DEPARTMENT OF EDUCATION

Title I Migrant Education Coordination Program

AGENCY: Department of Education.

ACTION: Notice of final priority for fiscal year 1997.

SUMMARY: The Assistant Secretary for Elementary and Secondary Education announces an absolute priority for competitive grants awarded under the Migrant Education Program for Fiscal Year (FY) 1997. Under this priority, the Department will support projects that use technologies in innovative ways to strengthen the academic achievement of migrant students who move between school districts.

EFFECTIVE DATE: This priority takes effect January 23, 1997.

FOR FURTHER INFORMATION CONTACT: Kristin Gilbert, Office of Migrant Education, U.S. Department of Education, 600 Independence Avenue, SW, Room 4100 Portals Building, Washington, DC 20202–6140. Telephone: (202) 260–1357. 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. Inquiries may also be sent by e-mail to kristin__gilbert@ed.gov or by FAX at (202) 205–0089.

SUPPLEMENTARY INFORMATION: The Secretary intends to award grants to applicants, applying as a member of consortia, who propose to use technologies in innovative and effective ways to improve teaching and learning for highly mobile migrant students. Projects selected for funding will be those judged most likely to be effective in helping migrant children whose education is interrupted by moves between districts and States. In FY 1997, the Secretary will make up to $3 million available under the Migrant Education Program (MEP) for this competition, from which 6 to 8 projects are expected to be funded. Grants are projected to range from $200,000 to $600,000 per year and may be funded for up to 5 years.

The MEP is authorized in Title I, Part C, of the Elementary and Secondary Education Act of 1965 (ESEA). Under this program, the Secretary makes grants to State educational agencies (SEAs) to help ensure that migrant children have the opportunity to meet the same challenging State content and student performance standards that all children are expected to meet. Toward this objective, the program supports a range of services for migrant children, including preschool children, and youth through age 21 who are entitled to a free public education through grade 12. For example, it provides supplemental instruction and other related services that address educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors inhibiting the ability of children to do well in school or make successful transitions to postsecondary education or employment.

Section 1308 of the ESEA authorizes the Secretary to reserve a portion of each year's MEP appropriation and, in consultation with the States, make grants for programs to improve the coordination of services to migrant students who move within and between States. The Secretary will use part of the FY 1996 and subsequent year reservation to support multi-year projects under the priority in this notice. The Secretary believes that technology, if applied thoughtfully, can be the catalyst that reinforces and extends migrant students learning opportunities, motivation and achievement. This priority is intended to stimulate creative thinking about how to integrate technology more effectively into high-quality educational programs that meet the special needs of the migrant community.

As some migrant programs are already beginning to demonstrate, technology can help improve the teaching and learning of migrant students by, for example, making curricula and other teaching materials more readily available to migrant students; stimulating new education solutions to counter the adverse impact that frequent moves have on the education of migrant students; and facilitating on-going cooperative arrangements between schools in ''sending'' and ''receiving'' States to reinforce and extend teaching and learning of migrant students. Moreover, States and districts are spending their own funds and funds from other Federal programs for technology and technology-related expenses. These expenditures frequently complement the investments of the MEP and other ESEA programs to help all children, including migrant children, learn to high standards.

The competition is intended to build on those activities by helping to support efforts to put challenging academic standards more closely within reach of migrant students. The grants are intended to stimulate partnerships, funding, and action at the State and local levels and private sector. Each project's choice of partners, and each project's design with new approaches and strategies, are keys to whether the handful of projects to be funded under this competition can have a significant impact on the education of hard-to-reach, highly mobile, migrant children and youth—now and in the future.

Applicants are encouraged to consider a range of other Federal and non-Federal sources of technical or financial support. Possible sources of Federal support include assistance that States and communities receive under programs administered by the Department, including: Goals 2000; Title I, Part A of the ESEA; the Eisenhower Professional Development program; Bilingual Education programs; School-to-Work Opportunities; the Star Schools program; the Challenge Grants for Technology in Education; the Office of Special Education and Rehabilitative Services technology programs; the recently created Regional Comprehensive Assistance Centers and Regional Technology Consortia; the Regional Educational Laboratories; and the MEP itself.

