

PART I:
MAGNET SCHOOLS ASSISTANCE PROGRAM
MATERIALS

SECTION A

LEGAL AND REGULATORY DOCUMENTS

- Application Notice
- MSAP Regulations (as of July 1, 2006)
- Amendments to 34 CFR Part 280, published [insert date]
- Notice of final priority, published [insert date]
- Magnet Schools Assistance Program Statute—Title V, Part C of the No Child Left Behind Act

DRAFT

4000-01-U

DEPARTMENT OF EDUCATION

Office of Innovation and Improvement

Overview Information

Magnet Schools Assistance Program (MSAP)

Notice inviting applications for new awards for fiscal year (FY) 2007.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.165A

Dates:

Applications Available: (INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER).

Deadline for Notice of Intent to Apply: To be determined, 2007.

Deadline for Transmittal of Applications: To be determined, later 2007.

Deadline for Intergovernmental Review: (INSERT DATE 105 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER).

Eligible Applicants: Local educational agencies (LEAs) or consortia of LEAs.

Estimated Available Funds: The Administration has requested \$106.7 million for this program for FY 2007, of which approximately \$100.0 million would be used these new awards. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process before the end of the current fiscal year, if Congress appropriates funds for this program.

Estimated Range of Awards: \$350,000-4,000,000 per year.

Estimated Average Size of Awards: \$2,500,000 per year.

Maximum Award: We will not fund any application at an amount exceeding the maximum amounts specified in section 5309(c) of the Elementary and Secondary Education Act of 1965, as amended (ESEA) for a single fiscal year. We may choose not to further consider or review applications with budgets that exceed the maximum amounts specified below, if we conclude, during our initial review of the application, that the proposed goals and objectives cannot be obtained with the specified maximum amount.

Estimated Number of Awards: 40.

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

Project Period: Up to 36 months.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The MSAP provides grants to eligible LEAs and consortia of LEAs to support magnet schools that are part of an approved desegregation plan. Through the implementation of magnet schools, these program resources can be used in pursuit of the objectives of the ESEA, which enables all elementary and secondary students to achieve to high standards and holds schools, LEAs, and States accountable for ensuring that they do so. In particular, the MSAP provides an opportunity for eligible entities to focus on expanding their capacity to provide public school choice to students who attend schools identified for improvement, corrective action, or restructuring under Title I, Part A of the ESEA (Title I).

Priorities: This competition includes four competitive preference priorities and one invitational priority that are explained in the following paragraphs.

Competitive Preference Priorities: In accordance with 34 CFR 75.105(b)(2)(ii), Priorities 1, 2 and 3 are from the regulations for this program (34 CFR 280.32). Priority 4 is from the notice of final priority for this program (NFP), published elsewhere in this issue of the Federal Register.

For FY 2007 these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i) we award up to an additional 40 points depending on how well the application meets these priorities. The maximum possible points for each priority are indicated in parentheses following the name of the competitive preference priority. These points are in addition to any points the application earns under the selection criteria.

These priorities are:

Priority 1--Need for assistance (up to 10 additional points). The Secretary evaluates the applicant's needs for assistance under the MSAP regulations in 34 CFR part 280, by considering--

- (a) The costs of fully implementing the magnet schools project as proposed;
- (b) The resources available to the applicant to carry out the project if funds under the program were not provided;
- (c) The extent to which the costs of the project exceed the applicant's resources; and
- (d) The difficulty of effectively carrying out the approved plan and the project for which assistance is sought, including consideration of how the design of the magnet schools project--e.g., the type of program proposed, the location of the magnet school within the LEA--impacts on the applicant's ability to successfully carry out the approved plan.

Priority 2--New or revised magnet schools projects (up to 10 additional points). The Secretary determines the extent to which the applicant proposes to carry out new magnet schools projects or significantly revise existing magnet schools projects.

Priority 3--Selection of students (up to 10 additional points). The Secretary determines the extent to which the applicant proposes to select students to attend magnet schools by methods such as lottery, rather than through academic examination.

Priority 4--Expanding Capacity to Provide Choice (up to 10 additional points). This priority supports projects that will--

(1) Help parents whose children attend low-performing schools (that is, schools that have been identified for school improvement, corrective action, or restructuring under Title I of the ESEA by--

(a) Selecting schools identified for school improvement, corrective action, or restructuring under Title I as magnet schools to be funded under this project and improving the quality of teaching and instruction in these schools; or

(b) Maximizing the opportunity for students in low-performing schools to attend higher-performing magnet schools funded under the project and thereby reduce minority group isolation in the low-performing sending schools; and

(2) Effectively inform parents whose children attend low-performing schools about choices that are available to them in the magnet schools to be funded under the project.

Note: For the purpose of selecting applications under this priority, school improvement has the meaning given in 34 CFR 200.32(a)(1), corrective action has the meaning given in 34 CFR 200.33(a), and restructuring has the meaning given in 34 CFR 200.34(a).

Invitational Priority: For FY 2007 this priority is an invitational priority. Under 34 CFR 75.105(c)(1) we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

This priority is:

Priority 5--Experimental and Quasi-Experimental Evaluation Designs

This invitational priority supports projects proposing an evaluation plan that is based on rigorous scientifically based research methods to assess the effectiveness of a particular intervention. The Secretary intends that this priority will allow program participants and the Department to determine whether the project produces meaningful effects on student achievement or teacher performance.

Evaluation methods using an experimental design are best for determining project effectiveness. Thus, when feasible, the project must use an experimental design under which participants -- e.g., students, teachers, classrooms, or schools -- are randomly assigned to participate in the project activities being evaluated or to a control group that does not participate in the project activities being evaluated.

If random assignment is not feasible, the project may use a quasi-experimental design with carefully matched comparison conditions. This alternative design attempts to approximate a randomly assigned control group by matching participants -- e.g., students, teachers, classrooms, or schools -- with non-participants having similar pre-program characteristics.

In cases where random assignment is not possible and participation in the intervention is determined by a specified cutting point on a quantified continuum of scores, regression discontinuity designs may be employed.

For projects that are focused on special populations in which sufficient numbers of participants are not available to support random assignment or matched comparison group designs, single-subject designs such as multiple baseline or treatment-reversal or interrupted time series that are capable of demonstrating causal relationships can be employed.

Proposed evaluation strategies that use neither experimental designs with random assignment nor quasi-experimental designs using a matched comparison group nor regression discontinuity designs will not be considered responsive to the priority when sufficient numbers of participants are available to support these designs. Evaluation strategies that involve too small a number of participants to support group designs must be capable of demonstrating the causal effects of an intervention or program on those participants.

The proposed evaluation plan must describe how the project evaluator will collect -- before the project intervention commences and after it ends -- valid and reliable data that measure the impact of participation in the program or in the comparison group.

In determining the quality of the evaluation method, we will consider the extent to which the applicant presents a feasible, credible plan that includes the following:

- (1) The type of design to be used (that is, random assignment or matched comparison). If matched comparison, include in the plan a discussion of why random assignment is not feasible.
- (2) Outcomes to be measured.
- (3) A discussion of how the applicant plans to assign students, teachers, classrooms, or schools to the project and control group or match them for comparison with other students, teachers, classrooms, or schools.
- (4) A proposed evaluator, preferably independent, with the necessary background and technical expertise to carry out the proposed evaluation. An independent evaluator does not have any authority over the project and is not involved in its implementation.

Definitions

As used in this invitational priority--

Scientifically based research (section 9101(37) of the ESEA as amended, 20 U.S.C. 7801(37)):

- (A) Means research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs; and
- (B) Includes research that--
 - (i) Employs systematic, empirical methods that draw on observation or experiment;
 - (ii) Involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;
 - (iii) Relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;
 - (iv) Is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;
 - (v) Ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings; and
 - (vi) Has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

Random assignment or experimental design means random assignment of students, teachers, classrooms, or schools to participate in a project being evaluated (treatment group) or not participate in the project (control group). The effect of the project is the difference in outcomes between the treatment and control groups.

Quasi experimental designs include several designs that attempt to approximate a random assignment design.

Carefully matched comparison groups design means a quasi-experimental design in which project participants are matched with non-participants based on key characteristics that are thought to be related to the outcome.

Regression discontinuity design means a quasi-experimental design that closely approximates an experimental design. In a regression discontinuity design, participants are assigned to a treatment or control group based on a numerical rating or score of a variable unrelated to the treatment such as the rating of an application for funding. Eligible students, teachers, classrooms, or schools above a certain score (“cut score”) are assigned to the treatment group and those below the score are assigned to the control group. In the case of the scores of applicants’ proposals for funding, the “cut score” is established at the point where the program funds available are exhausted.

Single subject design means a design that relies on the comparison of treatment effects on a single subject or group of single subjects. There is little confidence that findings based on this design would be the same for other members of the population.

Treatment reversal design means a single subject design in which a pre-treatment or baseline outcome measurement is compared with a post-treatment measure. Treatment would then be stopped for a period of time, a second baseline measure of the outcome would be taken, followed by a second application of the treatment or a different treatment. For example, this design might be used to evaluate a behavior modification program for disabled students with behavior disorders.

Multiple baseline design means a single subject design to address concerns about the effects of normal development, timing of the treatment, and amount of the treatment with treatment-reversal designs by using a varying time schedule for introduction of the treatment and/or treatments of different lengths or intensity.

Interrupted time series design means a quasi-experimental design in which the outcome of interest is measured multiple times before and after the treatment for program participants only.

General

Applicants who are planning to respond to this invitational priority are strongly encouraged to review the following technical assistance resources:

(1) Random Assignment in Program Evaluation, Qs and As:

<http://www.ed.gov/rschstat/eval/resources/randomqa.pdf>

This document lists basic questions and answers that an educator or administrator might have about random assignment and why it is an effective and beneficial tool to use in education.

(2) How to Report the Results of Your Study: A User-Friendly Guide for Evaluators of Educational Programs and Practices: http://www.whatworkshelpdesk.ed.gov/guide_SRF.pdf This guide can help grantees produce reports that are user-friendly and include the appropriate information needed to accurately and fully convey their findings to an audience.

(3) Key Items to Get Right When Conducting a Randomized Control Trial in Education: http://www.whatworkshelpdesk.ed.gov/guide_RCT.pdf This guide discusses planning a study, the random assignment process, measuring outcomes, and analysis.

Program Authority: 20 U.S.C. 7231-7231j.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 80, 81, 82, 84, 85, 97, 98, and 99. (b) The regulations for this program in 34 CFR part 280. (c) The amended final regulations for this program published elsewhere in this issue of the Federal Register. (d) The NFP, published elsewhere in this issue of the Federal Register.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: The Administration has requested \$106.7 million for this program for FY 2007, of which approximately \$100.0 million would be used these new awards. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process before the end of the current fiscal year, if Congress appropriates funds for this program.

Estimated Range of Awards: \$350,000 - \$4,000,000 per year.

Estimated Average Size of Awards: \$2,500,000 per year.

Maximum Award: We will not fund any application at an amount exceeding the maximum amounts specified in section 5309(c) of the ESEA for a single fiscal year. We may choose not to further consider or review applications with budgets that exceed the maximum amounts specified below, if we conclude, during our initial review of the application, that the proposed goals and objectives cannot be obtained with the specified maximum amount.

Estimated Number of Awards: 40.

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

Project Period: Up to 36 months.

III. Eligibility Information

1. Eligible Applicants: LEAs or consortia of LEAs.
2. Cost Sharing or Matching: This program does not involve cost sharing or matching.
3. Other: Applicants must submit with their applications one of the following types of plans to establish eligibility to receive MSAP assistance: (a) a desegregation plan required by a court order; (b) a plan required by a State agency or an official of competent jurisdiction; (c) a plan required by the Office for Civil Rights (OCR), United States Department of Education (ED), under Title VI of the Civil Rights Act of 1964 (Title VI plan); or (d) a voluntary plan adopted by the applicant and submitted to us for approval as part of the application.

Under the MSAP regulations, applicants are required to provide all of the information required in 34 CFR 280.20(a) through (g) in order to satisfy the civil rights eligibility requirements found in 34 CFR 280.2(a) (2) and (b).

