

solicit applications. A notice inviting applications under this competition is published elsewhere in this issue of the **Federal Register**. The notice inviting applications specifies the deadline date by which applications for an award must be mailed or hand-delivered to the Department.

SUPPLEMENTARY INFORMATION:

General

The No Child Left Behind Act of 2001 is the most sweeping reform of Federal education policy in a generation. It is designed to implement the President's agenda to improve America's public schools by: (1) Ensuring accountability for results, (2) providing unprecedented flexibility in the use of Federal funds in implementing education programs, (3) focusing on proven educational methods, and (4) expanding educational choice for parents. Since the enactment of the original Elementary and Secondary Education Act in 1965, the Federal Government has spent more than \$130 billion to improve public schools. Unfortunately, this investment in education has not yet eliminated the achievement gap between well-off and lower-income students or between minority students and non-minority students.

In implementing the No Child Left Behind Act of 2001, the U.S. Department of Education has developed a strategic plan that will serve as the roadmap for all Departmental activities and investments. The plan specifically focuses on, among other areas, improving the performance of all high school students and holding schools accountable for raising the academic achievement level of all students. The Department will work with States to ensure that students attain the strong academic knowledge and skills necessary for future success in postsecondary education and adult life. The Department will encourage students to take more rigorous courses, especially in the areas of math and science. In addition, the Department of Education is committed to ensuring that our Nation's schools are safe environments conducive to learning.

One strategy that holds promise for improving the academic performance of our Nation's young people is the establishment of smaller learning communities as components of comprehensive high school improvement plans. The problems of large high schools and the related question of optimal school size have been debated for the last 40 years and is of growing interest today. Approximately 70 percent of American high schools enroll 1,000 or more students; nearly 50 percent of high

school students attend schools enrolling more than 1,500 students. Some students attend schools enrolling as many as 4,000 to 5,000 students.

While the research to date on school size is largely non-experimental, there is a growing body of evidence that suggests that smaller schools may have advantages over larger schools. Research suggests that the positive outcomes associated with smaller schools stem from the schools' ability to create close, personal environments in which teachers can work collaboratively, with each other and with a small set of students, to challenge students and support learning. A variety of structures and operational strategies are thought to provide important supports for smaller learning environments; some data suggest that these approaches offer substantial advantages to both teachers and students (Ziegler 1993; Carroll 1994).

The Smaller Learning Communities program is authorized under Title V, Part D, Subpart 4 of the Elementary and Secondary Education Act of 1965 (ESEA) (20 U.S.C. 7249), as amended by Pub. L. 107-110, the No Child Left Behind Act of 2001.

Structural changes for recasting large schools as a set of smaller learning communities are described in the Conference Report for the Consolidated Appropriations Act, 2000 (Pub. L. 106-113, H.R. Conference Report No. 106-479, at 1240 (1999)). Such methods include establishing small learning clusters, "houses," career academies, magnet programs, and schools-within-a-school. Structural changes are necessary but not sufficient to ensure that the reorganization will result in improved academic performance. It is also necessary to define a set of operational considerations that describe what learning looks like in the restructured smaller learning community. For example, strategies that complement a restructured large high school should include at a minimum a focus on a rigorous academic course of study. Other activities may include: freshman transition activities, advisory and adult advocate systems, academic teaming, multi-year groupings, "extra help" or accelerated learning options for students or groups of students entering below grade level, and other innovations designed to create a more personalized high school experience for students and, thus, improve student achievement.

Prospective applicants are encouraged to review the program Web site for non-regulatory guidance and information about current grantees, and to review a successful application that received fiscal year 2001 funding at: <http://www.ed.gov/offices/OVAE/HS/SLCP/>.

Discussion of Priority or Priorities

Note: This notice does *not* solicit applications. In any year in which we choose to use one or more of these priorities, we invite applications through a notice in the **Federal Register**. When inviting applications we designate each 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 priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the competitive 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)).

Waiver of Proposed Rulemaking

In accordance with the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed rules. Section 437(d)(1) of the General Education Provisions Act (GEPA), however, allows the Secretary to exempt from this requirement rules governing the first competition under a new or substantially revised program authority (20 U.S.C. 1232(d)(1)). This competition is the first Smaller Learning Communities competition under the program as reauthorized by Public Law 107-110, the No Child Left Behind Act of 2001 and, therefore, qualifies for this exemption. The Secretary, in accordance with section 437(d)(1) of GEPA, exercises his authority to waive public comment in order to ensure timely grant awards. These rules will apply to the FY 2002 grant competition only.

Absolute Priority

Under 34 CFR 75.105(c)(3) the Secretary gives an absolute priority to applications in which the following conditions are met: (1) The applicant will place students in smaller learning communities based on student/parent choice or through random assignment—