Goals 2000: Educate America Act

The Goals 2000: Educate America Act (Goals 2000) focuses the Nation's education reform efforts on the eight National Education Goals and provides a framework for meeting them. Goals 2000 promotes new partnerships to strengthen schools and expand the Department's capacities for helping communities to exchange ideas and obtain information needed to achieve these Goals.

This priority and these selection criteria would address the National Education Goals that all students will leave grades 4, 8, and 12 having demonstrated competency over challenging subject matter, and that by the year 2000 the high school graduation rate will increase to at least 90 percent. The priority and selection criteria would further the objectives of these Goals by focusing available funds on projects that will provide students, while they migrant between school districts, a richer learning environment and continuity of education through the innovative use of technologies.

On August 20, 1996, the Assistant Secretary for Elementary and Secondary Education published a notice of proposed priority (NPP) for this program in the Federal Register (61 FR 43122–5). Additional information is provided in that notice on pages 43122–3, including examples of existing programs for migrant youth that include technology components. While changes have been made since publication of the NPP, these changes merely clarify the priority without altering its intent.

Note: This notice does not solicit applications. A notice inviting applications under this competition is published elsewhere in this edition of the Federal Register.

Summary of Comments and Changes

In response to the Secretary's invitation in the notice of proposed priority, 10 parties submitted comments. All commenters supported the thrust of this priority. In general, commenters recommended that the priority clarify (1) who are eligible applicants, as well as the composition and financial responsibilities of the consortium; (2) that applicants must address how their consortia would actually use technology to increase achievement of migrant students; and (3) that applicants may propose uses of technology that focus exclusively on improving the skills or knowledge of those who teach migrant students. An appendix to this notice contains an analysis of the comments and of the changes in the priority. The changes do not alter the priority's original intent.

Priority: Under 34 CFR 75.105(c)(3), the Secretary gives an absolute preference to applications that meet the following priority. The Secretary funds under this competition only applications that meet this priority:

Technology Applications for Teaching and Learning in the Migrant Community

Under this priority, an eligible applicant will compete for a grant, as a member of a consortium that may be funded for up to five years, to cover the costs of developing, adapting, or expanding existing and new applications of technology that members of the consortium will use to improve teaching and learning for migrant students who move within and between States. In developing their projects, applicants are encouraged to consider how technology might be put to effective use within the whole spectrum of educational inputs—including curriculum, modes of learning, professional development, parental involvement—to increase the achievement of the migrant students they serve. To help broaden project planning and impact, consortium efforts must be carefully designed to encourage—wherever possible—the ongoing involvement of educators and parents, business and civic leaders, community organizations, and others committed to providing enhanced educational opportunity for highly mobile migrant students. While there is no matching requirement for this competition, applications will be reviewed for, among other things, the extent to which the consortium as a whole secures from partners or other entities monetary or in-kind contributions for equipment, technical support, and any other associated project costs. These additional contributions may be from Federal or non-Federal sources; however, the reviewers will note the degree to which a project has broad support as evidenced by its non-Federal contributions. Additional sources of support might also include foundation grants and other philanthropic contributions, and services provided through grants or contracts from other government agencies. Examples of assistance available from Federal agencies, other than the Department of Education, are included in the notice of proposed priority for this program published in the Federal Register (61 FR 43122–5).

Eligible Applicants

Any SEA, local educational agency (LEA), institution of higher education, or public or private nonprofit entity is eligible to apply. However, the Secretary specifically invites the following entities to submit applications: SEAs that administer MEPs; LEAs that have a high percentage or high number of migrant students; and non-profit community-based organizations that work with migrant families. In addition, to help ensure that this competition supports coordination activities between school districts: (1) applicants must apply as part of a consortium that includes at least two entities described in the preceding sentence, and (2) consortium members must provide educational services to migrant students in at least two or more school districts. To help ensure that the projects are effective and have broad community and technical support, the consortium must also include at least one other partner from the business community, institutions of higher education, academic content experts, software designers, or other entities.

