

**DEPARTMENT OF EDUCATION****Bilingual Education: Systemwide Improvement Grants**

**AGENCY:** Department of Education.

**ACTION:** Notice of final priority for fiscal year (FY) 1995.

**SUMMARY:** The Secretary announces a priority for FY 1995 under the Bilingual Education: Systemwide Improvement Grants program authorized under title VII of the Elementary and Secondary Education Act of 1965, as amended (the Act). The Secretary takes this action to implement a provision of this Act by focusing Federal financial assistance on an identified national need. The priority is intended to provide financial assistance to local educational agencies (LEAs) or LEAs in collaboration with institutions of higher education (IHEs), community-based organizations (CBOs), other LEAs, or a State educational agency (SEA) to implement districtwide bilingual education programs or special alternative instructional programs that will serve a significant number of limited English proficient (LEP) children and youth in one or more LEAs with significant concentrations of these children and youth.

**EFFECTIVE DATE:** This priority takes effect April 3, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Harry Logel, U.S. Department of Education, 600 Independence Avenue SW., Room 5090, Switzer Building, Washington, DC 20202-6510. Telephone: (202) 205-5530. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** The Systemwide Improvement Grants program is a new program. Under section 7115(a) of the Act, the purpose of the program is to assist LEAs or LEAs in collaboration with IHEs, CBOs, other LEAs, or an SEA to implement districtwide bilingual education

programs or special alternative instructional programs to improve, reform, and upgrade relevant programs and operations, within an entire LEA, that serve a significant number of LEP children and youth in one or more LEAs with significant concentrations of these children and youth.

To assist those LEAs that have a significant concentration of LEP children and youth, the Secretary requires that to be eligible for funding the project must serve only LEAs in which the number of LEP students, in each LEA served, is at least 1,000 or at least 25 percent of the total student enrollment. By using a 1,000 or 25 percent threshold, the Secretary is targeting those LEAs in which LEP students constitute a major portion of the LEAs' programs and operations. The Secretary chose to allow either a number or a percentage threshold to include small and large school districts with significant concentrations of LEP students. If the Secretary had used only a percentage threshold, some of the larger districts would have been excluded from participating in the program even though they had significant numbers of LEP students enrolled in their districts. Using the 1,000 or 25 percent threshold, approximately 450 LEAs would be eligible to participate under this program. The number of eligible LEAs is based on data from the Descriptive Study of Services to LEP Students conducted by Development Associates, Inc., in 1993.

**Note:** This notice of final priority does not solicit applications. A notice inviting applications under this competition for FY 1995 will be published in the **Federal Register** at a later date.

**Priority**

Under section 7115(a) of the Act, the Secretary gives an absolute preference to applications that meet the following priority. The Secretary funds under this competition only applications that meet this absolute priority:

Projects that serve only LEAs in which the number of LEP students, in

each LEA served, is at least 1,000 or at least 25 percent of the total student enrollment.

**Waiver of Proposed Rulemaking**

In accordance with the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Department of Education to offer interested parties the opportunity to comment on proposed priorities. However, in order to make timely grant awards in FY 1995, the Director, in accordance with section 437(d)(1) of the General Education Provisions Act, has decided to issue this final priority, which will apply only to the FY 1995 grant competition.

Elsewhere in this issue of the **Federal Register**, the Director is publishing a notice of proposed priority for this program and offering interested parties the opportunity to comment. The proposed priority, which is identical to this final priority, would apply to grant competitions under the program beginning in FY 1996.

**Intergovernmental Review**

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

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

**Program Authority:** 20 U.S.C. 7425.

(Catalog of Federal Domestic Assistance Number 84.291 Bilingual Education: Systemwide Improvement Grants)

Dated: February 6, 1995.

**Eugene E. Garcia,**

*Director, Office of Bilingual Education and Minority Languages Affairs.*

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