

### Assistance to Individuals With Disabilities

On request, we will supply an appropriate aid, such as a reader or print magnifier, to an individual with a disability who needs assistance to review the comments or other documents in the public record for this notice of proposed deadlines. If you want to schedule an appointment for this type of aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

### Proposed Deadlines and Affected Parties

We propose establishing two deadlines related to implementation of the USCO provisions: (1) The date by which each State must identify persistently dangerous public elementary and secondary schools; and (2) the date by which each State must allow students who attend a persistently dangerous school, and students who are victims of violent criminal offenses while at school or on the grounds of the school, to transfer to a safe school.

We propose that each State identify those schools that meet its definition of a persistently dangerous school by *July 1, 2003 and each July 1st thereafter*, and that each State allow students attending a persistently dangerous public elementary or secondary school to transfer to a safe school *by the start of the 2003–2004 school year and by the start of every school year thereafter*. We propose that, *by the start of the 2003–2004 school year*, each State must have in place its policy to allow students who are victims of violent criminal offenses while in or on the grounds of a school they attend to transfer to a safe public school. We recognize that the start of the school year will vary from local educational agency (LEA) to LEA. The opportunity to transfer provided by USCO must be offered to affected students by the start of the school year in their LEA. This policy would remain in place for future years. Changes, consistent with statutory requirements, may be made as needed by the State.

### Background

Title IX, section 9532 of the Elementary and Secondary Education Act as reauthorized by the No Child Left Behind Act 2001 establishes the USCO requirements. Accordingly, each State receiving ESEA funds must establish and implement a statewide USCO policy. This policy must provide to a student attending a persistently dangerous public elementary or secondary school the opportunity to transfer to a safe public elementary

school or secondary school (which may be a public charter school) within the LEA in which the student is currently enrolled. This policy must provide the same transfer opportunity to a student who becomes the victim of a violent criminal offense while in or on the grounds of that student's public elementary or secondary school.

Each State must establish a policy to address both USCO provisions after consultation with a representative sample of LEAs.

Section 9532 requires that, as a condition of receiving ESEA funds, each State certify to the Secretary that it is in compliance with the USCO requirements. Each State has already provided the required certification in its application for ESEA funding available on July 1, 2002. However, we recognized that not all States were able to meet all of the requirements of the USCO by that date. Thus, we permitted each State to "qualify" its respective certification, pending completion of the activities necessary to comply with the USCO provisions, and to report quarterly on its progress toward full compliance. We also issued draft non-regulatory guidance in July 2002 that outlined the implementation steps that would constitute full compliance with the USCO provisions.

We propose these deadlines to ensure that students who attend persistently dangerous schools or who are the victims of violent criminal offenses while in school or on school grounds are offered the opportunity to transfer to a safe public school as quickly as possible. Such transfers will help ensure the opportunity for students to learn in a safe environment.

We believe that the proposed deadlines appropriately balance the amount of time needed by each State to implement these provisions with the compelling interest of having students attend a safe school.

### Paperwork Reduction Act of 1995

Although the Department of Education is not collecting data, the statute does contain information collection requirements. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the Department of Education submitted a copy of the information collection to the Office of Management and Budget (OMB) for its review and approval.

We estimate annual recordkeeping burden for this collection of information to average 20 hours for each of 56 respondents, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and

completing and reviewing the collection of information. Thus, we estimate the total annual reporting and recordkeeping burden for this collection to be 1120 hours.

If you want to comment on the information collection requirements, please send your comments to the Office of Information and Regulatory Affairs, OMB, room 10235, New Executive Office Building, Washington, DC 20503; Attention: Desk Officer for U.S. Department of Education.

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**Program Authority:** 20 U.S.C. 7912.

Dated: April 4, 2003.

**Judge Eric Andell,**

*Deputy Under Secretary for Safe and Drug-Free Schools.*

[FR Doc. 03–8400 Filed 4–4–03; 8:45 am]

**BILLING CODE 4000–01–P**

### DEPARTMENT OF ENERGY

[Docket No. EA–101–B]

### Application To Export Electric Energy; Avista Corporation

**AGENCY:** Office of Fossil Energy, DOE.

**ACTION:** Notice of application.

**SUMMARY:** Avista Corporation (Avista) has applied to amend its authorization to export electric energy to Canada pursuant to section 202(e) of the Federal Power Act.

**DATES:** Comments, protests or requests to intervene must be submitted on or before May 7, 2003.

**ADDRESSES:** Comments, protests or requests to intervene should be