Application Contents

Objectives: Applicants must demonstrate how the consortium would make innovative uses of technologies to achieve the following objectives: (a) promoting greater continuity of instruction for migrant students as they are served in different school districts in which members of the consortium operate educational programs that are available to migrant students; and (b) helping these migrant students achieve to high academic standards.

Required Application Descriptions: In describing how it would use technologies to meet the educational purposes described in response to the preceding paragraph, each applicant must also address how the project will provide—

1. Adequate access to technology for all project participants, whether they are migrant students, their families, or teaching personnel;
2. Sufficient time and opportunity for teachers (and other educational support staff) to learn to use the technologies and to incorporate them into their own curricular goals;
3. Easily accessible technical support, such as on-site assistance;
4. A method for evaluating the educational benefits of the project; and
5. A strategy for disseminating a successful project to other SEAs, LEAs and other agencies that operate MEPs.

Other Application Requirements: Among other generally applicable application requirements, applicants are reminded that 34 CFR 75.112 and 75.117 of the Education Department and General Administrative Regulations (EDGAR) contain additional narrative and budgetary requirements for applicants that request funding on a multi-year basis. In particular, § 75.112 requires an application to include a narrative that describes how and when, in each budget period of the project, the applicant plans to meet each project objective. (In determining whether to make a continuation award in future years to a project recipient, the Secretary intends to examine each performance report submitted under 34 CFR 75.253 to ensure, among other things, the quality of the project's emerging design and implementation activities.)

Selection Criteria

The Secretary will use two criteria to select applications for funding: significance and feasibility; i.e., is the proposed activity important, and can it be done?

Significance will be determined by the extent to which the project: 1. Offers a creative vision for using technology to help migrant students who move within or between States learn challenging academic content and improve the coordination of their teaching and learning when they move;

2. Is likely to achieve far-reaching impact through results, products, or benefits that can be readily achieved, exported or adapted to other migrant communities or to settings of other mobile populations;

3. Will enhance inter- or intrastate coordination of teaching and learning

(that takes into consideration the cultural and language characteristics of the migrant population) by integrating acquired technologies into the curriculum;

4. Will provide for ongoing, intensive professional development for teachers (and other personnel) working with the migrant population to further the learning of migrant students through the use of technology in the classroom, library, home, or other learning environment;

5. Is designed to serve highly mobile migrant populations that are likely to benefit the most from educational technology applications;

6. Is designed to create new learning communities, and expanded markets for high-quality educational technology applications and services for migrant and other similar populations.

Feasibility will be determined by the extent to which: 1. The project will ensure successful, effective, and efficient uses of technologies for inter- and intrastate coordination of teaching and learning for migrant students and staff that will be sustainable both during and beyond the period of the grant;

2. The consortium and other appropriate entities will contribute substantial financial and/or other resources or both to achieve the goals of the project; and

3. The applicant is capable of carrying out the project, as evidenced by: the extent to which the project is likely to meet the needs that have been identified; the quality of the project design, including objectives, approaches, evaluation plan, and dissemination plan; the adequacy of resources, including money, personnel, facilities, equipment, and supplies; the qualifications of key personnel who would conduct the project; and the applicant's prior experience relevant to the objectives of the project.

Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number assigned to the collection of information in this final priority notice is 1810–0028.

Selection Procedures

The Secretary will consider only applications that establish the likelihood that the proposed projects will meet the objectives, and that include the required elements, described within the section, ''Application Contents.'' The Secretary will evaluate applications using the unweighted selection criteria described under the ''Selection Criteria'' section of this notice. In determining whether applicants have met these criteria, the Secretary believes that the use of unweighted criteria is most appropriate because they will allow the reviewers maximum flexibility to apply their professional judgments in identifying the particular strengths and weaknesses in individual applications. Therefore, the Secretary will not apply the selection procedures in EDGAR, 34 CFR 75.210 and 75.217, which otherwise require a rank order to be established based on weighted selection criteria.

