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Assistant Secretary for Elementary and Secondary Education.

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**Public Charter Schools Program;
Notice Inviting Applications for New
Awards for Fiscal Year (FY) 1996**

Purpose of Program

A major purpose of the Public Charter Schools grant program is to increase understanding of the charter schools model by providing financial assistance for the design and initial implementation of charter schools.

Who May Apply

(a) State educational agencies (SEAs) in States with laws authorizing the establishment of charter schools. The Secretary awards grants to SEAs to enable them to conduct charter schools programs in their States. SEAs use their Public Charter Schools funds to award subgrants to "eligible applicants," as defined in this notice, for planning, program design, and initial implementation of a charter school.

(b) Under certain circumstances, an authorized public chartering agency participating in a partnership with a charter school developer. Such a partnership is eligible to receive funding directly from the U.S. Department of Education if—

(1) Its SEA elects not to participate in this competition; or

(2) Its SEA does not have an application approved under this program.

If an SEA's application is approved in this competition, applications received from non-SEA eligible applicants in that State will be returned to the applicants. In such a case, the eligible applicant should contact the SEA for information related to its subgrant competition.

Note: The following States currently have approved applications under this program: Arizona, California, Colorado, Georgia, Louisiana, Massachusetts, Michigan, Minnesota, Oregon, and Texas. In these States, only the SEA is eligible to receive an award under this competition. Eligible applicants in these States should contact their respective SEAs for information about participation in the State's charter school program.

Deadline for Transmittal of Applications: August 16, 1996.

Deadline for Intergovernmental Review: October 15, 1996.

Applications Available: July 2, 1996.

Available Funds: \$11,500,000.

Estimated Range of Awards: State educational agencies: \$250,000–\$1,000,000 per year; other eligible applicants: \$25,000–\$200,000 per year.

Estimated Average Size of Awards: State educational agencies: \$750,000 per year; other eligible applicants: \$50,000 per year.

Estimated Number of Awards: State educational agencies: 10–20; other eligible applicants: 3–20.

Note: These estimates are projections for the guidance of potential applicants. The Department is not bound by any estimates in this notice.

Project Period

State educational agencies: Up to 36 months. Eligible applicants: Grants awarded by the Secretary directly to eligible applicants or subgrants awarded by SEAs to eligible applicants will be awarded for a period of up to 36 months, of which the eligible applicant may use—

(a) Not more than 18 months for planning and program design; and

(b) Not more than two years for the initial implementation of a charter school.

Applicable Regulations

The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 75 (except 75.210), 77, 79, 80, 81, 82, 85, and 86.

Priority

Under 34 CFR 75.105(c)(1) the Secretary is particularly interested in applications that meet the following invitational priority. However, an application that meets this invitational priority does not receive absolute or competitive preference over other applications:

Invitational Priority—Empowerment Zones and Enterprise Communities

Projects that address linkages between charter school initiatives and comprehensive educational improvement strategies undertaken in Empowerment Zones and Enterprise Communities designated by the Departments of Agriculture or Housing and Urban Development.

Supplementary Information

As part of wider education reform efforts to strengthen teaching and learning, charter schools can be an innovative approach to improving public education and expanding public school choice. While there is no one model, public charter schools are freed from most statutory and regulatory requirements in exchange for better

student academic achievement. They replace rules-based governance with performance-based accountability, thereby stimulating the creativity and commitment of teachers, parents, students, and citizens.

The following definitions, required contents of applications, selection criteria, diversity of projects requirements, waivers, and allowable activities are taken directly from the public charter schools statute, in title X, part C, of the Elementary and Secondary Education Act. They are being repeated in this application notice for the convenience of the applicant.

Definitions

The following definitions apply to this program:

(a) *Charter school* means a public school that—

(1) In accordance with an enabling State statute, is exempted from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this definition;

(2) Is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;

(3) Operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;

(4) Provides a program of elementary or secondary education, or both;

(5) Is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

(6) Does not charge tuition;

(7) Complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals With Disabilities Education Act;

(8) Admits students on the basis of a lottery, if more students apply for admission than can be accommodated;

(9) Agrees to comply with the same Federal and State audit requirements as do other elementary and secondary schools in the State, unless the requirements are specifically waived for the purposes of this program;

(10) Meets all applicable Federal, State, and local health and safety requirements; and

(11) Operates in accordance with State law.

