

limited access rooms and within those rooms lockable containers. Access to information is limited to authorized individuals. For machine records stored on magnetic tape, disk or other computer storage media within the computer processing area - additional secure limited access facilities, specific processing requests from authorized persons only, specific authority to access stored records and delivery to authorized persons only. Remote terminals are secured, are available to authorized persons only, and certain password and other identifying information available to authorized users only is required.

#### RETENTION AND DISPOSAL:

Records are reviewed annually and retired or destroyed as appropriate. Permanent records are retired to the St. Louis Federal Records Center after completion of audit. Computer records are purged and updated consistent with these retention policies.

#### SYSTEM MANAGER(S) AND ADDRESS:

Director, National Security Agency/  
Central Security Service, Ft. George G.  
Meade, MD 20755-6000.

#### NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Deputy Director of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755-6000.

#### RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Deputy Director of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755-6000.

#### CONTESTING RECORD PROCEDURES:

The NSA/CSS rules for contesting contents and appealing initial determinations are published at 32 CFR part 322 or may be obtained by written request addressed to the Deputy Director of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755-6000.

#### RECORD SOURCE CATEGORIES:

Forms, cards, requests and other documentation submitted by individuals, supervisors, claims officers, Personnel File data, Time, Attendance and Access File data, and other sources as appropriate and required.

#### EXEMPTIONS CLAIMED FOR THE SYSTEM:

Individual records in this file may be exempt pursuant to 5 U.S.C. 552a(k)(1) and (k)(2), as applicable.

An exemption rule for this record system has been promulgated according to the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 322. For additional information contact the system manager.

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BILLING CODE 5000-04-F

#### DEPARTMENT OF EDUCATION

##### Intent To Repay to the Commonwealth of Pennsylvania Department of Education Funds Recovered as a Result of a Final Audit Determination

**AGENCY:** Department of Education.

**ACTION:** Notice of intent to award grantback funds.

**SUMMARY:** Under section 459 of the General Education Provisions Act (GEPA), the U.S. Secretary of Education (Secretary) intends to repay to the Commonwealth of Pennsylvania Department of Education, the State educational agency (SEA), an amount equal to 75 percent of the \$210,000 recovered by the U.S. Department of Education (Department) as a result of a final audit determination. This notice describes the SEA's plan, submitted on behalf of the Philadelphia School District, the local educational agency (LEA), for the use of the repaid funds and the terms and conditions under which the Secretary intends to make those funds available. The notice invites comments on the proposed grantback.

**DATES:** All comments must be received on or before July 7, 1995.

**ADDRESSES:** Comments concerning the grantback should be addressed to Mary Jean LeTendre, Director, Compensatory Education Programs, Office of Elementary and Secondary Education, U.S. Department of Education, 600 Independence Avenue SW (Portals Building, Room 4400), Washington, D.C. 20202-6132.

**FOR FURTHER INFORMATION CONTACT:** S. Colene Nelson, U.S. Department of Education, 600 Independence Avenue SW (Portals Building, Room 4400), Washington, D.C. 20202-6132. Telephone: (202) 260-0979. 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:

##### A. Background

The Department has recovered \$210,000 from the SEA in satisfaction of claims arising from an audit of the LEA covering fiscal year (FY) 1987. The claims involved the SEA's administration of Chapter 1 of the Education Consolidation and Improvement Act of 1981 (Chapter 1, ECIA), a program that provided financial assistance to State and local agencies to address the special educational needs of educationally deprived children in areas with high concentrations of children from low-income families.

Specifically, the auditors found that for the period July 1, 1986 through March 18, 1987, the LEA's Office of Planning, Research and Evaluation (OPRE) prorated staff did not maintain time and effort reports properly to support \$604,611 of allocable charges under Chapter 1. Alternative documentation in the form of sign-in sheets and evaluation reports was reviewed by the auditors and also found to be inadequate for allocating OPRE salaries to Chapter 1 because it did not demonstrate the actual time that prorated staff spent on Chapter 1 activities. The auditors therefore questioned \$604,611 of salaries, fringe benefits, and indirect costs.