The Secretary intends to use the following selection procedures for this competition:

The first peer review panel or panels of experts will analyze each application to determine whether or not it responds to the requirements in the application contents section of this notice, and in terms of the two selection criteria: significance and feasibility. A reviewer will assign to each application two separate qualitative ratings—one for significance, the other for feasibility—based on the extent to which the application meets each of these criteria. The two ratings (which are of equal importance) taken together will yield a composite rating, representing each reviewer's total rating of each application. All reviewer ratings for each application will then be combined across the reviewers in a panel to yield an overall rating for each application. The panels will also identify inconsistencies, points in need of clarification, and other concerns, if any, pertaining to each application.

The Secretary will assign each application to one of three or four groups based on the panel's composite rating of each applicant. Starting with the highest quality group and moving down to the lowest, the Secretary will identify the groups containing applications that are of sufficiently high quality to be considered for funding.

Depending upon the number of applications received, a second panel will be convened to reevaluate each application identified by the first panel as being of sufficiently high quality to be considered for funding. In doing so, this second panel will take into account any additional information or materials supplied by applicants after the first panel review in response to a request by the Secretary (see final paragraph of this section), to redetermine the extent to which each application addresses the selection criteria. The Secretary will reassign each reevaluated application to one of the several quality groups.

In the final stage of the selection process, the Secretary will select for funding those applications of highest quality, based on the final results of the second review panel or panels, but only if the Secretary is satisfied that they are of high quality with regard to both significance and feasibility. If in this final stage, the Secretary determines that the highest quality group or groups include more applications than can be funded, panelists may be asked to differentiate further between the applications on the basis of quality.

The Secretary might not have need for the two-tiered procedures, depending upon the number of applications received.

In accordance with 34 CFR 75.109(b), an applicant is permitted to make changes to an application on or before the deadline date for submission of applications. Also, in accordance with 34 CFR 75.231, the Secretary may request an applicant to submit additional information after the application has been selected for funding. Given the technical nature of the proposals, the Secretary expects that it might be necessary to obtain clarifications and additional information from applicants during the selection process. The Secretary would request additional information or materials from applicants that the review panel has determined are of sufficiently high quality, and that address the concerns and questions, if any, identified by the peer review panel. Therefore, for the purpose of this grant competition, the Secretary will also permit an applicant to submit additional information in response to a specific request from the Secretary made during the application review and selection process.

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.

Applicable Regulations: EDGAR 34 CFR Parts 74, 75 (except § 75.201, 75.210 and 75.217), 77, 79, 80, 81, 82, 85 and 86; and 34 CFR 200.40.

Program Authority: 20 U.S.C. 6398(a).

Dated: December 17, 1996.

Gerald N. Tirozzi,

Assistant Secretary, Elementary and Secondary Education.

Appendix—Analysis of Comments and Changes

Comments: One commenter suggested that the priority clarify whether charter schools are eligible for grants.

Discussion: This grant competition is open to any SEA, LEA or other public or private nonprofit entity that applies as part of a consortium and meets the criteria announced in this notice. A charter school that is an LEA or a public or private nonprofit agency in the State in which it is located would be eligible to apply.

Changes: None.

Comments: Two commenters questioned the proposed requirement that the consortium partners contribute financial or in-kind resources to the project. One commenter requested clarification as to whether members of the consortium could meet this requirement by using resources provided through another Federal program. The other commenter expressed concern that the proposed requirement could limit the number of applicants. The commenter noted that because LEAs, SEAs, and nonprofit agencies might not have substantial resources to contribute to the project, other participants in a consortium, such as the business community and academic content experts, might have to contribute the bulk of additional financial assistance.