In addition to the particular data and other items for required and voluntary plans described in the application package, an application must include--

- Signed civil rights assurances (included in the application package);
- A copy of the applicant's plan; and
- An assurance that the plan is being implemented or will be implemented if the application is funded.

Required Plans

1. Plans required by a court order. An applicant that submits a plan required by a court order must submit complete and signed copies of all court or State documents demonstrating that the magnet schools are a part of the approved plan. Examples of the types of documents that would meet this requirement include--

- A Federal or State court order that establishes or amends a previous order or orders by establishing additional or different specific magnet schools;
- A Federal or State court order that requires or approves the establishment of one or more unspecified magnet schools or that authorizes the inclusion of magnet schools at the discretion of the applicant.

2. Plans required by a State agency or official of competent jurisdiction. An applicant submitting a plan ordered by a State agency or official of competent jurisdiction must provide documentation that shows that the plan was ordered based upon a determination that State law was violated. In the absence of this documentation, the applicant should consider its plan to be a voluntary plan and submit the data and information necessary for voluntary plans.

3. Title VI required plans. An applicant that submits a plan required by OCR under Title VI must submit a complete copy of the plan demonstrating that magnet schools are part of the approved plan.

4. Modifications to required plans. A previously approved desegregation plan that does not include the magnet school or program for which the applicant is now seeking assistance must be modified to include the magnet school component. The modification to the plan must be approved by the court, agency, or official that originally approved the plan. An applicant that wishes to modify a previously approved OCR Title VI plan to include different or additional magnet schools must submit the proposed modification for review and approval to the OCR regional office that approved its original plan.

An applicant should indicate in its application if it is seeking to modify its previously approved plan. However, all applicants must submit proof of approval of all modifications to their plans to ED by January 5, 2007. Proof of plan modifications should be mailed to the person and address identified in FOR FURTHER

INFORMATION CONTACT elsewhere in this notice.

Voluntary Plans

A voluntary plan must be approved by ED each time an application is submitted for funding. Even if ED has approved a voluntary plan in an LEA in the past, the plan must be resubmitted for approval as part of the application.

The enrollment and other information as required by the regulations in 34 CFR 280.20(f) and (g) for applicants with voluntary plans (specific requirements are detailed in the application package) are critical to our determination of an applicant's eligibility under a voluntary plan.

The purposes of the MSAP include the reduction, elimination or prevention of minority group isolation. All voluntary plans proposed in an LEA's application must be adequate under Title VI. The Department believes that LEAs submitting voluntary plans can achieve the statutory purposes of reducing, eliminating, or preventing minority group isolation using race-neutral admissions practices. The United States Supreme Court is expected to provide additional guidance about the use of race in voluntary plans in two cases prior to the award of FY 2007 grants. The Department will examine the implications of those decisions on the MSAP program when making FY 2007 awards.

IV. Application and Submission Information

1. Address to Request Application Package: Joan Scott-Ambrosio, U.S. Department of Education, 400 Maryland Avenue, SW., room 4W236, Washington, DC 20202-5970. Telephone: (202) 260-2715 or by e-mail: joan.scott-ambrosio@ed.gov.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1-800-877-8339.

Individuals with disabilities may obtain a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the program contact person listed in this section.

2. Content and Form of Application Submission: Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition. Notice of Intent to Apply: The Department will be able to develop a more efficient process for reviewing grant applications if it has a better understanding of the number of entities that intend to apply for funding under this competition. Therefore, the Secretary strongly encourages each potential applicant to notify the Department by sending a short e-mail message indicating the applicant's intent to submit an application for funding. The e-mail need not include information regarding the content of the proposed application, only the applicant's intent to submit it. This e-mail notification should be sent to richard.kress@ed.gov.

Applicants that fail to provide this e-mail notification may still apply for funding.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria and competitive preference priorities that reviewers use to evaluate your application. You must limit Part III to the equivalent of no more than 250 pages, using the following standards:

- A "page" is 8.5" x 11", on one side only, with 1" margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12-point or larger or no smaller than 10 pitch (characters per inch).

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances, certifications and the desegregation plan and related information; or the one-page abstract, the resumes, or letters of support. However, you must include all of the application narrative in Part III.

Our reviewers will not read any pages of your application that—

- Exceed the page limit if you apply these standards; or
- Exceed the equivalent of the page limit if you apply other standards.

3. Submission Dates and Times:

Applications Available: (INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER).

Deadline for Notice of Intent to Apply: To be determined, 2007.

Deadline for Transmittal of Applications: To be determined, later 2007.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically or by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 6. Other Submission Requirements in this notice.

We do not consider an application that does not comply with the deadline requirements.

Deadline for Intergovernmental Review: (INSERT DATE 105 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER).

4. Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

5. Funding Restrictions: We specify unallowable costs in 34 CFR 280.41. We reference additional regulations outlining funding restrictions in the Applicable Regulations section of this notice.

6. Other Submission Requirements. Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. Electronic Submission of Applications.

Applications for grants under the Magnet Schools Assistance Program—CFDA Number 84.165A must be submitted electronically using the Governmentwide Grants.gov Apply site at: <http://www.grants.gov>. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under Exception to Electronic Submission Requirement.

You may access the electronic grant application for the Magnet Schools Assistance Program at <http://www.grants.gov>. You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.165, not 84.165A).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are time and date stamped. Your application must be fully uploaded and submitted, and must be date/time stamped by the Grants.gov system no later than 4:30 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not consider your application if it is date/time stamped by the Grants.gov system later than 4:30 p.m., Washington, DC time, on the application deadline date. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date/time stamped by the Grants.gov system after 4:30 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this program to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov at <http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf>. To submit your application via Grants.gov, you must complete all of the steps in the Grants.gov registration process (see http://www.grants.gov/applicants/get_registered.jsp). These steps include (1) registering your

organization, a multi-part process that includes registration with the Central Contractor Registry (CCR); (2) registering yourself as an Authorized Organization Representative (AOR); and (3) getting authorized as an AOR by your organization. Details on these steps are outlined in the Grants.gov 3-Step Registration Guide (see <http://www.grants.gov/section910/Grants.govRegistrationBrochure.pdf>). You also must provide on your application the same D-U-N-S Number used with this registration. Please note that the registration process may take five or more business days to complete, and you must have completed all registration steps to allow you to successfully submit an application via Grants.gov. In addition, you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.

You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

- You must submit all documents electronically, including all information typically included on the following forms: Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information--Non-Construction Programs (ED 524), and all necessary assurances and certifications. Please note that two of these forms--the SF 424 and the Department of Education Supplemental Information for SF 424--have replaced the ED 424 (Application for Federal Education Assistance).

You must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified above or submit a password protected file, we will not review that material.

- Your electronic application must comply with any page limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department will then retrieve your application from Grants.gov and send to you by e-mail a second notification that indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).

- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk at 1-800-518-4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically, or by hand delivery. You also may mail your application by following the mailing instructions as described elsewhere in this notice. If you submit an application after 4:30 p.m., Washington, DC time, on the deadline date, please contact the person listed elsewhere in this notice under For Further Information Contact, and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: Extensions referred to in this section apply only to the unavailability of or technical problems with the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or

- You do not have the capacity to upload large documents to the Grants.gov system;
and
- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application. If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: To Be Determined, U.S. Department of Education, 400 Maryland Avenue, SW., room 4Wxxx, Washington, DC 20202-5970. FAX: (202) 205-5630.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. Submission of Paper Applications by Mail.

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier), your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

By mail through the U.S. Postal Service:

U.S. Department of Education
Application Control Center
Attention: (CFDA Number 84.165A)
400 Maryland Avenue, SW.
Washington, DC 20202-4260

or

By mail through a commercial carrier:

U.S. Department of Education
Application Control Center – Stop 4260
Attention: (CFDA Number 84.165A)
7100 Old Landover Road
Landover, MD 20785-1506

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

- (1) A legibly dated U.S. Postal Service postmark,
- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service,
- (3) A dated shipping label, invoice, or receipt from a commercial carrier, or
- (4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

- (1) A private metered postmark, or
- (2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. Submission of Paper Applications by Hand Delivery.

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies

of your application by hand, on or before the application deadline date, to the Department at the following address:

U.S. Department of Education
Application Control Center
Attention: (CFDA Number 84.165A)
550 12th Street, SW.
Room 7041, Potomac Center Plaza
Washington, DC 20202-4260

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department:

(1) You must indicate on the envelope and--if not provided by the Department--in Item 4 of the Application for Federal Education Assistance (SF 424) the CFDA number--and suffix letter, if any--of the competition under which you are submitting your application.

(2) The Application Control Center will mail a grant application receipt acknowledgment to you. If you do not receive the grant application receipt acknowledgment within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245-6288.

V. APPLICATION REVIEW INFORMATION

1. Selection Criteria: All of the selection criteria for this program are from 34 CFR 280.31 with the exception of the selection criterion for the Quality of project design. The Quality of project design selection criterion is from the statute for this program, in accordance with 34 CFR 75.209.

The maximum score for all the selection criteria is 100 points. The maximum score for each criterion is included in parentheses. Each criterion also includes the factors that reviewers will consider in determining whether an application meets the criterion.

Points awarded under these selection criteria are in addition to any points an applicant earns under the competitive preference priorities in this notice. The maximum score an application may receive based on the priority points and the selection criteria is 140 points.

(a) Plan of operation. (25 points)

(1) The Secretary reviews each application to determine the quality of the plan of operation for the project.

(2) The Secretary determines the extent to which the applicant demonstrates--

(i) The effectiveness of its management plan to ensure proper and efficient administration of the project;

(ii) The effectiveness of its plan to attain specific outcomes that--

(A) Will accomplish the purposes of the program;

(B) Are attainable within the project period;

(C) Are measurable and quantifiable; and

(D) For multi-year projects, can be used to determine the project's progress in meeting its intended outcomes;

(iii) The effectiveness of its plan for utilizing its resources and personnel to achieve the objectives of the project, including how well it utilizes key personnel to complete tasks and achieve the objectives of the project;

(iv) How it will ensure equal access and treatment for eligible project participants who have been traditionally underrepresented in courses or activities offered as part of the magnet school, e.g., women and girls in mathematics, science or technology courses, and disabled students; and

(v) The effectiveness of its plan to recruit students from different social, economic, ethnic, and racial backgrounds into the magnet schools.

(b) Quality of personnel. (10 points)

- (1) The Secretary reviews each application to determine the qualifications of the personnel the applicant plans to use on the project.
- (2) The Secretary determines the extent to which--
 - (i) The project director (if one is used) is qualified to manage the project;
 - (ii) Other key personnel are qualified to manage the project;
 - (iii) Teachers who will provide instruction in participating magnet schools are qualified to implement the special curriculum of the magnet schools; and
 - (iv) The applicant, as part of its nondiscriminatory employment practices will ensure that its personnel are selected for employment without regard to race, religion, color, national origin, sex, age, or disability.
- (3) To determine personnel qualifications the Secretary considers experience and training in fields related to the objectives of the project, including the key personnel's knowledge of and experience in curriculum development and desegregation strategies.
- (c) Quality of project design. (35 points)
 - (1) The Secretary reviews each application to determine the quality of the project design based on sections 5305(b)(1)(A), 5305(b)(1)(B), 5305(b)(1)(D)(i), 5305(b)(2)(D) and 5307(b) of the ESEA.
 - (2) The Secretary determines the extent to which each magnet school for which funding is sought will--
 - (i) Promote desegregation, including how each proposed magnet school program will increase interaction among students of different social, economic, ethnic, and racial backgrounds;
 - (ii) Improve student academic achievement for all students attending each magnet school program, including the manner and extent to which each magnet school program will increase student academic achievement in the instructional area or areas offered by the school;
 - (iii) Carry out a high quality educational program that will substantially strengthen students' reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, music, or vocational skills; and
 - (iv) Encourage greater parental decisionmaking and involvement.
 - (d) Budget and resources. (5 points) The Secretary reviews each application to determine the adequacy of the resources and the cost-effectiveness of the budget for the project, including--
 - (1) The adequacy of the facilities that the applicant plans to use;
 - (2) The adequacy of the equipment and supplies that the applicant plans to use; and
 - (3) The adequacy and reasonableness of the budget for the project in relation to the objectives of the project.
 - (e) Evaluation plan. (15 points) The Secretary determines the extent to which the evaluation plan for the project--
 - (1) Includes methods that are appropriate to the project;
 - (2) Will determine how successful the project is in meeting its intended outcomes, including its goals for desegregating its students and increasing student achievement; and
 - (3) Includes methods that are objective and that will produce data that are quantifiable.
 - (f) Commitment and capacity. (10 points)
 - (1) The Secretary reviews each application to determine whether the applicant is likely to continue the magnet school activities after assistance under the regulations is no longer available.
 - (2) The Secretary determines the extent to which the applicant--
 - (i) Is committed to the magnet schools project; and
 - (ii) Has identified other resources to continue support for the magnet school activities when assistance under this program is no longer available.

