

to 202-401-0920. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to [ICDocketMgr@ed.gov](mailto:ICDocketMgr@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.

[FR Doc. 2010-5626 Filed 3-12-10; 8:45 am]

BILLING CODE 4000-01-P

## DEPARTMENT OF EDUCATION

### Submission for OMB Review; Comment Request

**AGENCY:** Department of Education.

**SUMMARY:** The Acting Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before April 14, 2010.

**ADDRESSES:** Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503, be faxed to (202) 395-5806 or e-mailed to

[oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov) with a cc: to [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov).

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the

following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: March 10, 2010.

**Stephanie Valentine,**

*Acting Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management.*

### Institute of Education Sciences

*Type of Review:* New.

*Title:* National Title I Study of Implementation and Outcomes: Early Childhood Language Development (ECLD).

*Frequency:* One time.

*Affected Public:*

State, Local, or Tribal Gov't, SEAs or LEAs.

*Reporting and Recordkeeping Hour Burden:*

Responses: 16.

Burden Hours: 36.

*Abstract:* The study is being conducted as part of the National Assessment of Title I, mandated by Title I, Part E, Section 1501 of the Elementary and Secondary Education Act. The data obtained by this information collection will provide a sampling frame of eligible schools for the National Title I Study of Implementation and Outcomes: Early Childhood Language Development (ECLD). Once school districts have been identified to participate in the study, they will be asked to complete a short form providing information about Title I schools in their district. This information includes the percent of students in a selected school that are eligible for free-or-reduced-price lunch, percent of third graders who are classified as reading proficient on state assessments in 2009-10, grade levels in selected schools, and number of students in each grade. Based on the information provided, up to ten schools per district will be randomly selected to participate in the full-scale study. The U.S. Department of Education has Mathematica Policy Research to conduct this study.

Requests for copies of the information collection submission for OMB review may be accessed from <http://edicsweb.ed.gov>, by selecting the "Browse Pending Collections" link and by clicking on link number 4195. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department

of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202-4537. Requests may also be electronically mailed to the Internet address [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov) or faxed to 202-401-0920. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to [ICDocketMgr@ed.gov](mailto:ICDocketMgr@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.

[FR Doc. 2010-5578 Filed 3-12-10; 8:45 am]

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## DEPARTMENT OF EDUCATION

### Foreign Language Assistance Program—Local Educational Agencies with Institutions of Higher Education

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

**ACTION:** Notice Inviting Applications for New Awards for Fiscal Year (FY) 2010.

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

*Dates: Applications Available:* March 15, 2010.

*Deadline for Notice of Intent To Apply:* March 26, 2010.

*Deadline for Transmittal of Applications:* April 14, 2010.

*Deadline for Intergovernmental Review:* May 14, 2010.

### Full Text of Announcement

#### I. Funding Opportunity Description

*Purpose of Program:* The Foreign Language Assistance Program (FLAP) provides grants to local educational agencies (LEAs) for innovative model programs providing for the establishment, improvement, or expansion of foreign language study for elementary and secondary school students. Under this competition, as provided for in Division D, Title III, of the Consolidated Appropriations Act, 2010, Public Law 111-117, 5-year grants will be awarded to LEAs to work in partnership with one or more institutions of higher education (IHEs) to establish or expand articulated programs of study in languages critical to United States national security in order to enable successful students, as they advance from elementary school through secondary school and college, to achieve a superior level of

proficiency in those languages. In addition, an LEA that receives a grant under this program must use the funds to support programs that show promise of being continued beyond the grant period and demonstrate approaches that can be disseminated to and duplicated in other LEAs. Projects supported under this program may also include a professional development component.

**Priorities:** This notice involves one absolute priority and four competitive preference priorities. The absolute priority is from the notice of final priority for this program, published in the **Federal Register** on May 19, 2006 (71 FR 29228). In accordance with 34 CFR 75.105(b)(2)(iv), Competitive Preference Priorities #1 through #4 are from Title V, Part D, Subpart 9, section 5492 of the Elementary and Secondary Education Act of 1965, as amended.