(b) *Developer* means an individual or group of individuals (including a public

or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

(c) *Eligible applicant* means an authorized public chartering agency participating in a partnership with a developer to establish a charter school in accordance with this program.

(d) *Authorized public chartering agency* means a State educational agency, local educational agency, or other public entity that has the authority under State law and is approved by the Secretary to authorize or approve a charter school.

Contents of a State Educational Agency Application

Each SEA application must—

(a) Describe the objectives of the SEA's charter school grant program and how those objectives will be fulfilled, including steps taken by the SEA to inform teachers, parents, and communities of the SEA's charter school grant program;

(b) Contain assurances that the SEA will require each eligible applicant desiring to receive a subgrant to submit an application to the SEA containing—

(1) A description of the educational program to be implemented by the proposed charter school, including—

(i) How the program will enable all students to meet challenging State student performance standards;

(ii) The grade levels or ages of children to be served; and

(iii) The curriculum and instructional practices to be used;

(2) A description of how the charter school will be managed;

(3) A description of—

(i) The objectives of the charter school; and

(ii) The methods by which the charter school will determine its progress toward achieving those objectives;

(4) A description of the administrative relationship between the charter school and the authorized public chartering agency;

(5) A description of how parents and other members of the community will be involved in the design and implementation of the charter school;

(6) A description of how the authorized public chartering agency will provide for continued operation of the school once the Federal grant has expired, if the agency determines that the school has met the objectives described in paragraph (b)(3)(i);

(7) A request and justification for waivers of any Federal, statutory, or regulatory provisions that the applicant

believes are necessary for the successful operation of the charter school and a description of any State or local rules, generally applicable to public schools, that will be waived for, or otherwise not apply to, the school;

(8) A description of how the subgrant funds will be used, including a description of how these funds will be used in conjunction with other Federal programs administered by the Secretary;

(9) A description of how students in the community will be

(i) Informed about the charter school; and

(ii) Given an equal opportunity to attend the charter school;

(10) An assurance that the eligible applicant will annually provide the Secretary and the SEA any information that may be required to determine if the charter school is making satisfactory progress toward achieving the objectives described in paragraph (b)(3)(i);

(11) An assurance that the applicant will cooperate with the Secretary and the SEA in evaluating the charter school assisted under this program;

(12) Other information and assurances that the Secretary and the SEA may require; and

(13) As required by section 427 of the General Education Provisions Act (GEPA), a description of proposed steps to ensure equitable access to, and participation in, its federally assisted program. The statute, which allows applicants discretion in developing the required description, highlights six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, or age. Applicants may use local circumstances to determine the extent to which these or other barriers prevent equitable participation by students, teachers, parents, or other community members. The description need not be lengthy, but it should include a clear and succinct description of how the applicant plans to address those barriers that are applicable to its circumstances;

(c) Contain additional assurances that the SEA will—

(1) Assist charter schools representing a variety of educational approaches, such as approaches to reduce school size;

(2) Use the grant funds to award subgrants to one or more eligible applicants in the State to enable the applicant to plan and implement a charter school in accordance with this program;

(3) Use a peer review process to review applications for subgrants; and

(4) Reserve not more than 5 percent of grant funds for administrative expenses associated with this program; and

(d) If an SEA elects to reserve part of the grant funds for the establishment of a revolving loan fund as allowed under this program, describe how the revolving loan fund would operate.

Contents of a Non-SEA Application

Each application from an eligible applicant that is not an SEA, whether submitted directly to the Secretary or to an SEA, must contain—

(a) The information and assurances described in paragraphs (b)(1) through (b)(13) under the section "Contents of a State Educational Agency Application," except that paragraphs (b)(10), (b)(11), and (b)(12) must be applied by striking "and the SEA" where this phrase appears; and

(b) Assurances that the SEA—

(1) Will grant, or will obtain, waivers of State statutory or regulatory requirements; and

(2) Will assist each eligible applicant in the State in receiving applicable waivers.

Selection Criteria for SEAs

The maximum possible score for all of the criteria in this section is 100 points. The maximum possible score for each criterion is indicated in parentheses following each criterion. In evaluating an application from an SEA the Secretary considers the following criteria:

(a) The contribution that the charter schools grant program will make in assisting educationally disadvantaged and other students to achieve State content standards, State student performance standards, and, in general, a State's education improvement plan (20 points).