On March 19, 1987, the LEA implemented a time and effort reporting system to be used by the OPRE staff. However, the auditors found that for the period March 19, 1987 through June 30, 1987, the time and effort reports maintained by OPRE-prorated staff did not support the full amount of Chapter 1 claims submitted by the LEA. The auditors therefore questioned an additional \$20,066 improperly charged to the Chapter 1 program for salaries, fringe benefits, and indirect costs for the remainder period of time. The auditors recommended a total refund to the Department in the amount of \$624,677 for the first finding.

In a second finding, the auditors found that the LEA failed to retain documentation supporting student eligibility for the Chapter 1 Reading and English to Speakers of Other Languages (ESOL) projects. Therefore, the teachers' salaries and fringe benefits charged to the Chapter 1 program for the Reading and ESOL projects during the period July 1, 1986 through June 30, 1987 were unsupported. As a result, the auditors identified \$137,661 of Chapter 1 salaries, fringe benefits, and indirect costs charged to the Chapter 1 program, for the Reading and ESOL teachers, for

which student eligibility documentation could not be located.

Based on these two findings, the Assistant Secretary for Elementary and Secondary Education (Assistant Secretary) issued a final determination on March 29, 1991, that concluded that salaries, fringe benefits, and indirect costs charged to the Chapter 1 program were unsupported or incorrectly calculated. The determination required a refund totaling \$762,338.

The SEA appealed the final determination of the Assistant Secretary through the Office of Administrative Law Judges. Review of additional documentation submitted during this period of appeal and negotiations between the school district and the Department resulted in an order of dismissal issued on April 15, 1992, by the Department settling the audit at \$210,000 in questioned costs. Subsequently, on June 4, 1992, the LEA submitted a check for \$210,000.

#### **B. Authority for Awarding a Grantback**

Section 459(a) of GEPA, 20 U.S.C. 1234h(a), provides that whenever the Secretary has recovered program funds following a final audit determination, the Secretary may consider those funds to be additional funds available for the program and may arrange to repay to the SEA or LEA affected by the determination an amount not to exceed 75 percent of the recovered funds. The Secretary may enter into this grantback arrangement if the Secretary determines that—

(1) Practices or procedures of the SEA or LEA that resulted in the audit determination have been corrected, and the SEA or LEA is, in all other respects, in compliance with the requirements of the applicable program;

(2) SEA has submitted to the Secretary a plan for the use of the funds to be awarded under the grantback arrangement that meets the requirements of the program, and, to the extent possible, benefits the population that was affected by the failure to comply or by the misexpenditures that resulted in the audit exception; and

(3) Use of funds to be awarded under the grantback arrangement in accordance with the SEA's plan would serve to achieve the purposes of the program under which the funds were originally granted.

#### **C. Plan for Use of Funds Awarded Under a Grantback Arrangement**

Pursuant to section 459(a)(2) of GEPA, the SEA has applied for a grantback of \$157,500—75 percent of the principal amount recovered by the Department—and has submitted a plan on behalf of

the LEA for use of the grantback funds to meet the special educational needs of educationally deprived children in programs administered under Chapter 1, ESEA (20 U.S.C. 2701 *et seq.* (1988)).

According to the plan, the LEA will use the grantback funds under Chapter 1 to provide six weeks of summer kindergarten to be held at eight schoolwide project sites, two classes per site for a total of 16 classrooms.

Participating teachers will attend one planning meeting (2 hours) and a full day of staff development (5 hours) in June in preparation for the program that will begin for students on July 5 and end on August 15, 1995. The participating schools will be selected based on the following two factors: (1) A high concentration of students about to enter first grade who have not had a kindergarten experience, and (2) a high concentration of poverty. The Office of Accountability and Assessment will identify the targeted schools. If space is available, children who entered kindergarten after January 1995 will also be included. Teachers and classroom assistants will telephone parents to keep attendance high.