**Absolute Priority:** For FY 2010, and any subsequent year in which we make awards from the list of unfunded applicants 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:

#### *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:** For FY 2010, and any subsequent year in which we make awards from the list of unfunded applicants from this competition, 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.

**Note:** There is no advantage to addressing all four competitive preference priorities. Submitting an application that addresses all four priorities may result in an unfocused program design. We give preference to applications describing programs that meet any one of these priorities.

These priorities are:

**Competitive Preference Priority #1.** Projects that include intensive summer foreign language programs for professional development.

**Competitive Preference Priority #2.** Projects that link non-native English speakers in the community with the schools in order to promote two-way language learning.

**Competitive Preference Priority #3.** 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 #4.** Projects that promote innovative activities, such as foreign language immersion, partial foreign language immersion, or content-based instruction.

**Program Authority:** 20 U.S.C. 7259a–7259b and Division D, Title III, of the Consolidated Appropriations Act, 2010, Public Law 111–117.

**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, published in the **Federal Register** on May 19, 2006 (71 FR 29228).

**Note:** The regulations in 34 CFR part 86 apply to institutions of higher education only.

## II. Award Information

**Type of Award:** Discretionary grants.  
**Estimated Available Funds:** \$6,168,331.

**Estimated Range of Awards:** \$100,000–\$300,000.

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

**Maximum Award:** We will reject any application that proposes a budget exceeding \$300,000 for a single budget period of 12 months. The Assistant Deputy Secretary and Director for the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students (OELA) may change the maximum amount through a notice published in the **Federal Register**.

**Estimated Number of Awards:** 30.

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

**Project Period:** 60 months. Applicants that request funding for a project period of other than 60 months will be deemed ineligible and will not be read.

## III. Eligibility Information

1. **Eligible Applicants:** LEAs, including charter schools that are considered LEAs under State law, in partnership with one or more institutions of higher education.

2. **Cost Sharing or Matching:** Title V, Part D, Subpart 9, section 5492 of the Elementary and Secondary Education Act of 1965, as amended, requires that the Federal share of a project funded under this program for each fiscal year be 50 percent. For example, an LEA requesting \$100,000 in Federal funding

for its foreign language program each fiscal year must match that amount with \$100,000 of non-Federal funding for each year. 34 CFR 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 LEA, such as the superintendent of schools, should sign the letter.

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.

We recommend that LEAs that are unable to provide the required level of non-Federal support for their project provide as much non-Federal support as possible. Further information on submitting a waiver request is included in the application package.

## IV. Application and Submission Information

1. **Address to Request Application Package:** Patrice Swann, U.S. Department of Education, 400 Maryland Avenue, SW., room 5C146, Washington, DC 20202–6510. Telephone: (202) 401–1463 or by e-mail: [Patrice.Swann@ed.gov](mailto:Patrice.Swann@ed.gov).

**Note:** Please include “84.293A LEA IHE Application Request” in the subject heading of your e-mail.

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

Individuals with disabilities can obtain a copy of the application package in an accessible 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 Patrice Swann by e-mail: [Patrice.Swann@ed.gov](mailto:Patrice.Swann@ed.gov).

**Note:** Please include “84.293A LEA IHE Intent to Apply” in the subject heading of

your e-mail. The e-mail should specify: (1) The LEA name, (2) city, (3) State, and (4) language(s) of instruction. 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 the application narrative to the equivalent of no more than 35 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).

- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

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 two-page abstract. However, the page limit does apply to all of the application narrative section in Part III.

We will reject your application if you exceed the page limit; or if you apply other standards and exceed the equivalent of the page limit.

### 3. Submission Dates and Times:

**Applications Available:** March 15, 2010.

**Deadline for Notice of Intent to Apply:** March 26, 2010.

**Deadline for Transmittal of Applications:** April 14, 2010.

Applications for grants under this program must be submitted electronically using the Electronic Grant Application System (e-Application) accessible through the Department's e-Grants site. For information (including dates and times) about how to submit your application electronically, or by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV.6. **Other Submission Requirements** of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid

in connection with the application process should contact the persons listed under *For Further Information Contact* in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

**Deadline for Intergovernmental Review:** May 14, 2010.

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 program.