VI. Award Administration Information

1. Award Notices: If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may also notify you informally. If your application is not evaluated or not selected for funding, we notify you.

2. Administrative and National Policy Requirements: We identify administrative and national policy requirements in the application package and reference these and other requirements in the Applicable Regulations section of this notice.

We reference the regulations outlining the terms and conditions of an award in the Applicable Regulations section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. Reporting: At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as specified by the Secretary in 34 CFR 75.118, including information that documents the extent of success in addressing the performance measures described in the following paragraph. For specific requirements on grantee reporting, please go to the ED Performance Report Form 524B at <http://www.ed.gov/fund/grant/apply/appforms/appforms.html>.

4. Performance Measures: We have established two performance measures for the MSAP:

(a) Annual increases in the percentage of magnet schools whose student applicant pool reflects a racial and ethnic composition that, in relation to the total enrollment of the school, reduces, eliminates or prevents minority group isolation. The Secretary has set an overall performance target that calls for the percentage of magnet schools whose student applicant pool would have a beneficial effect on the reduction, prevention or elimination of minority group isolation in participating project schools to increase annually from a baseline established with magnet school applicant data from the first year of the project.

(b) Annual increases in the percentage of magnet schools whose students from major racial and ethnic groups meet or exceed their State's adequate yearly progress standard, in accordance with their State's plan required by section 1111 of the ESEA. The Secretary has set an overall performance target that calls for the percentage of magnet schools whose students meet or exceed the adequate yearly progress standard to increase annually from a baseline established by participating schools' performance in the school year prior to the beginning of the project.

VII. AGENCY CONTACT

For Further Information Contact: To be determined, U.S. Department of Education, 400 Maryland Avenue, SW., room 4WXXX, Washington, DC 20202-5961. Telephone: (202) 260-xxxx or by e-mail: first.last@ed.gov

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the program contact person listed in this section.

VIII. OTHER INFORMATION

Electronic Access to This Document: You may view this document, as well as all other documents of this Department published in the Federal Register, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: www.ed.gov/news/fedregister

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

Note: The official version of this document is the document published in the Federal Register. Free Internet access to the official edition of the Federal Register and the Code of Federal Regulations is available on GPO Access at: www.gpoaccess.gov/nara/index.html

Dated:

Morgan S. Brown,
Assistant Deputy Secretary
for Innovation and Improvement.

TITLE 34--EDUCATION
PART 280 MAGNET SCHOOLS ASSISTANCE PROGRAM

Subpart A General

- 280.1 What is the Magnet Schools Assistance Program?
- 280.2 Who is eligible to apply for a grant?
- 280.3 What regulations apply to this program?
- 280.4 What definitions apply to this program?

Subpart B What Types of Projects Does the Secretary Assist Under This Program?

- 280.10 What types of projects does the Secretary assist?

Subpart C How Does One Apply for a Grant?

- 280.20 How does one apply for a grant?

Subpart D How Does the Secretary Make a Grant?

- 280.30 How does the Secretary evaluate an application?
- 280.31 What selection criteria does the Secretary use?
- 280.32 How is priority given to applicants?
- 280.33 How does the Secretary select applications for new grants with funds appropriated in excess of \$75 million?

Subpart E What Conditions Must Be Met by a Grantee?

- 280.40 What costs are allowable?
- 280.41 What are the limitations on allowable costs?

Authority: 20 U.S.C. 7231-7231j, unless otherwise noted.

SUBPART A-GENERAL

Sec. 280.1 What is the Magnet Schools Assistance Program?

The Magnet Schools Assistance Program provides grants to eligible local educational agencies (LEAs) or consortia of LEAs for use in magnet schools that are part of an approved desegregation plan and that are designed to bring students from different social, economic, ethnic and racial backgrounds together. The purposes of the program are to support, through financial assistance to eligible LEAs or consortia of LEAs--

- (a) The elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial portions of minority students, which shall include assisting in the efforts of the United States to achieve voluntary desegregation in public schools;
- (b) The development and implementation of magnet school projects that will assist LEAs in achieving systemic reforms and providing all students the opportunity to meet challenging State academic content standards and student academic achievement standards;
- (c) The development and design of innovative educational methods and practices that promote diversity and increase choices in public elementary schools and public secondary schools and public educational programs;
- (d) Courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the attainment of tangible and marketable vocational, technological, and professional skills of students attending such schools;
- (e) Improvement of the capacity of LEAs, including through professional development, to continue operating magnet schools at a high performance level after Federal funding for the magnet schools is terminated; and

(f) Ensuring that all students enrolled in the magnet school programs have equitable access to high quality education that will enable the students to succeed academically and continue with postsecondary education or productive employment.

(Authority: 20 U.S.C. 7231)

[51 FR 20414, June 4, 1986, as amended at 60 FR 14865, Mar. 20, 1995; 69 FR 4996, Feb. 2, 2004]

Sec. 280.2 Who is eligible to apply for a grant?

(a) An LEA or consortia of LEAs is eligible to receive assistance under this part if the LEA or consortia of LEAs meets any of the following requirements:

(1) The LEA or consortia of LEAs is implementing a plan undertaken pursuant to a final order of a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, and the order requires the desegregation of minority group segregated children or faculty in the elementary and secondary schools of that agency or those agencies.

(2) The LEA or consortia of LEAs adopted and is implementing on either a voluntary basis or as required under title VI of the Civil Rights Act of 1964--or will adopt and implement if assistance is made available under this part--a plan that has been approved by the Secretary as adequate under title VI.

(b) The Secretary approves a voluntary plan under paragraph (a)(2) of this section only if he determines that for each magnet school for which funding is sought--

(1) The magnet school will reduce, eliminate, or prevent minority group isolation within the period of the grant award, either in the magnet school or in a feeder school, as appropriate; and

(2) The establishment of the magnet school will not result in an increase of minority enrollment, at the magnet school or at any feeder school, above the districtwide percentage of minority group students in the LEA's schools at the grade levels served by that magnet school.

(Authority: 20 U.S.C. 7231c)

[50 FR 21191, May 22, 1985, as amended at 54 FR 19508, May 5, 1989; 57 FR 61508, Dec. 24, 1992; 60 FR 14865, Mar. 20, 1995; 69 FR 4996, Feb. 2, 2004]

Sec. 280.3 What regulations apply to this program?

The following regulations apply to the Magnet Schools Assistance Program:

(a) The Education Department General Administrative Regulations (EDGAR), 34 CFR parts 75 (Direct grant programs), 77 (Definitions apply to Department regulations), 79 (Intergovernmental Review of Department of Education programs and activities), 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments), and 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).

(b) The regulations in this part.

(Authority: 20 U.S.C. 7231-7231j)

[50 FR 21191, May 22, 1985, as amended at 54 FR 19508, May 5, 1989; 69 FR 4996, Feb. 2, 2004]

Sec. 280.4 What definitions apply to this program?

(a) Definitions in EDGAR. The following terms used in this part are defined in 34 CFR part 77:

Applicant
Application
Budget
EDGAR
Elementary school
Equipment
Facilities
Fiscal year
Local educational agency

Project
Secondary school
Secretary
State

(b) Definitions that apply to this program. The following definitions also apply to this part:

Act means the Elementary and Secondary Education Act of 1965 as amended by title V, Part C of the No Child Left Behind Act of 2001, Pub. L. 107-110 (20 U.S.C. 7231-7231j).

Desegregation, in reference to a plan, means a plan for the reassignment of children or faculty to remedy the illegal separation of minority group children or faculty in the schools of an LEA or a plan for the reduction, elimination, or prevention of minority group isolation in one or more of the schools of an LEA.

Feeder school means a school from which students are drawn to attend a magnet school.

Magnet school means a public elementary school, public secondary school, public elementary education center, or public secondary education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

Minority group means the following:

(1) American Indian or Alaskan Native. A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

(2) Asian or Pacific Islander. A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes, for example, China, India, Japan, Korea, the Philippine Islands, and Samoa.

(3) Black (Not of Hispanic Origin). A person having origins in any of the black racial groups of Africa.

(4) Hispanic. A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

Minority group isolation, in reference to a school, means a condition in which minority group children constitute more than 50 percent of the enrollment of the school.

Special curriculum means a course of study embracing subject matter or a teaching methodology that is not generally offered to students of the same age or grade level in the same LEA or consortium of LEAs, as the students to whom the special curriculum is offered in the magnet schools. This term does not include:

(1) A course of study or a part of a course of study designed solely to provide basic educational services to handicapped students or to students of limited English-speaking ability;

(2) A course of study or a part of a course of study in which any student is unable to participate because of his or her limited English-speaking ability;

(3) A course of study or a part of a course of study in which any student is unable to participate because of his or her limited financial resources; or

(4) A course of study or a part of a course of study that fails to provide for a participating student's meeting the requirements for completion of elementary or secondary education in the same period as other students enrolled in the applicant's schools.

(Authority: 20 U.S.C. 7231-7231j)

[50 FR 21191, May 22, 1985, as amended at 51 FR 20414, June 4, 1986; 54 FR 19508 and 19509, May 5, 1989; 57 FR 61509, Dec. 24, 1992; 60 FR 14865, Mar. 20, 1995; 69 FR 4996, Feb. 2, 2004]

SUBPART B-WHAT TYPES OF PROJECTS DOES THE SECRETARY ASSIST UNDER THIS PROGRAM?

Sec. 280.10 What types of projects does the Secretary assist?

(a) The Secretary funds applications proposing projects in magnet schools that are part of an approved desegregation plan and that are designed to bring students from different social, economic, ethnic, and racial backgrounds together.

(b) For the purposes of this part, an approved desegregation plan is a desegregation plan described in Sec. 280.2 (a) or (b).

(c) In the case of a desegregation plan described in Sec. 280.2(a)(1), any modification to that plan must be approved by the court, agency, or official that approved the plan.

(Authority: 20 U.S.C. 7203)

[50 FR 21191, May 22, 1985, as amended at 51 FR 20414, June 4, 1986; 54 FR 19508 and 19509, May 5, 1989]

SUBPART C-HOW DOES ONE APPLY FOR A GRANT?

Sec. 280.20 How does one apply for a grant?

(a) Each eligible LEA or consortium of LEAs that desires to receive assistance under this part shall submit an annual application to the Secretary.

(b) In its application, the LEA or consortium of LEAs shall provide assurances that it--

(1) Will use funds made available under this part for the purposes specified in section 5301(b) of the Act;

(2) Will employ highly qualified teachers in the courses of instruction assisted under this part;

(3) Will not engage in discrimination based upon race, religion, color, national origin, sex, or disability in the hiring, promotion, or assignment of employees of the agency or other personnel for whom the agency has any administrative responsibility;

(4) Will not engage in discrimination based upon race, religion, color, national origin, sex, or disability in the assignment of students to schools or to courses of instruction within schools of the agency, except to carry out the approved desegregation plan;

(5) Will not engage in discrimination based upon race, religion, color, national origin, sex, or disability in designing or operating extracurricular activities for students;

(6) Will carry out a high-quality education program that will encourage greater parental decisionmaking and involvement; and

(7) Will give students residing in the local attendance area of the proposed magnet school program equitable consideration for placement in the program, consistent with desegregation guidelines and the capacity of the applicant to accommodate students.