Each class will be staffed by a teacher and a classroom assistant. The teacher-student ratio will be one to fifteen. The standardized kindergarten curriculum for the LEA will be used as the basis for instruction. Schools will be invited to pilot some special materials to increase hands-on interactive, developmentally appropriate instruction. These materials will be selected by the principal and teachers at the school to coordinate with the instructional model in use at the school. For the sixth week, the first grade teachers to whom the students have been assigned will attend and work with the students. The Early Primary Progress Report (EPPR), a developmentally appropriate kindergarten checklist, will be administered to each participant at the completion of the summer program. Children will be rated as competent, making progress, or making improvement. The results will be summarized to determine attainment of objectives for each class and the program as a whole.

Also, the LEA staff, in consultation with nonpublic school authorities and parents of Chapter 1 students, decided to allocate grantback funds to support summer professional development for 20 teachers of Chapter 1 students, in order to provide these teachers with an opportunity to focus on the needs of the Chapter 1 children they teach and to align the regular education program with Chapter 1 support activities in their schools. Twenty nonpublic schools

with the highest concentrations of Chapter 1 program students will be selected for participation. Attendance will be recorded at each staff development session and participating teachers will complete a workshop evaluation survey at the end of the two-week session.

#### **D. The Secretary's Determinations**

The Secretary has carefully reviewed the plan submitted by the SEA. Based upon that review, the Secretary has determined that the conditions under section 459 of GEPA have been met. These determinations are based upon the best information available to the Secretary at the present time. If this information is not accurate or complete, the Secretary may take appropriate administrative action. In finding that the conditions of section 459 of GEPA have been met, the Secretary makes no determination concerning any pending audit recommendations or final audit determinations.

#### **E. Notice of the Secretary's Intent To Enter Into a Grantback Arrangement**

Section 459(d) of GEPA requires that, at least 30 days before entering into an arrangement to award funds under a grantback, the Secretary must publish in the **Federal Register** a notice of intent to do so, and the terms and conditions under which payment will be made.

In accordance with section 459(d) of GEPA, notice is hereby given that the Secretary intends to make funds available to the SEA under a grantback arrangement. The grantback award would be in the amount of \$157,500.

#### **F. Terms and Conditions Under Which Payments Under a Grantback Arrangement Would Be Made**

The SEA and LEA agree to comply with the following terms and conditions under which payment under a grantback arrangement would be made:

(1) The funds awarded under the grantback must be spent in accordance with—

(a) All applicable statutory and regulatory requirements;

(b) The plan that the SEA submitted and any amendments to that plan that are approved in advance by the Secretary; and

(c) The budget that was submitted with the plan and any amendments to the budget that are approved in advance by the Secretary.

(2) All funds received under the grantback arrangement must be obligated by September 30, 1995, in accordance with section 459(c) of GEPA and the SEA's plan.

(3) The SEA, on behalf of the LEA, will, not later than December 31, 1995, submit a report to the Secretary that—

(a) Indicates that the funds awarded under the grantback have been spent in accordance with the proposed plan and approved budget; and

(b) Describes the results and effectiveness of the project for which the funds were spent.

(4) Separate accounting records must be maintained documenting the expenditures of funds awarded under the grantback arrangement.

Dated: June 1, 1995.

**Thomas W. Payzant,**

*Assistant Secretary for Elementary and Secondary Education.*

(Catalog of Federal Domestic Assistance Number 84.010, Educationally Deprived Children—Local Educational Agencies)

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**[CFDA No. 84.116N]**

**Fund for the Improvement of Postsecondary Education—Special Focus Competition: North American Mobility in Higher Education**

Notice inviting applications for new awards for fiscal year (FY) 1995.

*Purpose of Program:* To provide grants or enter into cooperative agreements to improve postsecondary education opportunities by focusing on problem areas or improvement approaches in postsecondary education.

*Supplemental Information:* This program is a targeted special focus competition under 34 CFR 630.11(b).

*Eligible Applicants:* Institutions of higher education or combinations of such institutions and other public and private nonprofit educational institutions and agencies.

*Deadline for Transmittal of Applications:* July 31, 1995.

*Deadline for Intergovernmental Review:* September 29, 1995.

*Applications Available:* June 7, 1995.

*Available Funds:* \$1,200,000.

*Estimated Range of Awards:* \$100,000–\$150,000 for three years.

*Estimated Average Size of Awards:* \$120,000 for three years.

*Estimated Number of Awards:* 10.

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

*Project Period:* Up to 36 months.

*Applicable Regulations:* (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75 (except as noted in 34 CFR 630.4(a)(2)), 77, 79, 80, 82, 85, and 86; and (b) the

regulations for this program in 34 CFR Part 630.

**Priorities**

*Invitational Priorities*

Under 34 CFR 75.105(c)(1) and 34 CFR 630.11(b)(1), the Secretary is particularly interested in applications that meet the following invitational priority. However, an application that meets this invitational priority does not receive competitive or absolute preference over other applications.

*Invitational Priority:* Projects that support trilateral consortia of institutions of higher education that promote institutional cooperation and student mobility among the United States, Mexico, and Canada.

**Selection Criteria**

In evaluating applications for grants under this program competition, the Secretary uses the following selection criteria chosen from those listed in 34 CFR 630.32:

(a) *Significance for Postsecondary Education.* The Secretary reviews each proposed project for its significance in improving postsecondary education by determining the extent to which it would—

(1) Achieve the purposes of the particular program competition as referenced in 34 CFR 630.11;

(2) Address the program priorities for the particular program competition;

(3) Address an important problem or need;

(4) Represent an improvement upon, or important departure from, existing practice;

(5) Involve learner-centered improvements;

(6) Achieve far-reaching impact through improvements that will be useful in a variety of ways and in a variety of settings; and

(7) Increase the cost-effectiveness of services.

(b) *Feasibility.* The Secretary reviews each proposed project for its feasibility by determining the extent to which—

(1) The proposed project represents an appropriate response to the problem or need addressed;

(2) The applicant is capable of carrying out the proposed project, as evidenced by, for example—

(i) The applicant's understanding of the problem or need;

(ii) The quality of the project design, including objectives, approaches, and evaluation plan;

(iii) The adequacy of resources, including money, personnel, facilities, equipment, and supplies;

(iv) The qualifications of key personnel who would conduct the project; and

(v) The applicant's relevant prior experience;

(3) The applicant and any other participating organizations are committed to the success of the proposed project, as evidenced by, for example—

(i) Contribution of resources by the applicant and by participating organizations;

(ii) Their prior work in the area; and

(iii) The potential for continuation of the proposed project beyond the period of funding (unless the project would be self-terminating); and

(4) The proposed project demonstrates potential for dissemination to or adaptation by other organizations, and shows evidence of interest by potential users.

(c) *Appropriateness of funding projects.* The Secretary reviews each application to determine whether support of the proposed project by the Secretary is appropriate in terms of availability of other funding sources for the proposed activities.

In accordance with 630.32 the Secretary announces the methods that will be used in applying the selection criteria.

The Secretary gives equal weight to the selection criteria on significance, feasibility, and appropriateness. Within each of these criteria, the Secretary gives equal weight to each of the subcriteria listed above. In applying the criteria, the Secretary first analyzes a preapplication or application in terms of each individual criterion and subcriterion. The Secretary then bases the final judgment of an application on an overall assessment of the degree to which the applicant addresses all selection criteria.

*For Applications or Information Contact:* Fund for the Improvement of Postsecondary Education (FIPSE), U.S. Department of Education, 600 Independence Avenue, S.W., Room 3100, ROB-3, Washington, D.C. 20202-5175. Telephone: (202) 708-5750 between the hours of 8 a.m. and 5 p.m., Eastern time, Monday through Friday, to order applications or for information. Individuals may request applications by submitting the name of the competition, their name, and postal mailing address to the e-mail address FIPSE@ED.GOV. Individuals may obtain the application text from Internet a d d r e s s [http://www.ed.gov/prog\\_info/FIPSE/](http://www.ed.gov/prog_info/FIPSE/). Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339