

these requirements for competitions in Fiscal Year (FY) 2003 and later years.

DATES: We must receive your comments on or before August 11, 2003.

ADDRESSES: All comments concerning these proposed requirements should be addressed to: Elsa Chagolla, Office of Migrant Education, Office of Elementary and Secondary Education, 400 Maryland Avenue, Room 3E257, FOB-6, SW., Washington, DC 20202-6135. Telephone: (202) 260-2823. If you prefer to send your comments through the Internet, use the following address: elsa.chagolla@ed.gov.

If you want to comment on the information collection requirements, you must send your comments to the Office of Management and Budget at the address listed in the Paperwork Reduction Act section of this preamble. You may also send a copy of these comments to the Department representative named in this section.

FOR FURTHER INFORMATION CONTACT: Elsa Chagolla, Telephone: (202) 260-2823, or via Internet: elsa.chagolla@ed.gov.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) 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:

Invitation To Comment

We invite you to submit comments regarding these proposed requirements. During and after the comment period, you may inspect all public comments about these proposed requirements in room 3E257, 400 Maryland Avenue, Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Eastern time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record

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 rulemaking record for these proposed regulations. If you want to schedule an appointment for this type of aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Background

The Migrant Education Program (MEP), authorized in Title I, Part C of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001, is a State-operated and State-administered formula grant program. The MEP provides assistance to State educational agencies (SEAs) to support high-quality and comprehensive educational programs that provide migratory children appropriate educational and supportive services that address their special needs in a coordinated and efficient manner, and give migratory children the opportunity to meet the same challenging State academic content and student academic achievement standards that all children are expected to meet.

Section 1308(d) of the ESEA authorizes the Secretary to "reserve not more than \$3 million to award grants of not more than \$250,000 [each] on a competitive basis to SEAs that propose a consortium arrangement with another State or other appropriate entity that the Secretary determines, pursuant to criteria that the Secretary shall establish, will improve the delivery of services to migratory children whose education is interrupted."

Through this notice, the Department proposes the new requirements, criteria, and procedures to award consortium incentive grants in Fiscal Year (FY) 2003 and subsequent years. In brief, the Department proposes to change: (1) The way proposed consortia are evaluated by using application selection criteria; and (2) the funding formula under which the incentive grants are awarded to SEAs that participate in consortia whose applications are ranked as being of sufficiently high quality. The Department proposes these changes for two reasons. First, it will promote implementation of consortia that will achieve meaningful results. Second, since section 1308(d) now permits the Department to award consortium incentive grants without SEAs having to demonstrate resulting MEP administrative or program function cost savings, the Department will be able to implement a grant selection process that focuses much more on the quality of proposed consortium arrangements.

Proposed Definition for Eligibility for Consortium Incentive Grants

Section 1308(d) permits an SEA to enter into a consortium arrangement with another State or other appropriate entity. The Department proposes that the term "other appropriate entity"

would mean any public or private agency or organization. However, under section 1308(d), only SEAs are eligible applicants to receive consortium incentive grants.

Proposed Application Requirements

An application for an incentive grant would be submitted by an SEA that will act as the "lead SEA" for the proposed consortium. This application would include—

1. The identity of the lead SEA for the consortium arrangement and of each other SEA or entity participating in the consortium arrangement;
2. The goals and measurable outcomes of the consortium arrangement, and the activities that each participating SEA or entity in the consortium will conduct during each project year to improve the delivery of services to migratory children whose education is interrupted;
3. A concise and cogent explanation of the need for and value of the proposed consortium arrangement to each participating SEA;
4. A description of the process each participating SEA will use for evaluating its progress in achieving the measurable outcomes of the consortium arrangement; and
5. A signed statement from the Chief State School Officer (or his/her authorized representative) of each SEA that is participating in the proposed consortium arrangement of his/her SEA's commitment to implement its activities as described in the application.

Proposed Absolute Priorities

Section 75.105(c)(3) of the Education Department General Administrative Regulations (EDGAR) authorizes the Department to establish absolute preferences under which all of a program's funding is reserved for applicants that meet this priority. For competitions in FY 2003 and later years, the Department proposes the following seven absolute priorities that promote key national objectives of the MEP. In order for SEAs to be considered for incentive grants, a proposed consortium arrangement would need to address one or more of the following absolute priorities:

1. Services designed to improve the proper and timely identification and recruitment of eligible migratory children whose education is interrupted;
2. Services designed (based on review of scientifically based research) to improve the school readiness of pre-school age migratory children whose education is interrupted;