(c) In addition to the assurances listed in paragraph (b) of this section, the LEA or consortium of LEAs shall provide such other assurances as the Secretary determines necessary to carry out the provisions of this part.

(d) Upon request, the LEA or consortium of LEAs shall submit any information that is necessary for the Assistant Secretary for Civil Rights to determine whether the assurances required in paragraphs (b) (3), (4), and (5) of this section will be met.

(e) An LEA or consortium of LEAs that has an approved desegregation plan shall submit each of the following with its application:

(1) A copy of the plan.

(2) An assurance that the plan is being implemented as approved.

(f) An LEA or consortium of LEAs that does not have an approved desegregation plan shall submit each of the following with its application:

(1) A copy of the plan the LEA or consortium of LEAs is submitting for approval.

(2) A copy of a school board resolution or other evidence of final official action adopting and implementing the plan, or agreeing to adopt and implement it upon the award of assistance under this part.

(3) Evidence that the plan is a desegregation plan as defined in Sec. 280.4(b).

(4) For an LEA or consortium of LEAs that seeks assistance for existing magnet schools--

(i) Enrollment numbers and percentages, for minority and non-minority group students, for each magnet school for which funding is sought and each feeder school--

(A) For the school year prior to the creation of each magnet school;

(B) For the school year in which the application is submitted; and

(C) For each of the school years of the proposed grant cycle (i.e., projected enrollment figures); and

(ii) Districtwide enrollment numbers and percentages for minority group students in the LEA's or consortium of LEAs' schools, for grade levels involved in the applicant's magnet schools (e.g., K-6, 7-9, 10-12)--

(A) For the school year prior to the creation of each magnet school;

(B) For the school year in which the application is submitted; and

(C) For each of the school years of the proposed grant cycle (i.e., projected enrollment figures).

(5) For an LEA or consortium of LEAs that seeks assistance for new magnet schools--

(i) Enrollment numbers and percentages, for minority and non-minority group students, for each magnet school for which funding is sought and for each feeder school--

(A) For the school year in which the application is submitted; and

(B) For each of the school years of the proposed grant cycle (i.e., projected enrollment figures); and

(ii) Districtwide numbers and percentages of minority group students in the LEA's or consortium of LEAs' schools, for the grade levels involved in the applicant's magnet schools (e.g., K-6, 7-9, 10-12)--

- (A) For the school year in which the application is submitted; and
- (B) For each of the school years of the proposed grant cycle (i.e., projected enrollment figures).
- (g) An applicant that does not have an approved desegregation plan, and demonstrates that it cannot provide some portion of the information requested under paragraphs (f)(4) and (5) of this section, may provide other information (in lieu of that portion of the information not provided in response to paragraphs (f)(4) and (5) of this section) to demonstrate that the creation or operation of its proposed magnet school would reduce, eliminate, or prevent minority group isolation in the applicant's schools and would not result in an increase of minority student isolation at one of the applicant's schools above the districtwide percentage for minority students at the same grade levels as those served in the magnet school.
- (h) After reviewing the information provided in response to paragraph (f)(4) or (5) of this section, or as provided under paragraph (g) of this section, the Secretary may request other information, if necessary (e.g., demographic data concerning the attendance areas in which the magnet schools are or will be located), to determine whether to approve an LEA's or consortium of LEAs' plan.
- (i) In addition to including the assurances required by this section, an LEA or consortium of LEAs shall describe in its application--
 - (1) How the applicant will use assistance made available under this part to promote desegregation, including how the proposed magnet school programs will increase interaction among students of different social, economic, ethnic, and racial backgrounds;
 - (2) How and to what extent the assistance will increase student academic achievement in instructional areas offered;
 - (3) How the LEA or consortium of LEAs will continue the magnet schools program after assistance under this part is no longer available, including, if applicable, why magnet schools previously established or supported with Magnet Schools Assistance Program grant funds cannot be continued without the use of funds under this part;
 - (4) How assistance will be used to--
 - (i) Improve student academic achievement for all students attending the magnet school programs; and
 - (ii) Implement services and activities that are consistent with other programs under the Act and other statutes, as appropriate; and
 - (5) What criteria will be used in selecting students to attend the proposed magnet schools program.

(Approved by the Office of Management and Budget under control number 1855-0011)

(Authority: 20 U.S.C. 7231d)

[50 FR 21191, May 22, 1985, as amended at 54 FR 19508, May 5, 1989; 57 FR 61509, Dec. 24, 1992; 60 FR 14865, Mar. 20, 1995; 69 FR 4997, Feb. 2, 2004]

SUBPART D-HOW DOES THE SECRETARY MAKE A GRANT?

Sec. 280.30 How does the Secretary evaluate an application?

- (a) The Secretary evaluates an application submitted under this part on the basis of the criteria in Sec. 280.31 and the priority factors in Sec. 280.32.
- (b) The Secretary awards up to 100 points for the extent to which an application meets the criteria described in Sec. 280.31. The maximum possible points for each complete criterion are indicated in parentheses after the heading for that criterion.
- (c) The Secretary then awards up to 30 additional points based upon the priority factors in Sec. 280.32.

(Authority: 20 U.S.C. 7231-7231j)

[50 FR 21191, May 22, 1985, as amended at 60 FR 14866, Mar. 20, 1995; 69 FR 4997, Feb. 2, 2004]

Sec. 280.31 What selection criteria does the Secretary use?

The Secretary uses the following selection criteria in evaluating each application:

- (a) Plan of operation. (25 points) (1) The Secretary reviews each application to determine the quality of the plan of operation for the project.
 - (2) The Secretary determines the extent to which the applicant demonstrates--
 - (i) The effectiveness of its management plan to ensure proper and efficient administration of the project;
 - (ii) The effectiveness of its plan to attain specific outcomes that--

- (A) Will accomplish the purposes of the program;
 - (B) Are attainable within the project period;
 - (C) Are measurable and quantifiable; and
 - (D) For multi-year projects, can be used to determine the project's progress in meeting its intended outcomes;
 - (iii) The effectiveness of its plan for utilizing its resources and personnel to achieve the objectives of the project, including how well it utilizes key personnel to complete tasks and achieve the objectives of the project;
 - (iv) How it will ensure equal access and treatment for eligible project participants who have been traditionally underrepresented in courses or activities offered as part of the magnet school, e.g., women and girls in mathematics, science or technology courses, and disabled students; and
 - (v) The effectiveness of its plan to recruit students from different social, economic, ethnic, and racial backgrounds into the magnet schools.
- (b) Quality of personnel. (10 points) (1) The Secretary reviews each application to determine the qualifications of the personnel the applicant plans to use on the project.
- (2) The Secretary determines the extent to which--
 - (i) The project director (if one is used) is qualified to manage the project;
 - (ii) Other key personnel are qualified to manage the project;
 - (iii) Teachers who will provide instruction in participating magnet schools are qualified to implement the special curriculum of the magnet schools; and
 - (iv) The applicant, as part of its nondiscriminatory employment practices will ensure that its personnel are selected for employment without regard to race, religion, color, national origin, sex, age, or disability.
 - (3) To determine personnel qualifications the Secretary considers experience and training in fields related to the objectives of the project, including the key personnel's knowledge of and experience in curriculum development and desegregation strategies.
- (c) Quality of project design. (35 points) (1) The Secretary reviews each application to determine the quality of the project design.
- (2) The Secretary determines the extent to which each magnet school for which funding is sought will--
 - (i) Foster interaction among students of different social, economic, ethnic, and racial backgrounds in classroom activities, extracurricular activities, or other activities in the magnet schools (or, if appropriate, in the schools in which the magnet school programs operate);
 - (ii) Address the educational needs of the students who will be enrolled in the magnet schools;
 - (iii) Carry out a high quality educational program that will substantially strengthen students' reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, music, or vocational, technological, and professional skills;
 - (iv) Encourage greater parental decisionmaking and involvement; and
 - (v) Improve the racial balance of students in the applicant's schools by reducing, eliminating, or preventing minority group isolation in its schools.
 - (d) Budget and resources. (5 points) The Secretary reviews each application to determine the adequacy of the resources and the cost-effectiveness of the budget for the project, including--
 - (1) The adequacy of the facilities that the applicant plans to use;
 - (2) The adequacy of the equipment and supplies that the applicant plans to use; and
 - (3) The adequacy and reasonableness of the budget for the project in relation to the objectives of the project.
 - (e) Evaluation plan. (15 points) The Secretary determines the extent to which the evaluation plan for the project--
 - (1) Includes methods that are appropriate for the project;
 - (2) Will determine how successful the project is in meeting its intended outcomes, including its goals for desegregating its students and increasing student achievement; and
 - (3) Includes methods that are objective and that will produce data that are quantifiable.
 - (f) Commitment and capacity. (10 points) (1) The Secretary reviews each application to determine whether the applicant is likely to continue the magnet school activities after assistance under this part is no longer available.
 - (2) The Secretary determines the extent to which the applicant--
 - (i) Is committed to the magnet schools project; and
 - (ii) Has identified other resources to continue support for the magnet school activities when assistance under this program is no longer available.

(Approved by the Office of Management and Budget under control number 1855-0011)

(Authority: 20 U.S.C. 7231j)

[57 FR 61509, Dec. 24, 1992, as amended at 60 FR 14866, Mar. 20, 1995; 69 FR 4997, Feb. 2, 2004]

Sec. 280.32 How is priority given to applicants?

(a) How priority is given. In addition to the points awarded under Sec. 280.31, the Secretary gives priority to the factors listed in paragraphs (b) through (d) of this section by awarding additional points for these factors. The Secretary indicates in the application notice published in the Federal Register how these additional points will be distributed.

(b) Need for assistance. The Secretary evaluates the applicant's need for assistance under this part, by considering--

- (1) The costs of fully implementing the magnet schools project as proposed;
- (2) The resources available to the applicant to carry out the project if funds under the program were not provided;
- (3) The extent to which the costs of the project exceed the applicant's resources; and
- (4) The difficulty of effectively carrying out the approved plan and the project for which assistance is sought, including consideration of how the design of the magnet school project--e.g., the type of program proposed, the location of the magnet school within the LEA--impacts on the applicant's ability to successfully carry out the approved plan.

(c) New or revised magnet schools projects. The Secretary determines the extent to which the applicant proposes to carry out new magnet schools projects or significantly revise existing magnet schools projects.

(d) Selection of students. The Secretary determines the extent to which the applicant proposes to select students to attend magnet schools by methods such as lottery, rather than through academic examination.

(Authority: 20 U.S.C. 7231e)

[57 FR 61510, Dec. 24, 1992, as amended at 60 FR 14866, Mar. 20, 1995; 63 FR 8020, Feb. 17, 1998; 69 FR 4997, Feb. 2, 2004]

Sec. 280.33 How does the Secretary select applications for new grants with funds appropriated in excess of \$75 million?

(a) In selecting among applicants for funds appropriated for this program in excess of \$75 million, the Secretary first identifies those remaining applicants that did not receive funds under this program in the last fiscal year of the previous funding cycle.

(b) The Secretary then awards ten additional points to each applicant identified under paragraph (a) of this section.

(Authority: 20 U.S.C. 7231j)

[54 FR 19509, May 5, 1989, as amended at 69 FR 4997, Feb. 2, 2004]

SUBPART E-WHAT CONDITIONS MUST BE MET BY A GRANTEE?

Sec. 280.40 What costs are allowable?

An LEA or consortium of LEAs may use funds received under this part for the following activities:

(a) Planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools, though planning activities are subject to the restrictions in Sec. 280.41(a) and do not include activities described under paragraph (f) of this section.

(b) The acquisition of books, materials, and equipment (including computers) and the maintenance and operation of materials, equipment and computers. Any books, materials or equipment purchased with grant funds must be:

- (1) Necessary for the conduct of programs in magnet schools; and
- (2) Directly related to improving student academic achievement based on the State's challenging academic content standards and student academic achievement standards or directly related to improving student reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational, technological, or professional skills.