Discussion: Funds awarded under this competition can play a pivotal role in helping to support initiatives that use technology as a key ingredient to increasing the academic achievement of migrating students. However, initiatives that rely solely—or even principally—on these or other Federal funds may be less likely than other projects to succeed or endure beyond the project period. First, the amount of project funds that the Secretary can award under section 1308(a) of the ESEA may simply be too small to meet total project costs. But more important, a project's likely impact and success depends in part on funding support that is broad and lasting, as demonstrated by the degree to which applicants obtain significant commitments of non-Federal as well as Federal resources. For this reason, while applicants are not required to demonstrate that they have any outside support as a condition of their eligibility for an award, the notice clarifies that project's feasibility will depend, in part, on the degree to which (a) consortium partners and other entities are committed to making substantial financial and in-kind contributions to the success of the project, and (b) contributions include those from non-Federal sources. Moreover, the Secretary believes that applications that demonstrate a consortium's ability to leverage significant additional resources are likely to be more competitive than applications that do not.

The Secretary is aware that some participants in a consortium may be unable to contribute significant amounts of actual or in-kind resources to the project, and that some consortia may be able to pull together more resources for their projects than others. The final notice clarifies that applications will be reviewed for the extent to which the consortium as a whole—rather than its individual members or other participating entities—are contributing substantial financial and/or in-kind contributions to achieve the project goals.

Changes: The supplementary information and statement of the priority have been revised accordingly.

Comments: A commenter requested clarification about whether priority will be given to consortia that includes all three applicants (SEA, LEA, or other non-profit organization) that were specifically invited to apply.

Discussion: No priority will be given to any particular make-up of consortia.

Changes: None.

Comments: A commenter questioned the use of the word, ''or'' illustrating types of partners—beyond SEAs, LEAs and nonprofit agencies—that must be a part of a consortium funded under this competition. The statement referred to the inclusion of entities ''such as business, academic content, or software designers * * *.'' The commenter recommends that the word ''and'' be substituted for ''or'' in order to emphasize the need for projects to include both software design and academic content expertise.

Discussion: The Secretary encourages partnerships of all types to compete for funding under this notice and does not believe it to be appropriate to limit eligibility to any particular configuration.

Changes: None.

Comments: Two commenters suggested that the priority strengthen the connections between the use of technology and the educational program design. Two other commenters recommended that the applications be required not only to describe the use of technology, but also to show how they address inter- and intra-state coordination of educational programs that serve migrant students.

Discussion: The Secretary agrees with the commenters that further clarity is needed in these areas. As explained in the ''Supplementary Information'' section of this notice, the intent of this competition is, and has been, to further support the effective use of technology as a means of increasing migrant student achievement. Moreover, because funds will be awarded under section 1308(a) of the ESEA, funded projects need to be designed to improve inter- or intra-state coordination among programs assisting migrant students.

Changes: In order to ensure that all selected projects reflect these objectives, the Secretary has revised the ''Application Contents'' portion of the notice to require an applicant to demonstrate how it would use technology as a tool to improve achievement. Further, this section of the notice now clarifies that applicants also must demonstrate how they would use technology to promote greater continuity of instruction for migrant students as they are served at different project sites.

Comments: A commenter suggested that eligibility be expanded to include States and island nations with immigrant populations. In this context, the commenter also suggested that all agencies responsible for providing services to migrant and immigrant children be required to share appropriate electronic databases.

Discussion: Section 1308(a) of the ESEA does not authorize the use of funds under this program to serve the needs of immigrant children.

Changes: None.

Comments: One commenter suggested that the criteria be broadened to permit funding of interstate projects that would use technology only to strengthen professional development of teachers of migrant students. The commenter expressed concern that, as written, the notice appears to require migrant student participation in all projects.

Discussion: This competition is intended to fund well-designed proposals that improve teaching and learning for migrant students who move from one location to another. In doing so, applicants may propose uses of technology that focus exclusively on those who teach migrant students, rather than on the migrant students themselves, for example, by offering those teachers increased access to professional development activities.