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

6. **Other Submission Requirements:** Applications for grants under this program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

#### a. *Electronic Submission of Applications.*

Applications for grants under the Foreign Language Assistance Program—Local Educational Agencies with Institutions of Higher Education—CFDA Number 84.293A must be submitted electronically using e-Application, accessible through the Department's e-Grants Web site at: <http://e-grants.ed.gov>.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement*.

While completing your electronic application, you will be entering data online that will be saved into a database. You may not e-mail an electronic copy of a grant application to us.

Please note the following:

- You must complete the electronic submission of your grant application by 4:30:00 p.m., Washington, DC time, on

the application deadline date. E-Application will not accept an application for this program after 4:30:00 p.m., Washington, DC time, on the application deadline date. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the application process.

- The hours of operation of the e-Grants Web site are 6:00 a.m. Monday until 7:00 p.m. Wednesday; and 6:00 a.m. Thursday until 8:00 p.m. Sunday, Washington, DC time. Please note that, because of maintenance, the system is unavailable between 8:00 p.m. on Sundays and 6:00 a.m. on Mondays, and between 7:00 p.m. on Wednesdays and 6:00 a.m. on Thursdays, Washington, DC time. Any modifications to these hours are posted on the e-Grants Web site.

- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

- You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. 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 in this paragraph 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.

- Prior to submitting your electronic application, you may wish to print a copy of it for your records.

- After you electronically submit your application, you will receive an automatic acknowledgment that will include a PR/Award number (an identifying number unique to your application).

- Within three working days after submitting your electronic application, fax a signed copy of the SF 424 to the Application Control Center after following these steps:

- (1) Print SF 424 from e-Application.

- (2) The applicant's Authorizing Representative must sign this form.

(3) Place the PR/Award number in the upper right hand corner of the hard-copy signature page of the SF 424.

(4) Fax the signed SF 424 to the Application Control Center at (202) 245-6272.

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

*Application Deadline Date Extension in Case of e-Application Unavailability:*

If you are prevented from electronically submitting your application on the application deadline date because e-Application is unavailable, we will grant you an extension of one business day to enable you to transmit your application electronically, by mail, or by hand delivery. We will grant this extension if—

(1) You are a registered user of e-Application and you have initiated an electronic application for this competition; and

(2)(a) E-Application is unavailable for 60 minutes or more between the hours of 8:30 a.m. and 3:30 p.m., Washington, DC time, on the application deadline date; or

(b) E-Application is unavailable for any period of time between 3:30 p.m. and 4:30:00 p.m., Washington, DC time, on the application deadline date.

We must acknowledge and confirm these periods of unavailability before granting you an extension. To request this extension or to confirm our acknowledgment of any system unavailability, you may contact either (1) the person listed elsewhere in this notice under *For Further Information Contact* (see VII. Agency Contact) or (2) the e-Grants help desk at 1-888-336-8930. If e-Application is unavailable due to technical problems with the system and, therefore, the application deadline is extended, an e-mail will be sent to all registered users who have initiated an e-Application. Extensions referred to in this section apply only to the unavailability of e-Application.

*Exception to Electronic Submission Requirement:* You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through e-Application because—

- You do not have access to the Internet; or

- You do not have the capacity to upload large documents to e-Application; and

- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal

holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application. If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Rebecca Richey, U.S. Department of Education, 400 Maryland Avenue, SW., room 5C141, Washington, DC 20202-6510. FAX: (202) 260-5496.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

*b. Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, 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 84.293A) LBJ Basement Level 1, 400 Maryland Avenue, SW., Washington, DC 20202-4260.

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.

(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.

(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 qualify for an exception to the electronic submission requirement, you

(or a courier service) may deliver your paper application to the Department by hand. You 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 84.293A) 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 4:30:00 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 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this grant notification 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 program are from 34 CFR 75.210 of EDGAR and are listed in the following paragraphs. The *Notes* we have included after each criterion are guidance to assist applicants in understanding each criterion as they prepare their applications and are not required by statute or regulation (except that the requirements described in Notes I and II under paragraph (b) is statutory and the requirement described under paragraph (d) is in regulation. The maximum score for all of these criteria is 100 points. The maximum score for each criterion is indicated in parentheses.