(c) The payment or subsidization of the compensation of elementary and secondary school teachers:

- (1) Who are highly qualified;
- (2) Who are necessary to conduct programs in magnet schools; and
- (3) Whose employment is directly related to improving student academic achievement based on the State's challenging academic content standards and student academic achievement standards or directly related to improving student reading

skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational, technological, or professional skills.

(d) The payment or subsidization of the compensation of instructional staff, where applicable, who satisfy the requirements of paragraphs (c)(2) and (3) of this section.

(e) With respect to a magnet school program offered to less than the entire school population, for instructional activities that--

(1) Are designed to make available the special curriculum of the magnet school program to students enrolled in the school, but not in the magnet school program; and

(2) Further the purposes of the program.

(f) Activities, which may include professional development, that will build the recipient's capacity to operate magnet school programs once the grant period has ended.

(g) Activities to enable the LEA or consortium of LEAs to have more flexibility in the administration of a magnet school program in order to serve students attending a school who are not enrolled in a magnet school program.

(h) Activities to enable the LEA or consortium of LEAs to have flexibility in designing magnet schools for students in all grades.

(Authority: 20 U.S.C. 7231f)

[51 FR 20414, June 4, 1986, as amended at 54 FR 19509, May 5, 1989; 60 FR 14866, Mar. 20, 1995; 69 FR 4997, Feb. 2, 2004]

Sec. 280.41 What are the limitations on allowable costs?

An LEA or consortium of LEAs that receives assistance under this part may not--

(a) Expend for planning more than 50 percent of the funds received for the first fiscal year, and 15 percent of the funds received for the second or the third fiscal year;

(b) Use funds for transportation; or

(c) Use funds for any activity that does not augment academic improvement.

(Authority: 20 U.S.C. 7231g, 7231h(b))

[60 FR 14866, Mar. 20, 1995, as amended at 69 FR 4997, Feb. 2, 2004]

DRAFT

4000-01-U

DEPARTMENT OF EDUCATION

34 CFR Part 280

Magnet Schools Assistance Program

AGENCY: Office of Innovation and Improvement, Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the regulations governing the Magnet Schools Assistance Program (MSAP) in 34 CFR part 280. These amendments allow the MSAP to use an approach similar to that in 34 CFR 75.200 for establishing selection criteria in grant competitions. Under this approach the MSAP has the flexibility to use selection criteria from its program regulations, from the menu of general selection criteria in the Education Department General Administrative Regulations (EDGAR) in 34 CFR 75.210, based on statutory provisions in accordance with 34 CFR 75.209, or from any combination of these.

DATES: These regulations are effective (INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER).

FOR FURTHER INFORMATION CONTACT: **Name of person**, U.S. Department of Education, 400 Maryland Avenue, SW., room 4Wxxx, Washington, DC 20202-5970. Telephone: (202) 260-xxxx or via Internet:

first.last@ed.gov

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotope, or computer diskette) on request to the contact person listed under FOR FURTHER INFORMATION CONTACT.

SUPPLEMENTARY INFORMATION:

On August 22, 2006 the Secretary published a notice of proposed rulemaking (NPRM) for these amendments in the Federal Register (71 FR 48866).

In the preamble to the NPRM, the Secretary discussed on pages 48866 and 48867 the major changes proposed in that document to provide the MSAP with the flexibility to use different types of selection criteria when evaluating grant applications in a specific grant competition. These included the following:

- Amending §280.30 to give the Secretary the flexibility to use selection criteria from §280.31, from the approved menu of general selection criteria in 34 CFR 75.210 or from selection criteria based on statutory provisions governing the MSAP, established in accordance with 34 CFR 75.209.
- Amending §280.31 to remove the mandatory point values from the selection criteria in this section of the MSAP regulations.

There are no differences between the NPRM and these final regulations.

Analysis of Comments

In response to the Secretary's invitation in the NPRM, nine parties submitted comments on the proposed regulations. An analysis of the comments follows.

We discuss substantive issues under the sections of the regulations to which they pertain. Generally, we do not address technical and other minor changes--and suggested changes the law does not authorize the Secretary to make.

§280.30 How does the Secretary evaluate an application?

Comment: Two commenters expressed the opinion that the current selection criteria work effectively to address the MSAP's statutory purpose and requirements, and consequently a change in approach to permit the use of other selection criteria is not needed at this time.

Discussion: The amended regulations provide the flexibility to make adjustments to the selection criteria that are used for a particular competition. Implementation of this change does not mean that selection criteria or factors that continue to work effectively to select high quality applications for awards will simply be disregarded or abandoned. It is unlikely that the use of this approach will result in major changes from one

grant competition to the next. Nonetheless, the Department does believe that the flexibility gained in using this approach will enable us to more effectively tailor selection criteria to favor projects that best address the purpose and requirements of the MSAP statute.

Change: None.

Comment: Two commenters expressed concerns about the effect of different criteria, especially general criteria from EDGAR, and indicated that they believed that the use of such criteria would be detrimental to the quality of applications.

Discussion: Any criterion or factor from the approved menu in §75.210 must be considered in the context of the MSAP and in conjunction with applicable statutory provisions and program regulations. As a result, we do not believe that the use of selection criteria or factors from 34 CFR 75.210 will negatively affect program quality.

Change: None.

Comment: Two commenters criticized the approach in §280.30 because they believed that it provided too much flexibility to manipulate the MSAP's statutory purpose or disregard desegregation-related factors.

Discussion: Fears that this approach will allow the Secretary to supersede statutory provisions or program requirements are misplaced. The Secretary is bound by statutory provisions. In evaluating applications, the Department must adhere to selection criteria or other provisions related to the evaluation of applications required by statute. In addition, the Department intends that the MSAP will use this approach to establishing selection criteria in conjunction with the statute and program requirements in the MSAP regulations, not instead of them.

Change: None.

Comment: One commenter criticized the approach in §280.30 because the public would not be afforded the opportunity to comment formally on the Department's choice of selection criteria for a particular competition and another commenter indicated that rulemaking for each proposed change or set of changes would be preferable.

Discussion: The Department believes that potential grant applicants will have an adequate opportunity to comment on its choice of selection criteria for a particular program under the procedures required by the Paperwork Reduction Act of 1995 (PRA). Comments submitted under the PRA will be reviewed not only by the Department, but also by OMB, and they will be given careful consideration.

Moreover, the Department welcomes comments and suggestions on selection criteria, and the application process generally, apart from the specific requirements of the PRA and its formal opportunity to comment. Potential applicants, grantees, program beneficiaries, and others are encouraged to advise the program about their experience with the selection criteria, and to provide recommendations for criteria for future competitions at any time, for the program office's use in designing selection criteria.

Change: None.

Comment: Other commenters expressed varying other views regarding the approach in §280.30 that would give the Secretary the flexibility to use selection criteria from the approved menu of general selection criteria in 34 CFR 75.210 or from selection criteria based on statutory provisions governing the MSAP, in accordance with 34 CFR 75.209. One commenter indicated that the additional flexibility would be beneficial. Three others expressed reservations about this approach only in the context of whether there would be sufficient time available to adequately address any new selection criteria. One other commenter also expressed concern that the change would have a detrimental effect on planning prior to the announcement of selection criteria.

Discussion: The Secretary does not believe that the new approach will prevent potential applicants from beginning to prepare applications in advance of an application announcement. Applicants may begin work on the basis of statutory purposes and requirements. Additionally, the likelihood is small that there will be substantial changes in the selection criteria used in evaluating applications from one competition to the next in the absence of statutory changes that might otherwise require more significant revisions.

Change: None.

§208.31 What selection criteria does the Secretary use?

Comment: Two commenters addressed the amendment to §280.31 that removes the mandatory point values from the selection criteria in this section of the MSAP regulations. One commenter expressed the opinion that

removing point values was not a good idea, however the commenter offered no explanation of this position. The other commenter sought clarification regarding whether a different set of point values for selection criteria would be used.

Discussion: Removing the currently specified point values from the selection criteria in §280.31 does not mean that point values will not be used. As set forth in §280.30(e), there will continue to be 100 points awarded for the selection criteria. Removing the mandatory point values merely provides the flexibility to assign specific point values based on the selection criteria actually used in a particular competition, consistent with the Department's approach for other discretionary grant programs that use selection criteria from 34 CFR 75.210 and selection criteria based on the statute, as set forth in 34 CFR 75.209, as well as selection criteria from program regulations.

Change: None.

Executive Order 12866

We have reviewed these final regulations in accordance with Executive Order 12866. Under the terms of the order we have assessed the potential costs and benefits of this regulatory action.

The potential costs associated with the final regulations are those resulting from statutory requirements and those we have determined to be necessary for administering this program effectively and efficiently.

In assessing the potential costs and benefits--both quantitative and qualitative--of these final regulations, we have determined that the benefits of the regulations justify the costs.

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

Summary of potential costs and benefits

We summarized the potential costs and benefits of these final regulations in the preamble to the NPRM (71 FR 48867).

Paperwork Reduction Act of 1995

The Paperwork Reduction Act of 1995 does not require you to respond to a collection of information unless it displays a valid OMB control number. We display the valid OMB control number assigned to the collection of information in these final regulations at the end of the affected section of the regulations.

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, we intend this document to provide early notification of the Department's specific plans and actions for this program.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the Federal Register, in text or Adobe Portable Document Format (PDF) on the Internet at the following site:

www.ed.gov/news/fedregister

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

You may also view this document in text or PDF at the following site:

<http://www.ed.gov/programs/magnet/applicant.html>

Note: The official version of this document is the document published in the Federal Register. Free Internet access to the official edition of the Federal Register and the Code of Federal Regulations is available on GPO Access at:

<http://www.gpoaccess.gov/nara/index.html>

(Catalog of Federal Domestic Assistance Number 84.165A Magnet Schools Assistance Program.)

List of Subjects in 34 CFR Part 280

Civil rights, Desegregation, Education, Elementary and secondary education, Grant programs—education, Magnet schools, Reporting and recordkeeping requirements.

Dated:

Morgan S. Brown,
Assistant Deputy Secretary for
Innovation and Improvement.

DRAFT

For the reasons discussed in the preamble, the Assistant Deputy Secretary for Innovation and Improvement amends part 280 of title 34 of the Code of Federal Regulations as follows:

PART 280--MAGNET SCHOOLS ASSISTANCE PROGRAM

1. The authority citation for part 280 continues to read as follows:

AUTHORITY: 20 U.S.C. 7231-7231j, unless otherwise noted.

2. Section 280.30 is revised to read as follows:

§280.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application under the procedures in 34 CFR part 75 and this part.

(b) To evaluate an application for a new grant the Secretary may use--

(1) Selection criteria established under 34 CFR 75.209;

(2) Selection criteria in §280.31;

(3) Selection criteria established under 34 CFR 75.210; or

(4) Any combination of criteria from paragraphs (b)(1), (b)(2), and (b)(3) of this section.

(c) The Secretary indicates in the application notice published in the Federal Register the specific criteria that the Secretary will use and how points for the selection criteria will be distributed.

(d) The Secretary evaluates an application submitted under this part on the basis of criteria described in paragraph (c) of this section and the priority factors in §280.32.

(e) The Secretary awards up to 100 points for the extent to which an application meets the criteria described in paragraph (c) of this section.

(f) The Secretary then awards up to 30 additional points based upon the priority factors in §280.32.

(Approved by the Office of Management and Budget under control number 1855-0011)

(Authority: 20 U.S.C. 7231-7231j)

§280.31 [Amended]

3. Section 280.31 is amended:

A. In the introductory text, by removing the word “uses” and adding, in its place, the words “may use”.

B. In paragraph (a) introductory text, by removing the parenthetical “(25 points)”.

C. In paragraph (b) introductory text, by removing the parenthetical “(10 points)”.

D. In paragraph (c) introductory text, by removing the parenthetical “(35 points)”.

E. In paragraph (d) introductory text, by removing the parenthetical “(5 points)”.

F. In paragraph (e) introductory text, by removing the parenthetical “(15 points)”.

G. In paragraph (f) introductory text, by removing the parenthetical “(10 points)”.

DRAFT

4000-01-U

DEPARTMENT OF EDUCATION

Magnet Schools Assistance Program

AGENCY: Office of Innovation and Improvement, Department of Education.

