

Procedure for Award

Only an SEA that receives MEP formula grant funds for FY 1995 may receive a grant under this priority. To receive funding under this priority, an SEA must submit a letter, signed by the Chief State School Officer or his or her authorized representative, requesting funds under this absolute priority and providing an assurance that these funds shall be used only for activities that clearly support the SEA's responsibilities to ensure the maintenance and prompt transfer of pertinent records, including health information, of migratory children on an interstate and intrastate basis. This letter should be received by the Office of Migrant Education contact person identified in the **FOR FURTHER INFORMATION CONTACT** section of this notice on or before July 18, 1995.

After careful consideration of a suggestion by one commenter, the Department has decided not to require SEAs to provide either a description of the proposed use of grant funds or a budget as a condition of receiving funds under this priority. This information would be of limited use since it would reflect only a portion of a State's record transfer activities for migratory children. Instead, the Department intends to use other means of program monitoring to obtain information on the full range of records transfer activities that SEAs and their local operating agencies are conducting, including activities funded under both the MEP formula allocation and this priority.

Waiver of Proposed Rulemaking

In accordance with the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Department to offer interested parties the opportunity to comment on proposed rulemaking documents. However, in accordance with section 437(d)(1) of the General Education Provisions Act, the Assistant Secretary has determined that it is desirable to waive formal public comment on this priority. At the same time, States were consulted as required under section 1308(a) of the ESEA. The Assistant Secretary makes this determination to waive formal public comment in order that funds under this priority may be made available to the

SEAs as quickly as possible to assist them in meeting their records transfer responsibilities, and to ensure that these funds can be distributed to SEAs on or before September 30, 1995, as required by law. This waiver applies only to this FY 1995 priority.

Applicability of 34 CFR Part 75 and 34 CFR Part 205

In view of the process that the Department will use to obtain information and make awards under this priority, the regulations in 34 CFR part 75 (Direct Grant Programs) of the Education Department General Administrative Regulations (EDGAR), and the regulations in 34 CFR part 205 (Migrant Education Coordination Program) do not apply. Instead, grants awarded under this priority will be administered, like the MEP itself, under the provisions of 34 CFR parts 76, 77, 80, 81, 85 and 86 of EDGAR. This includes, among other requirements, responsibility under 34 CFR 76.730 to maintain records, separately from the MEP formula allocation, on how the funds awarded under this priority have been used.

Intergovernmental Review

Grants to SEAs for the MEP are 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 this order, this document is intended to provide early notification of the Secretary's specific plans and actions for these programs.

Applicable Program Regulation: 34 CFR Part 201

(Program Authority: 20 U.S.C. 6394(d), 6398(a))

(Catalog of Federal Domestic Assistance Number 84.011, Migratory Education Basic State Formula Grant Program)

(Approved by the Office of Management and Budget under control number 1810-0584)

Dated: June 21, 1995.

Thomas W. Payzant,

Assistant Secretary for Elementary and Secondary Education.

APPENDIX.—AWARD AMOUNTS UNDER SPECIAL FY 1995 MEP RECORDS TRANSFER PRIORITY

Alabama	\$50,122
Alaska	57,851
Arizona	58,137
Arkansas	51,897
California	205,815
Colorado	50,918
Connecticut	47,999
Delaware	45,798
District of Columbia	38,501
Florida	84,041
Georgia	53,742
Idaho	54,417
Illinois	47,805
Indiana	49,671
Iowa	45,767
Kansas	55,204
Kentucky	57,154
Louisiana	48,885
Maine	50,044
Maryland	45,595
Massachusetts	48,716
Michigan	60,742
Minnesota	48,846
Mississippi	47,812
Missouri	46,699
Montana	46,373
Nebraska	49,538
Nevada	46,099
New Hampshire	19,504
New Jersey	46,461
New Mexico	47,622
New York	52,493
North Carolina	52,948
North Dakota	46,240
Ohio	47,964
Oklahoma	47,706
Oregon	61,035
Pennsylvania	52,270
Rhode Island	30,598
South Carolina	46,333
South Dakota	46,407
Tennessee	19,799
Texas	124,769
Utah	47,410
Vermont	46,457
Virginia	46,598
Washington	65,270
West Virginia	19,976
Wisconsin	46,089
Wyoming	34,995
Puerto Rico	56,868
National Totals	2,700,000

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