(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.

*Notes for (a) Need for Project*

**Note I:** In addressing this criterion, applicants may want to describe the foreign language program currently offered, including gaps or weaknesses in the current foreign language program, identify the

specific needs for the proposed project, and describe how the proposed project will address gaps or weaknesses in foreign language instruction by conducting activities, such as increasing enrollment in critical foreign languages during the course of the grant by adding languages, adding grades or course levels, recruiting students, or expanding to additional schools.

(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 design of the proposed project reflects up-to-date knowledge from research and effective practice.

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

(3) 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.

(4) 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.

(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 the design of the proposed project includes a thorough, high-quality review of the relevant literature, a high-quality plan for project implementation, and the use of appropriate methodological tools to ensure successful achievement of project objectives.

*Notes for (b) Quality of the Project Design*

**Note I:** Under this competition, as provided for in Division D, Title III, of the Consolidated Appropriations Act, 2010, Public Law 111-117, 5-year grants will be awarded to LEAs to work in partnership with one or more institutions of higher education (IHEs) to establish or expand articulated programs of study in languages critical to United States national security in order to enable successful students as they advance from elementary school through secondary school and college to achieve a superior level of proficiency in those languages.

**Note II:** Please note that Title V, Part D, Subpart 9, section 5492 of the Elementary and Secondary Education Act of 1965, as amended, requires the establishment, improvement or expansion of foreign

language study for elementary and secondary students; supports programs that show the promise of being continued beyond the grant period; and supports programs that demonstrate approaches that can be disseminated and duplicated in other LEAs. Projects supported under this program may also include a professional development component.

**Note III:** In addressing this criterion, applicants may want to consider describing how the project is aligned with standards for foreign language learning and performance guidelines for K-12 learners, is articulated across grade levels, and is designed to ensure that students will, when they graduate from high school, have the skills needed to achieve a superior level of foreign language proficiency by the end of an undergraduate program.

**Note IV:** In addressing this criterion, applicants may want to consider describing the specific definition to be used for an articulated program of study. For example: Each grade level of the elementary-school-through-college foreign language program is designed to expand sequentially on the achievement students have made in the previous level, with a goal of achieving a superior level of language proficiency.

**Note V:** In addressing this criterion, applicants may want to consider describing the specific definition to be used for a superior level of language proficiency. For example: a proficiency level of 3, as measured by the Federal Interagency Language Roundtable (ILR); or a Superior level, as measured by the American Council on the Teaching of Foreign Languages (ACTFL) Proficiency Guidelines, achieved by a student.

**Note VI:** In addressing this criterion, applicants may want to describe planned assessments to be selected or developed, how they are standards-based and performance-based, and how they are appropriate for measuring student language proficiency in the planned model of instruction and targeted languages.

**Note VII:** In addressing this criterion, applicants may want to consider describing a plan to carry out activities under the grant as part of their required partnership with one or more IHEs, such as including how each partner will be involved in the planning, development, and implementation of the project; the resources to be provided by each partner; the rationale for selecting the partner(s); and the specific activities (such as curriculum development, assessment development and professional development) that the partner(s) will contribute to the grant during each year of the project.

**Note VIII:** In addressing this criterion, applicants may want to describe how program objectives are aligned with the Government Performance and Results Act (GPRA) measures for this program.

**Note IX:** In addressing this criterion, applicants may want to consider discussing

how the project design is based on a review of the relevant literature, including a review of literature on curriculum and instructional materials available in the target language.

(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 or principal investigator.

(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 principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

**Note for (d) Quality of the management plan:** Please note that 34 CFR 75.112(b) of EDGAR requires an applicant to include a narrative that describes how and when, in each budget period of the project, the applicant plans to meet each project objective.

(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.

(4) The extent to which the evaluation will provide guidance about effective strategies suitable for replication or testing in other settings.

