

DEPARTMENT OF EDUCATION

[CFDA No.: 84.165A]

Magnet Schools Assistance Program**AGENCY:** Department of Education.**ACTION:** Notice extending closing date for receipt of applications for new awards for fiscal year (FY) 1998 and for submission of approved modifications to required plans and school board approval for voluntary plans.

SUMMARY: On February 17, 1998, a notice was published in the **Federal Register** (63 FR 8021) that established the closing date for transmittal of applications for the FY 1998 Magnet Schools Assistance Program (MSAP). The purpose of this notice is to extend the closing date for the transmittal of applications until April 27, 1998 in response to requests from school districts.

This notice also changes the procedures for the submission of applications, as described under **PROCEDURES FOR SUBMISSION OF APPLICATIONS** to require that applications are received on or before the due date. In making the decision to give applicants additional time to prepare their applications, the Secretary also recognizes that this decision reduced the amount of time available for the review of applications and will delay the announcement of awards. In order to minimize the impact of these delays, while giving applicants as much time as possible for the development of their applications, this change has been made to reduce the amount of time that it takes before application review activities can begin after the deadline date.

DEADLINE FOR TRANSMITTAL OF APPLICATIONS: The new closing date is April 27, 1998.

PROCEDURES FOR SUBMISSION OF APPLICATIONS: In order to ensure timely receipt and processing of applications, an application must be received on or before the deadline date announced in this application notice. The Secretary will not consider an application for funding if it is not received by the deadline date unless the applicant can show proof that the application was: (1)

Sent by registered or certified mail not later than five days before the deadline date; or (2) sent by commercial carrier not later than two days before the deadline date. An applicant must show proof of mailing in accordance with 34 CFR 75.102(d) and (e). Applications delivered by hand must be received by 4:30 p.m. (Eastern Time) on the deadline date. For the purposes of this program competition, the Secretary does not apply 34 CFR 75.102(a) and (b)(1) which require an application to be mailed, rather than received, by the deadline date.

These procedures replace the application submission procedures contained in the MSAP application package.

Note: All applications must be received on or before the deadline date unless one of the mailing conditions noted in the previous paragraph applies. This requirement takes exception to EDGAR, 34 CFR 75.102(a) and (b)(1). In accordance with the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, this amendment makes procedural changes only and does not establish new substantive policy. Therefore, under 5 U.S.C. 553 (b)(A), proposed rulemaking is not required.

SUPPLEMENTARY INFORMATION: Districts submitting voluntary plans also expressed concern that even with the extension of the application due date, additional time might be needed to obtain school board approval of their plans. Therefore, we are extending the date for the submission of school board approval of the plans submitted with applications until May 22, 1998. All other voluntary plan information must be submitted by the closing date.

Additionally, the date by which applicants must submit any modifications to required plans (i.e., a modification to include a new magnet schools component in a previously approved plan) is also changed. All applicants must submit proof to ED of approval of all modifications by May 22, 1998.

FOR APPLICATIONS OR INFORMATION CONTACT: Steven L. Brockhouse, U.S. Department of Education, 600 Independence Avenue, S.W., Portals Room 4509, Washington, D.C. 20202-

6140. Telephone (202) 260-2476.

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Individuals with disabilities may obtain a copy of the application package in an alternate format, also, by contacting that person. However, the Department is not able to reproduce in an alternate format the standard forms included in the application package.

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Note: The official version of a document is the document published in the **Federal Register**.

Program Authority: 20 U.S.C. 3021-3032.

Dated: March 10, 1998.

Gerald N. Tirozzi,

Assistant Secretary, Elementary and Secondary Education.

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