ACTION: Notice of final priority.

SUMMARY: The Assistant Deputy Secretary for Innovation and Improvement announces a priority under the Magnet Schools Assistance Program (MSAP). The Assistant Deputy Secretary may use this priority for competitions in fiscal year (FY) 2007 and later years. We intend this priority to encourage eligible applicants to focus on expanding their capacity to provide public school choice by using magnet schools to provide public school choice options to parents whose children attend schools that have been identified for school improvement, corrective action, or restructuring under Title I of the Elementary and Secondary Education Act of 1965, as amended (ESEA).

EFFECTIVE DATE: This priority is effective (INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER).

FOR FURTHER INFORMATION CONTACT: Steven L. Brockhouse, U.S. Department of Education, 400 Maryland Avenue, SW., room 4W229, Washington, DC 20202-5970. Telephone: (202) 260-2476 or via Internet:

steve.brockhouse@ed.gov

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed under FOR FURTHER INFORMATION CONTACT.

SUPPLEMENTARY INFORMATION:

The MSAP provides grants to eligible local educational agencies (LEAs) and consortia of LEAs to support magnet schools that are part of an approved desegregation plan. For the purpose of the MSAP, a magnet school is a public elementary school, public secondary school, public elementary education center, or public secondary education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

Through the implementation of magnet schools, MSAP resources support objectives and activities that enable all elementary and secondary students to achieve to high standards, hold schools and LEAs accountable for ensuring they do so, and help schools and LEAs develop and design innovative educational methods and practices that support desegregation efforts to eliminate, reduce, or prevent minority group isolation and increase choices in public elementary and secondary schools.

Consistent with the statutory purpose of the MSAP, magnet schools are designed to eliminate, reduce, or prevent minority group isolation in schools with substantial numbers or percentages of minority group students, bring students of different backgrounds together, assist LEAs in achieving systemic reforms, provide all students the opportunity to meet challenging State content standards and challenging State performance standards, and increase choices in public elementary and secondary schools.

The priority, Expanding Capacity to Provide Choice, provides eligible LEAs with an opportunity to continue to use magnet schools, consistent with their desegregation plan objectives for the elimination, reduction, or prevention of minority group isolation, to expand their capacity to provide public school choice to parents whose children attend schools identified for school improvement, corrective action, or restructuring.

The priority provides eligible applicants the flexibility to use either or both of two approaches to expanding their capacity to provide public school choice.

First, an eligible applicant could convert one or more schools identified for improvement, corrective action, or restructuring under Title I to magnet schools in order to improve the quality of teaching and instruction in these schools. Using this approach, conversion of a school to a magnet school would benefit students already attending the school by offering a magnet curriculum that would include subject matter or teaching methodology that is generally not available at other schools in the LEA and would be more challenging and innovative than the curricular program that the school had previously provided. The implementation of the magnet curriculum, along with resources such as equipment, supplies and staff development to support the implementation of the magnet curriculum, would also help the school reduce, eliminate, or prevent minority group isolation at the magnet school and/or at the sending schools by attracting other students, including higher-achieving students of different backgrounds, based on their interest in a curricular program that would not be available to them in the schools that they would otherwise attend.

Second, an eligible applicant could use higher-performing schools as magnet schools and, by doing so, significantly increase the opportunity for students attending schools identified for school improvement, corrective action, or restructuring to participate in public school choice by attending a higher-performing school. Using this approach, an

eligible applicant would need to ensure that the magnet school would have sufficient space available to accommodate students who would likely be interested in transferring from schools identified for school improvement, corrective action, or restructuring. Additionally, the LEA would need to show how the enrollment of the magnet and/or sending schools (i.e., the schools identified for school improvement, corrective action, or restructuring from which students would transfer) would change in a manner that resulted in the elimination, reduction, or prevention of minority group isolation in those sending schools.

Under either approach, an applicant would be required to show how it would effectively inform parents whose children attend schools identified for school improvement, corrective action, or restructuring about the new choices made available to them in the magnet schools to be funded under the project.

We published a notice of proposed priority for this program in the Federal Register on April 12, 2006 (71 FR 18728). There are no differences between the notice of proposed priority and this notice of final priority.

Public Comment

In the notice of proposed priority, we invited comments on the proposed priority. We did not receive any comments.

Note: This notice does not solicit applications. In any year in which we choose to use this priority, we invite applications through a notice in the Federal Register. When inviting applications we designate the priority as absolute, competitive preference, or invitational. The effect of each type of priority follows:

Absolute priority: Under an absolute priority we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority we give competitive preference to an application by either (1) awarding additional points, depending on how well or the extent to which the application meets the competitive preference priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the competitive preference priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority we are particularly interested in applications that meet the invitational priority. However, we do not give an application that meets the invitational priority a competitive or absolute preference over other applications (34 CFR 75.105(c)(1)).

PRIORITY:

Expanding Capacity to Provide Choice

This priority supports projects that will--

(1) Help parents whose children attend low-performing schools (that is, schools that have been identified for school improvement, corrective action, or restructuring under Title I of the Elementary and Secondary Education Act of 1965, as amended) by--

(a) Selecting schools identified for school improvement, corrective action, or restructuring under Title I as magnet schools to be funded under this project and improving the quality of teaching and instruction in these schools; or

(b) Maximizing the opportunity for students in low-performing schools to attend higher-performing magnet schools funded under the project and thereby reduce minority group isolation in the low-performing sending schools; and

(2) Effectively inform parents whose children attend low-performing schools about choices that are available to them in the magnet schools to be funded under the project.

Note: For the purpose of selecting applications under this priority, school improvement has the meaning given in 34 CFR 200.32(a)(1), corrective action has the meaning given in 34 CFR 200.33(a), and restructuring has the meaning given in 34 CFR 200.34(a).

Executive Order 12866

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

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

Summary of potential costs and benefits: The potential cost associated with this final priority is minimal while the benefits are significant.

The benefit of the final priority is that it will help applicants prepare high-quality proposals that expand their capacity to provide public school choice to parents whose children attend schools that have not made adequate yearly progress.

Intergovernmental Review

This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies

on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

Applicable Program Regulations: 34 CFR part 280.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the Federal Register, in text or Adobe Portable Document Format (PDF) on the Internet at the following site:

www.ed.gov/news/fedregister

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

You may also view this document in text or PDF at the following site:

www.ed.gov/programs/magnet/applicant.html

Note: The official version of this document is the document published in the Federal Register. Free Internet access to the official edition of the Federal Register and the Code of Federal Regulations is available on GPO Access at:

www.gpoaccess.gov/nara/index.html

(Catalog of Federal Domestic Assistance Number 84.165A Magnet Schools Assistance Program)

PROGRAM AUTHORITY: 20 U.S.C. 7231-7231j.

Dated:

Morgan S. Brown,
Assistant Deputy Secretary for
Innovation and Improvement.

TITLE V, PART C—MAGNET SCHOOLS ASSISTANCE

SEC. 5301. FINDINGS AND PURPOSE.

(a) FINDINGS- Congress makes the following findings:

(1) Magnet schools are a significant part of the Nation's effort to achieve voluntary desegregation in our Nation's schools.

(2) The use of magnet schools has increased dramatically since the inception of the magnet schools assistance program under this Act, with approximately 2,000,000 students nationwide attending such schools, of whom more than 65 percent are non-white.

(3) Magnet schools offer a wide range of distinctive programs that have served as models for school improvement efforts.

(4) It is in the best interests of the United States--

(A) to continue the Federal Government's support of local educational agencies that are implementing court-ordered desegregation plans and local educational agencies that are voluntarily seeking to foster meaningful interaction among students of different racial and ethnic backgrounds, beginning at the earliest stage of such students' education;

(B) to ensure that all students have equitable access to a high quality education that will prepare all students to function well in a technologically oriented and a highly competitive economy comprised of people from many different racial and ethnic backgrounds; and

(C) to continue to desegregate and diversify schools by supporting magnet schools, recognizing that segregation exists between minority and nonminority students as well as among students of different minority groups.

(5) Desegregation efforts through magnet school programs are a significant part of our Nation's effort to achieve voluntary desegregation in schools and help to ensure equal educational opportunities for all students.

(b) PURPOSE- The purpose of this part is to assist in the desegregation of schools served by local educational agencies by providing financial assistance to eligible local educational agencies for--

(1) the elimination, reduction, or prevention of minority group isolation in elementary schools and secondary schools with substantial proportions of minority students, which shall include assisting in the efforts of the United States to achieve voluntary desegregation in public schools;

(2) the development and implementation of magnet school programs that will assist local educational agencies in achieving systemic reforms and providing all students the opportunity to meet challenging State academic content standards and student academic achievement standards;

(3) the development and design of innovative educational methods and practices that promote diversity and increase choices in public elementary schools and public secondary schools and public educational programs;

(4) courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the attainment of tangible and marketable vocational, technological, and professional skills of students attending such schools;

(5) improving the capacity of local educational agencies, including through professional development, to continue operating magnet schools at a high performance level after Federal funding for the magnet schools is terminated; and

(6) ensuring that all students enrolled in the magnet school programs have equitable access to high quality education that will enable the students to succeed academically and continue with postsecondary education or productive employment.

SEC. 5302. DEFINITION.

For the purpose of this part, the term `magnet school' means a public elementary school, public secondary school, public elementary education center, or public secondary education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

SEC. 5303. PROGRAM AUTHORIZED.

The Secretary, in accordance with this part, is authorized to award grants to eligible local educational agencies, and consortia of such agencies where appropriate, to carry out the purpose of this part for magnet schools that are--

- (1) part of an approved desegregation plan; and
- (2) designed to bring students from different social, economic, ethnic, and racial backgrounds together.

SEC. 5304. ELIGIBILITY.

A local educational agency, or consortium of such agencies where appropriate, is eligible to receive a grant under this part to carry out the purpose of this part if such agency or consortium--

- (1) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, that requires the desegregation of minority-group-segregated children or faculty in the elementary schools and secondary schools of such agency; or
- (2) without having been required to do so, has adopted and is implementing, or will, if a grant is awarded to such local educational agency, or consortium of such agencies, under this part, adopt and implement a plan that has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority-group-segregated children or faculty in such schools.

SEC. 5305. APPLICATIONS AND REQUIREMENTS.

(a) APPLICATIONS- An eligible local educational agency, or consortium of such agencies, desiring to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may reasonably require.

(b) INFORMATION AND ASSURANCES- Each application submitted under subsection (a) shall include--

- (1) a description of--
 - (A) how a grant awarded under this part will be used to promote desegregation, including how the proposed magnet school programs will increase interaction among students of different social, economic, ethnic, and racial backgrounds;
 - (B) the manner and extent to which the magnet school program will increase student academic achievement in the instructional area or areas offered by the school;
 - (C) how the applicant will continue the magnet school program after assistance under this part is no longer available, and, if applicable, an explanation of why magnet schools established or supported by the applicant with grant funds under this part cannot be continued without the use of grant funds under this part;
 - (D) how grant funds under this part will be used--
 - (i) to improve student academic achievement for all students attending the magnet school programs; and
 - (ii) to implement services and activities that are consistent with other programs under this Act, and other Acts, as appropriate; and
 - (E) the criteria to be used in selecting students to attend the proposed magnet school program; and
- (2) assurances that the applicant will--
 - (A) use grant funds under this part for the purposes specified in section 5301(b);
 - (B) employ highly qualified teachers in the courses of instruction assisted under this part;
 - (C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in--
 - (i) the hiring, promotion, or assignment of employees of the applicant or other personnel for whom the applicant has any administrative responsibility;
 - (ii) the assignment of students to schools, or to courses of instruction within the schools, of such applicant, except to carry out the approved plan; and
 - (iii) designing or operating extracurricular activities for students;
 - (D) carry out a high-quality education program that will encourage greater parental decisionmaking and involvement; and
 - (E) give students residing in the local attendance area of the proposed magnet school program equitable consideration for placement in the program, consistent with desegregation guidelines and the capacity of the applicant to accommodate the students.

