

(A) The qualifications of the project director;

(B) The qualifications of each of the other key personnel to be used in the project;

(C) The time that each person referred to in paragraphs (i) (A) and (B) of this section will commit to the project; and

(D) The process by which the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or handicapping condition.

(ii) To determine personnel qualifications under paragraphs (i) (A) and (B) of this section, the Secretary considers—

(A) Experience and training in fields related to the project objectives, including expertise relating to education of LEP students; and

(B) Any other qualifications that pertain to the quality of the project.

(3) *Plan of operation and adequacy of resources* (20 points).

The Secretary reviews each application to determine the quality of the plan of operation for the project and adequacy of resources for the project, including—

(i) The extent to which the plan of management is effective and ensures proper and efficient administration of the project;

(ii) The quality of the applicant's plan to use its resources and personnel (both those federally funded and those not federally funded) to achieve each objective;

(iii) Adequacy of the resources that the applicant plans to devote to the project, including facilities, equipment, and supplies; and

(iv) The extent to which the plan establishes sound fiscal procedures that ensure proper and efficient administration of project funds.

(4) *Quality and reasonableness of the dissemination plan* (10 points).

The Secretary reviews each application to consider—

(i) The quality of the dissemination plan;

(ii) The extent to which the project's dissemination plan includes activities in each year of the project that—

(A) Inform the educational community, including practitioners, researchers, and administrators, of project findings; and

(B) Disseminate documents prepared by the recipient, such as technical and research reports, to the educational community; and

(iii) The extent to which proposed dissemination activities are reasonable for each year of the project.

(5) *Budget and cost-effectiveness* (10 points).

The Secretary reviews each application to determine the extent to which—

(i) Each year's budget is adequate to support the project; and

(ii) Costs are reasonable in relation to the objectives, design, and potential significance of the project.

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 notice of priority and selection criteria, which will apply only to this 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 regulations in 34 CFR part 79. The objective of the order is to foster an intergovernmental partnership and a strengthened federalism by relying on the 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. 7451.

Dated: May 5, 1995.

(Catalog of Domestic Assistance Number 292A Bilingual Education: General Research Programs)

Eugene E. García,

Director, Office of Bilingual Education and Minority Languages Affairs.

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DEPARTMENT OF EDUCATION

(CFDA No.: 84.292A)

Bilingual Education: Evaluation Activities, Benchmark Study Notice Inviting Applications for New Cooperative Agreement Award for Fiscal Year (FY) 1995

Purpose of Program: To provide assistance to conduct evaluation activities for the purpose of improving bilingual education and special alternative instruction programs for limited English proficient (LEP) children and youth.

Eligible Applicants: Institutions of higher education, nonprofit organizations, State educational agencies, and local educational agencies.

Deadline for Transmittal of Applications: July 28, 1995.

Deadline for Intergovernmental Review: September 28, 1995.

Applications Available: June 13, 1995.

Available Funds: In fiscal year 1995, \$450,000 is available for the first year of funding. The following list indicates the estimated funding levels over the five-year project period. The funding levels for years 1 through 5 are estimates. Actual funding will depend upon the availability of funds, needs as reflected in the approved application, and demonstration of substantial progress on the part of the recipient towards meeting the goals and objectives of the application.

First Year Funding—up to \$450,000.

Second Year Funding—up to \$650,000.

Third Year Funding—up to \$850,000.

Fourth Year Funding—up to \$650,000.

Fifth Year Funding—up to \$500,000.

Five Year Total: \$3,100,000.

Estimated Number of Awards: 1.

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

Project Period: 60 months.

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