**Note for (e) Quality of the project evaluation:** Grantees will be expected to report on the progress of their evaluation through the required annual performance report as discussed in section VI.4 of this notice. In addressing this criterion, applicants may want to consider using the evaluation plan to shape the development of the project from the beginning of the grant period. Applicants also may want to include benchmarks to monitor progress toward specific project objectives, including ambitious student foreign language proficiency objectives, and outcome measures to assess the impact on teaching and learning or other important outcomes for project participants.

## 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 notify you informally, also.

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. *Grant Administration:* Applicants should budget for a two-day meeting for project directors in Washington, DC, and a FLAP meeting at the American Council on the Teaching of Foreign Languages (ACTFL) Conference in Boston, MA, November 19–21, 2010. Funding for the meeting and conference should be budgeted for each subsequent year of the grant.

4. *Reporting:* At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. You must also 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. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c).

5. *Performance Measures:* In response to the Government Performance and Results Act (GPRA), the Department developed three objectives for evaluating the overall effectiveness of the Foreign Language Assistance Program (FLAP) LEA program. Grantees funded under this competition will be expected to collect and report to the Department data related to these measures. Applicants should discuss in the application narrative how they propose to collect these data.

Grantees under this competition are not expected to report on Objective 1, Measures 1.1 of 2 and 1.2 of 2.

Objective 1: To expand foreign language study in non-critical languages for students served by FLAP.

Measure 1.1 of 2: The number of students participating in foreign language instruction in the non-critical languages(s) in the schools funded by FLAP.

Measure 1.2 of 2: The average number of minutes per week of foreign language instruction in the non-critical languages(s) in the schools funded by FLAP.

Objective 2: To expand foreign language study in critical languages for students served by FLAP.

Measure 2.1 of 2: The number of students participating in foreign language instruction in the critical language(s) in the schools funded by FLAP.

Measure 2.2 of 2: The average number of minutes per week of foreign language instruction in the critical languages(s) provided in the schools funded by FLAP.

Objective 3: To improve the foreign language proficiency of students served by FLAP.

Measure 3.1 of 1: The number of students in FLAP projects who meet ambitious project objectives for foreign language proficiency.

We expect each LEA funded under this competition to document how its project is helping the Department meet these performance measures. Grantees will be expected to report on progress in meeting these performance measures in their Annual Performance Report and in their Final Performance Report.

## VII. Agency Contacts

*For Further Information Contact:*  
Rebecca Richey, U.S. Department of Education, 400 Maryland Avenue, SW., room 5C141, Washington, DC 20202–

6510. Telephone: (202) 401–1443 or by e-mail: [rebecca.richey@ed.gov](mailto:rebecca.richey@ed.gov) or Cynthia Ryan, U.S. Department of Education, 400 Maryland Avenue, SW., room 5C140, Washington, DC 20202–6510. Telephone: (202) 401–1436 or by e-mail: [cynthia.ryan@ed.gov](mailto:cynthia.ryan@ed.gov).

If you use a TDD, call the FRS, toll free, at 1–800–877–8339.

## VIII. Other Information

*Accessible Format:* Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or computer diskette) on request to the program contact persons listed under *For Further Information Contact* in section VII of this notice.

*Electronic Access to This Document:* You can 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: <http://www.ed.gov/news/fedregister>. To use PDF you must have Adobe Acrobat Reader, which is available free at this site.

**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: [www.gpoaccess.gov/nara/index.html](http://www.gpoaccess.gov/nara/index.html).

Dated: March 10, 2010.

**Richard Smith,**

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

[FR Doc. 2010–5616 Filed 3–12–10; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF EDUCATION

### Privacy Act of 1974; Computer Matching Program

**AGENCY:** Department of Education.

**ACTION:** Notice—Computer Matching between the Department of Education and the Department of Homeland Security, United States Citizenship and Immigration Services, formerly the Immigration and Naturalization Service.

**SUMMARY:** Pursuant to the Office of Management and Budget (OMB) *Final Guidance Interpreting the Provisions of Public Law 100–503, the Computer Matching and Privacy Protection Act of 1988* (54 FR 25818 (June 19, 1989)) and OMB Circular A–130, Appendix I (65 FR 77677 (December 12, 2000)) notice is