

civics and government, economics, arts, history, and geography), the needs of disadvantaged or other underrepresented students, and gifted and talented education. In order to meet the absolute priority, projects must: (1) build on successful interventions and strategies that show evidence that they have increased student achievement, (2) draw on expertise in research and program evaluation, disciplinary knowledge in the core subject areas, the needs of underrepresented groups, and gifted and talented education, (3) expand upon the intervention by carrying it out in multiple sites, and (4) propose a careful research and evaluation plan.

The Assistant Secretary establishes this first priority after having reviewed the relevant research base and the evaluations of previously funded projects, holding discussions with project directors, and consulting with experts in the field.

The Assistant Secretary's second absolute priority implements the "Special Rule" in § 5464(c) of the authorizing legislation that requires any funds available in a fiscal year that exceed the amount that was available in FY 2001 to be awarded to SEAs or LEAs, or both, to carry out such activities as: research and development on gifted and talented education and how it may be used to improve the education of all students, program evaluations and information collection activities, model projects and innovative strategies, technical assistance and information dissemination, distance learning opportunities, and professional development. Because the FY 2001 appropriation was \$7.5 million and the FY 2003 appropriation is \$11,176,875, \$3,676,875 will support Priority 2 activities. To ensure the most effective use of funds for the above-stated purposes, under this second priority the Assistant Secretary will fund collaborative projects submitted by SEAs and one or more LEAs to carry out a coordinated set of activities to build capacity to serve gifted and talented students. Under this priority, either the SEA or an LEA may submit the application on behalf of the other participants in the collaborative project and either may be the fiscal agent for the collaborative project.

Waiver of Proposed Rulemaking: It is the Secretary's practice, in accordance with the Administrative Procedure Act (5 U.S.C. 553), to offer interested parties the opportunity to comment on proposed rules that are not taken directly from statute. Ordinarily, this practice would have applied to the priorities in this notice. However,

section 437(d)(2) of the General Education Provisions Act (GEPA), exempts the Secretary from this rulemaking requirement where the Secretary has determined that going through rulemaking would cause extreme hardship to the intended beneficiaries of the program that would be affected by those rules or regulations. In accordance with section 437(d)(2) of GEPA, the Secretary has decided to forgo public comment with respect to the priorities in this notice in order to be able to make timely and high-quality awards. These priorities will apply only to the FY 2003 grant competition.

Absolute Priorities: Under 34 CFR 75.105(c)(3) and the Jacob K. Javits Gifted and Talented Students Education Act of 2001, the Assistant Secretary gives absolute priority to applications that meet one of the following priorities, meaning that only applications that meet one of these absolute priorities will be funded. Each application must address one of these two priorities. However, applicants cannot address both priorities in the same application. Applicants eligible to apply under both priorities must submit separate applications to address each of the priorities, and the applications will be reviewed separately.

Absolute Priority 1—Javits Demonstration Programs

Under this priority, applicants must propose to support projects to plan, implement, "scale up", and evaluate models designed to close the achievement gap and increase the number of students from underrepresented groups who are performing at high levels. Underrepresented groups include students who are economically disadvantaged, limited English proficient, or disabled.

To meet this priority each project must include all of the following:

(1) Evidence from one or more scientifically based research and evaluation studies indicating that the proposed intervention has raised the achievement of underrepresented groups to high levels of achievement in one or more core subject areas.

(2) Evidence that the applicant has significant expertise on its leadership team in research and program evaluation, knowledge in one or more core academic subject areas, experience working with underrepresented groups, and knowledge about gifted and talented education.

(3) A sound plan for implementing the model in multiple settings.

(4) A research and evaluation plan that will yield both formative and

summative information on the effectiveness of the model, including student achievement data.

Absolute Priority 2—Javits State Capacity-Building Grants

Under this priority, SEAs, in collaboration with one or more LEAs, must propose projects to improve services to gifted and talented students and develop the capacity of the State and the LEAs to serve these students more effectively. Either the SEA, or one of the participating LEAs, may submit the application on behalf of the other participants and serve as the fiscal agent for the collaborative project. Under this priority, applicants must propose to carry out one or more of the following activities:

(1) Conducting scientifically based research on methods and techniques for identifying and teaching gifted and talented students and for using gifted and talented programs and methods to serve all students; and conducting program evaluations, surveys, and the collection, analysis, and development of information needed to accomplish the proposed project.

(2) Conducting professional development (including fellowships) for personnel (including leadership personnel) involved in the education of gifted and talented students.

(3) Establishing and operating model projects and exemplary programs for serving gifted and talented students, including innovative methods for identifying and educating students who might not be served by traditional gifted and talented programs. (These model projects might include summer programs, mentoring programs, service-learning programs, and cooperative programs involving business, industry, and education.)

(4) Implementing innovative strategies, such as cooperative learning, peer tutoring, and service learning.

(5) Providing programs of technical assistance and information dissemination, including assistance and information with respect to how gifted and talented programs and methods, where appropriate, may be adapted for use by all students.

(6) Making materials and services available through State regional educational service centers, institutions of higher education, or other entities.

(7) Providing challenging, high-level course work, disseminated through technologies (including distance learning), for individual students or groups of students in schools and LEAs that would not otherwise have the resources to provide such course work.