(c) SPECIAL RULE- No grant shall be awarded under this part unless the Assistant Secretary of Education for Civil Rights determines that the assurances described in subsection (b)(2)(C) will be met.

SEC. 5306. PRIORITY.

In awarding grants under this part, the Secretary shall give priority to applicants that--

- (1) demonstrate the greatest need for assistance, based on the expense or difficulty of effectively carrying out approved desegregation plans and the magnet school program for which the grant is sought;
- (2) propose to carry out new magnet school programs, or significantly revise existing magnet school programs; and
- (3) propose to select students to attend magnet school programs by methods such as lottery, rather than through academic examination.

SEC. 5307. USE OF FUNDS.

(a) IN GENERAL- Grant funds made available under this part may be used by an eligible local educational agency, or consortium of such agencies--

- (1) for planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;
- (2) for the acquisition of books, materials, and equipment, including computers and the maintenance and operation of materials, equipment, and computers, necessary to conduct programs in magnet schools;
- (3) for the compensation, or subsidization of the compensation, of elementary school and secondary school teachers who are highly qualified, and instructional staff where applicable, who are necessary to conduct programs in magnet schools;
- (4) with respect to a magnet school program offered to less than the entire student population of a school, for instructional activities that--
 - (A) are designed to make available the special curriculum that is offered by the magnet school program to students who are enrolled in the school but who are not enrolled in the magnet school program; and
 - (B) further the purpose of this part;
- (5) for activities, which may include professional development, that will build the recipient's capacity to operate magnet school programs once the grant period has ended;
- (6) to enable the local educational agency, or consortium of such agencies, to have more flexibility in the administration of a magnet school program in order to serve students attending a school who are not enrolled in a magnet school program; and
- (7) to enable the local educational agency, or consortium of such agencies, to have flexibility in designing magnet schools for students in all grades.

(b) SPECIAL RULE- Grant funds under this part may be used for activities described in paragraphs (2) and (3) of subsection (a) only if the activities are directly related to improving student academic achievement based on the State's challenging academic content standards and student academic achievement standards or directly related to improving student reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational, technological, and professional skills.

SEC. 5308. PROHIBITION.

Grants under this part may not be used for transportation or any activity that does not augment academic improvement.

SEC. 5309. LIMITATIONS.

(a) DURATION OF AWARDS- A grant under this part shall be awarded for a period that shall not exceed 3 fiscal years.

(b) LIMITATION ON PLANNING FUNDS- A local educational agency, or consortium of such agencies, may expend for planning (professional development shall not be considered to be planning for purposes of this subsection) not more than 50 percent of the grant funds received under this part for the first year of the program and not more than 15 percent of such funds for each of the second and third such years.

(c) AMOUNT- No local educational agency, or consortium of such agencies, awarded a grant under this part shall receive more than \$4,000,000 under this part for any 1 fiscal year.

(d) TIMING- To the extent practicable, the Secretary shall award grants for any fiscal year under this part not later than July 1 of the applicable fiscal year.

SEC. 5310. EVALUATIONS.

(a) RESERVATION- The Secretary may reserve not more than 2 percent of the funds appropriated under section 5311(a) for any fiscal year to carry out evaluations, provide technical assistance, and carry out dissemination projects with respect to magnet school programs assisted under this part.

(b) CONTENTS- Each evaluation described in subsection (a), at a minimum, shall address--

(1) how and the extent to which magnet school programs lead to educational quality and improvement;

(2) the extent to which magnet school programs enhance student access to a high quality education;

(3) the extent to which magnet school programs lead to the elimination, reduction, or prevention of minority group isolation in elementary schools and secondary schools with substantial proportions of minority students; and

(4) the extent to which magnet school programs differ from other school programs in terms of the organizational characteristics and resource allocations of such magnet school programs.

(c) DISSEMINATION- The Secretary shall collect and disseminate to the general public information on successful magnet school programs.

SEC. 5311. AUTHORIZATION OF APPROPRIATIONS; RESERVATION.

(a) AUTHORIZATION- For the purpose of carrying out this part, there are authorized to be appropriated \$125,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

(b) AVAILABILITY OF FUNDS FOR GRANTS TO AGENCIES NOT PREVIOUSLY ASSISTED- In any fiscal year for which the amount appropriated pursuant to subsection (a) exceeds \$75,000,000, the Secretary shall give priority in using such amounts in excess of \$75,000,000 to awarding grants to local educational agencies or consortia of such agencies that did not receive a grant under this part in the preceding fiscal year.

SECTION B

APPLICATION INSTRUCTIONS

- Overview of Instructions for the Preparation of the Application
- Application Checklist
- Application Narrative Instructions
- Other Documents and Attachments
 - Required Desegregation Plan Information
 - Desegregation Plan Information Form and Attachments
 - Table 1 Information—District-Level Student Enrollment Information
 - Table 2 Information—Initial Year of Implementation for Magnet Schools Proposed for Revision
 - Table 3 Information—Student Enrollment Information for Proposed Magnet Schools
 - Table 4 Information—Student Enrollment Information for Feeder Schools
 - Table 5 Information—Selection of Students Information
 - Table 6 Information—Revised Magnet Schools Information
 - Magnet Schools Assistance Program Assurances
 - Other Attachments
 - Resumes
 - Letters of Support
 - Written agreement between parties to a joint application (if applicable)
 - Response to invitational priority for rigorous evaluation (optional)

INSTRUCTIONS FOR PREPARATION OF THE MAGNET SCHOOLS ASSISTANCE PROGRAM APPLICATION

Overview of Instructions

These instructions cover all of the components that must be included in the application you submit electronically using Grants.gov.

The standard forms needed to complete the application are included in the grant application package for the Magnet Schools Assistance Program at Grants.gov. Copies of the forms are also available on the ED website at <http://www.ed.gov/fund/grant/apply/appforms/appforms.html>.

Application Checklist

Use the checklist that follows as a guide to ensure that your application is complete and includes all of the necessary forms and information.

- A project abstract (not more than 2 pages in length)
- Application for Federal Assistance Form (SF 424)
- ED Supplement to the SF 424
- Budget forms (ED Form 524)
- Itemized budget and other budget information
- A table of contents for the program narrative
- Program narrative addressing the competitive priorities for Need for assistance and Expanding capacity to provide choice, and the MSAP selection criteria
[Remember, the program narrative has a mandatory page limit as described in the closing date notice!]
- Desegregation plan and other required information
 - Desegregation Plan Information Form and Attachments
 - Table 1 Information—District-Level Student Enrollment Information
 - Table 2 Information—Initial Year of Implementation for Magnet Schools Proposed for Revision
 - Table 3 Information—Student Enrollment Information for Proposed Magnet Schools
 - Table 4 Information—Student Enrollment Information for Feeder Schools
 - Table 5 Information—Selection of Students Information
 - Table 6 Information—Revised Magnet Schools Information
- Assurances and Certifications
 - Magnet Schools Assistance Program Assurances

- Standard Assurances for Non-Construction Programs (SF 424b)
- ED 80-0013 Certifications Regarding Lobbying; Debarment; Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements

Other information

- Required response to Section 427 of GEPA
- SF LLL Disclosure of Lobbying Activity
- Resumes of key personnel
- Letters of support (optional)
- Written agreement between parties to a joint application (if applicable)
- Response to invitational priority for rigorous evaluation (optional)

APPLICATION NARRATIVE INSTRUCTIONS

Project Narrative Attachment Form –(found in the Grants.gov application package) is where applicants will attach their narrative responses to the selection criteria and the following competitive preference priorities published in the Federal Register notice inviting applications for this competition:

- ❑ Competitive Preference Priority 1—Need for Assistance
- ❑ Competitive Preference Priority 4—Expanding Capacity to Provide Choice.

This part of the application constitutes the portion of the application that is subject to the mandatory limit of 250 pages described in the Federal Register notice inviting applications for this competition. The notice is published elsewhere in this application package and provides detailed information concerning the page limit.

To facilitate the review of the your Magnet Schools Assistance Program application, we recommend that you address the competitive preference priority for “Need for assistance”, the competitive preference priority for “Expanding capacity to provide choice” and then the selection criteria published in the application notice in the order in which they appear in the Federal Register notice inviting applications for this competition.

You will provide data needed to respond to the other two competitive preference priorities— Selection of students and New and revised magnet schools—in Part IV of the application. The information in Part IV needed to respond to these priorities is not subject to the page limits that apply to Part III of the application.

Note

If you choose to address the invitational priority for projects that propose to implement a rigorous evaluation to assess the effectiveness of particular project interventions, include information responsive to this priority in Part IV: Other Information. We expect information provided in response to this invitational priority to be different from information included in the project narrative in response to the factors that make up the Quality of Evaluation Plan selection criterion. Specifically, the Quality of Evaluation Plan criterion expects applicants to describe evaluation plans that focus on how and how well the project is doing in accomplishing its stated objectives and outcomes. An evaluation plan addressing the invitational priority would, on the other hand, focus on scientifically-based evidence of the effectiveness of one or more particular interventions that are included in the project.

OTHER DOCUMENTS & ATTACHMENTS

Part IV consists of all of the other documents that are needed for your application, including the abstract, desegregation plan information, Tables 1 to 6 that provide information about various aspects of your project, including the enrollment data required by §280.20(x) in the Magnet Schools Assistance Program regulations, resumes, letters of support, and so forth.

Abstract

The abstract narrative must not exceed one page and should use language that will be understood by a range of audiences. For all projects, include the project title (if applicable), major project goals and objectives, the names of the magnet schools that will participate in the project, a brief description of the special curricular programs (e.g., Math and Science, Montessori, Performing Arts, etc) that each magnet school will implement, and the number of students expected to participate in each magnet school program.

Desegregation Plan Information Form

Check the appropriate box to indicate whether the applicant is implementing a required plan or a voluntary plan. The applicant must also attach copies of the appropriate documents based on the type of desegregation plan that the applicant is implementing.

Tables 1-4—Enrollment Data

Tables 1-4 provide current and projected enrollment data for the applicant, the magnet schools included in the project and schools from which students would be drawn (feeder schools). Specific instructions for this set of tables are included with the tables. A separate copy of Table #3 will be needed for each magnet school included in the project.

Table 5—Selection of Students

Table 5 is used to provide information response to Competitive Preference Priority #3—Selection of students. Specific instructions are included with the table.

Table 6—Revised Magnet Schools

Table 6 is used to provide information responsive to Priority #2—New or revised magnet schools projects and addresses the extent to which revisions to existing magnet schools are significant revisions. Specific guidance is included with Table 6. If all of the magnet schools participating in the project will be new magnet schools, indicate that no revised magnet schools are participating in the project.

Resumes

Provide individual resumes for the proposed project directors and other key personnel

described in project narrative. Provide brief resumes or, for positions that would be filled after a grant is awarded, job descriptions that include relevant qualifications for the individual(s) that the district would seek to recruit for those positions. Each resume should be limited to not more than three pages in length.

Letters of Support (Optional)

Joint Application Information (if necessary)

If the application is a joint application between two or more local educational agencies to implement an inter-district magnet schools plan, the application must provide the information described in 34 CFR 75.128 concerning the agency that will be designated as the applicant and the agreement between members of the group.

Response to the Invitational Priority for Rigorous Evaluation (optional)

Specific guidance on the information necessary to respond to this invitational priority is included in the Federal Register closing date notice. Applicants are reminded that no response is required. As set forth in 34 CFR 75.105(c)(1), an applicant that meets the invitational priority receives no competitive or absolute preference over applications that do not meet the invitational priority.

Assurances

In addition to the standard assurances contained elsewhere in the application package, a Magnet Schools Assistance Program application requires the inclusion of a signed copy of the Magnet Schools Assistance Program assurances.