Changes: The ''Required Application Descriptions'' section clarifies that while project participants must be given adequate access to technology, those participants may be students, their families, or teaching personnel.

Comments: One commenter requested that the notice clarify that within a consortium, partnerships with universities—for the purpose of developing software—would have the same weight as business partnerships. Another commenter suggested that Comprehensive Regional Assistance Centers be included in the list of potential partners.

Discussion: The Secretary agrees with the commenters that universities and comprehensive centers are potentially very important partners in any consortium. The Secretary does not believe that the notice should emphasize university participation through the development of software.

Changes. The ''Technology Applications for Teaching and Learning in the Migrant Community'' and ''Eligible Applicants'' sections of the notice have been revised to clarify the importance of institutions of higher education, while the ''Supplementary Information'' section has been revised to clarify the importance of the comprehensive centers.

Comments: Two commenters expressed concern that use of unweighted selection criteria would create difficulties in making systematic and substantiated judgments about the relative quality of applications, whereas one commenter expressed support for use of the unweighted criteria. One commenter also suggested that training be offered to the review panels to help ensure quality of the comments.

Discussion: This competition is designed to encourage all applicants, and particularly SEAs, LEAs, and other public and private nonprofit agencies serving migrant students, to reach out to businesses, universities, and others in their communities in creative ways that can give migrant students the benefit of recent technological innovations. Given the nature of the competition, and the many forms and varieties of new technological applications that it can support, the Secretary believes that unweighted criteria provide the most promising opportunity to select for funding those projects that are most significant and feasible. The Secretary will ensure that judgments about the relative quality of applicants are made systematically and in ways that are substantiated.

Changes. None.

Comments: Two commenters suggested that there be a separate competition or a reservation of funds under this competition for credit exchange and accrual activities for migrant secondary school students.

Discussion: A proposal that focuses on credit exchange and accrual, and, in so doing, uses technology to provide instruction and/or improved teaching to migrant students, is within the purview of the priority. Beyond this, the Secretary recognizes the importance of credit exchange and accrual activities, and will consider whether, in the future, a competition focusing specifically on credit exchange and accrual activities is desirable.

Changes: None.

Comments: A commenter recommended that the priority be expanded to include applications for projects to offer technology workshops and training to migrant personnel.

Discussion: The limited funds available under this competition are intended to help support a few high quality programs that incorporate technology into teaching and learning and that ultimately might be adapted in other sites. Each application must include as a part of its project easily accessible technical support, adequate access to technology for all project participants and sufficient time for teachers and educational staff to learn to use the technology. This competition is not a vehicle for financing broad-based technology workshops for the migrant community.

Changes. None.

Comment. One commenter recommended that the final priority notice prohibit for-profit entities from receiving funds awarded under this competition. The commenter asserted that these entities are not authorized by the program statute to receive grant funds, and that grant funds should not benefit for-profit entities at the expense of disadvantaged migrant students.

Discussion. Section 1308(a) of the ESEA authorizes the Secretary to make grants or contracts for the improvement of inter-state and intra-state coordination of migrant education projects to SEAs, LEAs, IHEs and other public and private nonprofit entities. This notice permits these entities—and only these entities—to be recipients of project grants. While applicants must apply as part of a broader consortium that conceivably might include a for-profit entity, the for-profit entity would not be the project grantee. Beyond this, the ESEA does not prohibit a project grantee from procuring services from a for-profit entity. Indeed, cost principles in Office of Management and Budget Circular A–87, which govern an SEA's or LEA's use of project funds by virtue of 34 CFR 80.22, authorize SEA and LEA grantees to use reasonable and necessary amounts of program funds to procure supplies, materials and other services from for-profit entities.

Changes. None.

Comment. Officials within the Department suggested that the notice should include the relevant sections of EDGAR that will apply to this competition.

Discussion. The Department inadvertently omitted references to EDGAR that govern this competition and agrees that these sections should be cited in the notice.

Changes. The section, ''Applicable Regulations,'' includes references to all sections of EDGAR that apply to this competition.

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