

DEPARTMENT OF EDUCATION

RIN 1810-ZA02

Safe and Drug-Free Schools and Communities Programs

AGENCY: Department of Education.

ACTION: Notice of final priority and selection criteria for fiscal year 1995.

SUMMARY: The Secretary establishes a final funding priority and selection criteria under the Safe and Drug-Free Schools and Communities Federal Activities Grants Program for fiscal year (FY) 1995. The priority funds projects that establish, expand, or improve models for alternative education for students expelled from their regular education program.

EFFECTIVE DATE: This priority and selection criteria take effect on July 19, 1995.

FOR FURTHER INFORMATION CONTACT: Albert Macias, U.S. Department of Education, Safe and Drug-Free Schools Programs, 600 Independence Avenue, SW, Portals Room 604, Washington, DC 20202-6123, telephone (202) 260-2823. Individuals who use a telecommunication 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 purpose of the Safe and Drug-Free Schools and Communities Federal Activities Grants Program is to support activities that promote achieving the seventh National Education Goal, which states that, by the year 2000, all schools in America will be free of drugs and violence and the unauthorized presence of firearms and alcohol, and offer a disciplined environment conducive to learning.

The Secretary will award approximately 10 grants in FY 1995 for a period not to exceed two years to public and private nonprofit organizations, including local educational agencies (LEAs), institutions of higher education (IHEs), and community-based organizations (CBOs) to establish, expand, and improve model alternatives to expulsion programs. These grants must be used to provide educational services to expelled students consistent with all applicable civil rights laws and policies. Contingent upon availability of funds, the Secretary may make additional awards in FY 1996 from the rank order of applicants established from this competition.

Background

Evidence indicates that a small but growing core of the student population finds that bringing a weapon to school is acceptable. A Centers for Disease Control study reports that, in 1990, 1 in 24 students carried a gun to school in the 30 days before the study, and that by 1993 the incidence had risen to 1 in 12 students. Many of these youths will be expelled from the classroom and will have no access to continuing educational services. While expulsion addresses the school's need to provide a safe, secure environment for all its students, it does not address the educational needs of students who are expelled for bringing a gun to school or engaging in other behavior that would lead to expulsion, nor does it address the long-range costs to the community of permitting expelled youths to be unsupervised for prolonged periods of time during the day.

An expelled student tends to exhibit alienation and rebelliousness toward society, a history of referrals for classroom disruption, and a predisposition toward accepting violence as an appropriate response to personal problems. These attitudes and behaviors can lead to more serious involvement with law enforcement unless they are countered by appropriate interventions.

In most circumstances, it is in the best interest of the school and community to provide alternative services, promote high standards of learning, and encourage the involvement of students, parents, and community groups in helping to ensure that the student becomes a responsible, contributing member of society.

Note: This notice of final priority and selection criteria does not solicit applications. A notice inviting applications under this competition is published in a separate notice in this issue of the **Federal Register**.

Priority: Under 34 CFR 75.105(c)(3) and 20 U.S.C. 7131, the Secretary gives absolute preference to applications that meet the following priority. The Secretary funds under this competition only applications that address the absolute priority. Applications that fail to address the priority will not be reviewed or funded:

Establish, expand, or improve model projects of alternative education for youth who have been expelled from their regular school program. An applicant must propose a project that addresses both the academic needs of expelled youth and the behaviors that lead to expulsion from the regular school program.

An applicant must provide financial or in-kind contributions (including, where allowable, commitment or other Federal funds to the project), or at least 10 percent of the total cost of the first year of the project. An applicant's contribution to the project in year two must be 15 percent of the total second year project cost. Applicants other than LEAs must include proof of collaboration with an LEA as part of their application for funding.

Applicants must offer proof that they have adopted, or, in the case of a nonprofit agency applicant will adopt, a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm to an alternative education program funded by this grant.

Selection Criteria: In evaluating applications for grants under this competition, the Secretary uses the following criteria. Each criterion is assigned a maximum possible score indicated in parentheses. The Secretary awards up to 100 points for all of the criteria.

(1) *Need for the Project* (15 points).

The Secretary determines the extent to which the proposed project addresses a serious community problem illustrated by a large number or percentage of students in the district that have been expelled from their regular educational program. The Secretary considers the extent to which the applicant—

- (a) Identifies the specific educational, social, and behavioral needs of expelled students;
- (b) Involves students, teachers and counselors, parents, and community leaders in the needs assessment; and
- (c) Relates needs of expelled students, including academic, behavioral, and social needs, to the proposed project objectives.

(2) *Approach* (35 points).

The Secretary determines the overall quality and appropriateness of the applicant's plan to provide alternative educational services for youth expelled from school, including the extent to which the proposed project—

- (a) Is based on research, including the causes of disruptive and antisocial behavior and educational strategies that take into account of different styles of learning;

- (b) Identifies measurable goals and objectives for the project, such as the number of students to be served and the percentage of students who will successfully complete the program either by re-integration or through graduation;

(c) Includes an academic component that emphasizes high educational standards for the expelled students;

(d) Includes educational practices and strategies appropriate for the expelled students and, where appropriate, includes job training and work force readiness;

(e) Describes the educational services and activities to be provided, including the length of time services will be provided for each student and the number of hours per day for which the program will operate, and indicates how these services will meet the educational, behavioral, and social needs of expelled students;

(f) Details a plan for strong collaboration among schools, law enforcement agencies, CBOs, businesses, local service organizations, parent groups, and other agencies, including a description of how they will participate in the program at every stage; and

(g) Proposes a plan for the active recruitment of all expelled students within the project area and describes how the selection of students to be served would be made.

(3) *Staff Background* (20 Points).

The Secretary reviews each application to determine the skills, abilities and educational background of key personnel the applicant plans to use on the project. The Secretary considers—

(a) The extent to which skills, experience and educational background of key staff are relevant to the objectives of the project;

(b) The staff's ability to manage the project effectively, including the ability to provide educational services and coordinate with relevant community agencies;

(c) The appropriateness of the ratio of staff to students proposed for the project; and

(d) The extent to which time commitments are appropriate for the responsibilities each staff member will have.

(4) *Budget* (10 points).

The Secretary reviews each application to determine that the project's costs are reasonable in view of the anticipated results and benefits. The Secretary considers—

(a) The cost of the proposed project in terms of the number of youth to be served by the project, the student-to-staff ratio proposed, and the facilities in which the program will be offered; and

(b) Evidence that the applicant can and intends to generate the local financial and in-kind support, service, and commitments required for this project.

(5) *Evaluation of Project* (20 Points).

The Secretary determines the quality and thoroughness of the applicant's plan to evaluate the project. The Secretary considers—

(a) The extent to which the applicant describes a plan to evaluate the long- and short-term outcomes of the program (such as the percentage of students who are able to re-integrate into the regular school program and remain free of referrals for classroom disruption) and indicates in measurable terms appropriate indicators for assessment of program implementation and impact;

(b) The extent to which the applicant provides an evaluation plan for the project that includes collection of baseline data and identifies and tracks indicators that will show progress in program implementation and attainment of outcomes;

(c) Provides for implementation of the evaluation plan by an independent evaluator; and

(d) The extent to which the applicant develops a plan for long-term tracking of participants.

Waiver of Proposed Rulemaking

In accordance with the Administrative Procedure Act (5 U.S.C. 533), 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 Assistant Secretary, in accordance with section 437(d)(1) of the General Education Provisions Act, has decided to issue this final priority and selection criteria, which will apply only to the FY 1995 grant competition.

Executive Order 12866

This notice of final priority has been reviewed in accordance with Executive Order 12866. Under the terms of the order the Secretary has 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 determined by the Secretary 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, the Secretary has determined that the benefits of the proposed final priority justify the costs.

The Secretary has also determined that this regulatory action does not unduly interfere with State, local and tribal governments in the exercise of their governmental functions.

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

In accordance with this 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. 7131.

(Catalog of Federal Domestic Assistance Program Number 84.184b Safe and Drug-Free Schools and Communities Act Federal Activities Grant Program)

Dated: May 26, 1995.

Thomas W. Payzant,

Assistant Secretary for Elementary and Secondary Education.

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Safe and Drug-Free Schools and Communities Act Federal Activities Grant Program

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

Purpose of Program: To fund projects that establish, expand, or improve models for alternative education for students expelled from their regular education program.

Eligible Applicants: Public and private nonprofit organizations, including local educational agencies, institutions of higher education, and community based organizations.

Deadline for Transmittal of Applications: July 24, 1995.

Deadline for Intergovernmental Review: September 22, 1995.

Applications Available: June 21, 1995.

Available Funds: \$3,500,000.

Estimated Range of Awards: \$300,000-\$400,000.

Estimated Average Size of Awards: \$350,000.

Estimated Number of Awards: 10.

Project Period: Up to 24 months.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75 (except 75.210), 77, 79, 80, 81, 82, 85 and 86.

Priority: The priority in the notice of final priority for this program, as published elsewhere in this issue of the **Federal Register**, applies to this competition.

Selection Criteria: The selection criteria in the notice of final priority for