MAGNET SCHOOLS ASSISTANCE PROGRAM ASSURANCES

In accordance with section 5305(b)(2) of the No Child Left Behind Act, the applicant hereby assures and certifies that it will—

(A) use grant funds under this part for the purposes specified in section 5301(b);

(B) employ highly qualified teachers in the courses of instruction assisted under this part;

(C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in the hiring, promotion, or assignment of employees of the applicant or other personnel for whom the applicant has any administrative responsibility;

(D) not engage in discrimination based on race, religion, color, national origin, sex, or disability in the assignment of students to schools, or to courses of instruction within the schools, of such applicant, except to carry out the approved plan;

(E) not engage in discrimination based on race, religion, color, national origin, sex, or disability in designing or operating extracurricular activities for students;

(F) carry out a high-quality education program that will encourage greater parental decisionmaking and involvement; and

(G) give students residing in the local attendance area of the proposed magnet school program equitable consideration for placement in the program, consistent with desegregation guidelines and the capacity of the applicant to accommodate the students.

* * * * *

If the applicant has an approved desegregation plan—

The applicant hereby assures and certifies that it is implementing that desegregation plan as approved.

Signature of Authorized
Representative

Date

Desegregation Plan Information Form

Type of Desegregation Plan

(Check One & Attach the Appropriate Documents)

A Required Plan: A plan that is (1) implemented pursuant to a final order of a court of the United States, or a court of any State, or any other state agency or official of competent jurisdiction and (2) the order requires the desegregation of minority group segregated children or faculty in the elementary and secondary schools of that agency or those agencies.

Attach the Following Documents

- A copy of the court or agency order that demonstrated that the magnet school(s) for which assistance is sought under the grant are a part of the approved plan.
- Note: If the applicant is implementing a previously approved plan that does not include the magnet school(s) for which assistance is requested, the plan must be modified to include the new magnet school(s). The applicant must obtain approval of the new magnet schools, or any other modification to its desegregation plan, from the court, agency or official that originally approved the plan. The date by which proof of approval of any desegregation plan modification must be submitted to the US Department of Education is identified in the closing date notice.

Any desegregation plan modification should be mailed to:

Steven L. Brockhouse
US Department of Education
Office of Innovation &
Improvement
400 Maryland Avenue SW, Rm
4W229
Washington, DC 20202-5970

A Voluntary Plan: A plan to reduce, eliminate or prevent minority group isolation that is being implemented (or would be implemented if assistance under the Magnet Schools Assistance Program is made available) on either a voluntary basis or as required under Title VI of the Civil Rights Act of 1964.

Attach the Following Documents

- A copy of the plan
- A copy of the school board resolution adopting and implementing the plan, or agreeing to adopt and implement the plan upon the award of assistance.

A) Enrollment Data for the Local Educational Agency (LEA)

- 1) Provide actual enrollment data as of October 1, 2006 (or the closest date to October 1, 2006 when the LEA's enrollment data was collected) for the grade levels (e.g., K-8) affected by the project that shows the enrollment of minority group and non-minority students in the LEA's schools. If the application is a joint application, provide data for the schools of each participating LEA.
- 2) Provide enrollment data for the grade levels affected by the magnet project that shows the projected number of minority group and non-minority students as of October 1, 2007 (Project Yr 1: School Yr 2007-08), October 1, 2008 (Project Yr 2: School Yr 2008-09) and October 1, 2009 (Project Yr 3: School Yr 2009-10).
- 3) If the project includes any magnet schools that are existing magnet schools (i.e., schools that already implement a magnet program whether or not the magnet school or program has been previously supported with MSAP funds), identify the school year in which the school began implementation of a magnet program. If all of the magnet schools in the project will be new magnet schools, check the box at the bottom of Table 2.

Note: Tables #1 and 2 provide suggested formats for this data, however, applicants may provide the data in a different form if they choose to do so.

B) Enrollment Data for the Magnet Schools Included in the Project

- 1) Provide actual enrollment data as of October 1, 2006 (or the closest date to October 1, 2006 when the LEA's enrollment data was collected) by grade that shows the number of minority group and non-minority students enrolled in each magnet school.

(Special Note: If a school has no enrollment for the 2006-07 school year, for example because it is a new school, provide an estimate of the enrollment that the school would have had for the 2006-07 school year if it had operated as a regular school, consistent with the applicant's policy for assigning students to regular non-magnet schools.)
- 2) Provide projected enrollment data by grade for each magnet school that shows the projected number of minority group and non-minority students as of October 1, 2007 (Project Yr 1: School Yr 2007-08), October 1, 2008 (Project Yr 2: School Yr 2008-09) and October 1, 2009 (Project Yr 3: School Yr 2009-10). ***Projected enrollment data should show what each magnet school's enrollment would be expected to be if the magnet program is successfully implemented.***

Note: Table #3 provides a suggested format for the data needed for a magnet school, however, an applicant may use its own format to provide the data. A copy of the table will be needed for each magnet school included in the project.

C) Enrollment Data for Feeder Schools

(Note: The Magnet Schools Assistance Program defines “feeder schools” as the schools from which students are drawn, that is the schools at the same grade level as the magnet school that students would have attended if they did not attend the magnet school.)

- 1) Provide actual enrollment data as of October 1, 2006 (or the closest date to October 1, 2006 when the LEA’s enrollment data was collected) for each feeder school that shows the number of minority group and non-minority students enrolled in those schools and identifies the magnet school(s) associated with each feeder school. If the application is a joint application, provide separate data for the feeder schools from each participating LEA.
- 2) Provide projected enrollment data for the feeder schools identified above that shows the projected number of minority group and non-minority students as of October 1, 2007 (Project Yr 1: the 2007-08 School Yr), October 1, 2008 (Project Yr 2: the 2008-09 School Yr) and October 1, 2009 (Project Yr 3: the 2009-10 School Yr). ***Projected enrollment data should show what enrollment of feeder schools would be expected to be if the magnet program is successfully implemented.***
- 3) If the application is a joint application, provide separate data for the schools of each participating LEA.

Note: Table 4 provides a suggested format for this data, however, an applicant may use its own format to provide the data.

Table #1: Enrollment Data—LEA-Level

Actual Enrollment—October 1, 2006 (Current School Year)						Projected Enrollment—Oct 1, 2007 (Year 1 of Project)					Projected Enrollment—Oct 1, 2008 (Year 2 of Project)					Projected Enrollment—Oct 1, 2009 (Year 3 of Project)							
GRADE	Minority Student No.	Minority Student Det.	Non-Minority	Non-Minority	Total Students	GRADE	Minority Student No.	Minority Student Det.	Non-Minority	Non-Minority	Total Students	GRADE	Minority Student No.	Minority Student Det.	Non-Minority	Non-Minority	Total Students	GRADE	Minority Student No.	Minority Student Det.	Non-Minority	Non-Minority	Total Students
K						K						K						K					
1						1						1						1					
2						2						2						2					
3						3						3						3					
4						4						4						4					
5						5						5						5					
6						6						6						6					
7						7						7						7					
8						8						8						8					
9						9						9						9					
10						10						10						10					
11						11						11						11					
12						12						12						12					
Tot						Tot						Tot						Tot					

Table #2: Year of Implementation for Existing Magnet Schools Included in the Project

School Name	First School Year as a Magnet School	School Name	First School Year as a Magnet School

Check here if all of the magnet schools included in the project are schools that are implementing a magnet program for the first time.

Table #3: Enrollment Data—Magnet School

Magnet School:																							
Actual Enrollment as of October 1, 2006 (Current School Year)						Projected Enrollment as of October 1, 2007 (Year 1 of Project)						Projected Enrollment as of October 1, 2008 (Year 2 of Project)						Projected Enrollment as of October 1, 2009 (Year 3 of Project)					
GRADE LEVEL	Number of Minority Students	Minority Student Det	Number of Non- Minority Students	Non-Minority Student Det	Total Students	GRADE LEVEL	Number of Minority Students	Minority Student Det	Number of Non- Minority Students	Non-Minority Student Det	Total Students	GRADE LEVEL	Number of Minority Students	Minority Student Det	Number of Non- Minority Students	Non-Minority Student Det	Total Students	GRADE LEVEL	Number of Minority Students	Minority Student Det	Number of Non- Minority Students	Non-Minority Student Det	Total Students
K						K						K						K					
1						1						1						1					
2						2						2						2					
3						3						3						3					
4						4						4						4					
5						5						5						5					
6						6						6						6					
7						7						7						7					
8						8						8						8					
9						9						9						9					
10						10						10						10					
11						11						11						11					
12						12						12						12					
Tot						Tot						Tot						Tot					

- Use a separate copy of this table (or the applicants own format) for each magnet school participating in the project.
- Provide data for all students in each grade for which the school enrolls students.
- Remember, the projected data for Years 1, 2 and 3 of the project should be based on projections showing the anticipated enrollment of the magnet school if the project is successfully implemented.

Table 4: Enrollment Data—Feeder Schools

Schools		Actual Enrollment as of October 1, 2006 (Current School Year)					Projected Enrollment as of October 1, 2007 (Year 1 of Project)					Projected Enrollment as of October 1, 2008 (Year 2 of Project)					Projected Enrollment as of October 1, 2009 (Year 3 of Project)				
Feeder	Magnet(s)	Number of Minority Students	Minority Student Count	Number of Non- Minority Students	Non-Minority Student Count	Total Students	Number of Minority Students	Minority Student Count	Number of Non- Minority Students	Non-Minority Student Count	Total Students	Number of Minority Students	Minority Student Count	Number of Non- Minority Students	Non-Minority Student Count	Total Students	Number of Minority Students	Minority Student Count	Number of Non- Minority Students	Non-Minority Student Count	Total Students

- For each feeder school, identify the magnet school(s) to which the feeder school would send students. If a feeder school would send students to all magnet schools at a particular grade level (for example, Elementary Feeder School “X” would send students to all of the elementary magnet schools participating in the project, indicate “All” in the “Magnet” column associated with Elementary Feeder School “X”.
- The enrollment data projections for Years 1, 2 and 3 of the project should show what the enrollment of feeder schools would be expected to be if the magnet school or schools in the project are successfully implemented.
- Use additional sheets, if necessary.

Table 5: Selection of Students

Instructions:

For each magnet school included in the project:

- Indicate whether or not academic examination is used as a factor in the selection of students for the magnet school and, if so, how it is used.
- Briefly describe how students are selected (e.g., weighted lottery, first come/first served, etc.). In the description, identify the criteria that are used, if any, in selecting students and indicate how each of those criteria is used in the process.
- If the same process and use of academic criteria applies to more than one of the magnet schools included in the project, in the “Magnet School(s)” identify all of the schools for which the student selection process applies.
- Use additional sheets or space, if necessary.
- Information on the student selection processes used by other magnet schools (i.e., magnet schools that are not included in the project) is not needed.

Magnet School(s):

Check the appropriate box:

- Academic examination is a criterion in the magnet school student selection process.
- Academic examination is not a criterion in the magnet school student selection process.

Describe the student selection process.

Magnet School(s):

Check the appropriate box:

- Academic examination is a criterion in the magnet school student selection process.
- Academic examination is not a criterion in the magnet school student selection process.

Describe the student selection process.

Table 6: Revised Magnet Schools

Instructions:

For each magnet school identified in Table #2 (Existing Magnet Schools Included in the Project):

- Briefly describe the nature of the change that is being made to the magnet school program at that school (for example, expansion of program from within school program serving 50 students to whole school program serving 400 students; adding medical sciences within school to complement other within school programs and serve greater total number of students; upgrade thematic curriculum to maintain program attractiveness; replace existing magnet program, etc); and
- Explain the significance of the revision to the magnet school. Relevant information might include, for example, discussion of diminishing effectiveness of the existing program; what would be accomplished or achieved as a result of the revision to the magnet program; the expected benefits or effects that would result from implementation of the revision; the need, if appropriate, to expand from a within school program to a whole program; etc.
- If all of the schools participating in the project are new magnet schools, indicate “No Revised Magnet Schools Participating in the Project” in the first “Nature of Revision or Change to the Magnet School” box.
- Use additional sheets, if necessary.

Magnet School:

Nature of Revision or Change to the Magnet School:

Explanation of How or Why the Revision is Significant: