirement. No change to the language in the priority is necessary.

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

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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.

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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—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