(b) The degree of flexibility afforded by the SEA to charter schools under the State's charter schools law (20 points).

(c) The ambitiousness of the objectives for the State charter schools grant program (20 points).

(d) The quality of the strategy for assessing achievement of those objectives (20 points).

(e) The likelihood that the charter schools grant program will meet those objectives and improve educational results for students (20 points).

Selection Criteria for Non-SEA Eligible Applicants

The maximum possible score for all of the criteria in this section is 120 points. The maximum possible score for each criterion is indicated in parentheses following each criterion. In evaluating an application from an eligible

applicant other than an SEA the Secretary considers the following criteria:

- (a) The quality of the proposed curriculum and instructional practices (20 points).
- (b) The degree of flexibility afforded by the SEA and, if applicable, the local educational agency to the charter school (20 points).
- (c) The extent of community support for the application (20 points).
- (d) The ambitiousness of the objectives for the charter school (20 points).
- (e) The quality of the strategy for assessing achievement of those objectives (20 points).
- (f) The likelihood that the charter school will meet those objectives and improve educational results for students (20 points).

Diversity of Projects

The Secretary and SEAs will, to the extent possible, ensure that grants—

- (a) Are distributed throughout different areas of the Nation and each State, including urban and rural areas; and
- (b) Will assist charter schools representing a variety of educational approaches, such as approaches designed to reduce school size.

Waivers

The Secretary may waive any statutory or regulatory requirement over which the Secretary exercises administrative authority except any requirement relating to the elements of a charter school, as defined in the "Definitions" section of this notice, if—

- (a) The waiver is requested in an approved application under this program; and
- (b) The Secretary determines that granting such a waiver will promote the purposes of this program.

The Secretary may not waive the requirements of the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals With Disabilities Education Act. In addition, a charter school may not obtain waivers of requirements of the Americans with Disabilities Act of 1990. The Secretary strongly urges applicants to provide the public with notice of and an opportunity to comment on waiver requests.

Allowable Activities

An eligible applicant receiving a grant or subgrant under this program may use the grant or subgrant funds for only—

(a) Post-award planning and design of the educational program, which may include—

- (1) Refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and
- (2) Professional development of teachers and other staff who will work in the charter school; and
- (b) Initial implementation of the charter school, which may include—
 - (1) Informing the community about the school;
 - (2) Acquiring necessary equipment and educational materials and supplies;
 - (3) Acquiring or developing curriculum materials; and
 - (4) Other initial operating costs that cannot be met from State or local sources.

For Applications or Information Contact: John Fiegel, U.S. Department of Education, 600 Independence Avenue, S.W., Room 4512, Portals Building, Washington, D.C. 20202-6140. Telephone (202) 260-2671. Internet address: John.Fiegel@ED.Gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Information about the Department's funding opportunities, including copies of application notices for discretionary grant competitions, can be viewed on the Department's electronic bulletin board (ED Board), telephone (202) 260-9950; on the Internet Gopher Server at GOPHER.ED.GOV (under Announcements, Bulletins, and Press Releases); or on the World Wide Web (at <http://www.ed.gov/money.html>). However, the official application notice for a discretionary grant competition is the notice published in the Federal Register.

Program Authority: 20 U.S.C. 8061-8067.

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Gerald N. Tirozzi,

Assistant Secretary, Elementary and Secondary Education.

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DEPARTMENT OF ENERGY

Disposition of Surplus Highly Enriched Uranium Final Environmental Impact Statement

AGENCY: Department of Energy.

ACTION: Notice of availability.

SUMMARY: The Department of Energy (DOE) announces the availability of the

Disposition of Surplus Highly Enriched Uranium Final Environmental Impact Statement (HEU Final EIS). In accordance with the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality Regulations (40 CFR Parts 1500-1508), and the Department's NEPA Implementing Procedures (10 CFR Part 1021), the Department has prepared the HEU Final EIS to evaluate alternatives for the disposition of United States-origin, weapons-usable, highly enriched uranium (HEU) that has been, or may be, declared surplus to national defense needs by the President.

DATES: A Record of Decision in the HEU disposition program will be issued no earlier than July 29, 1996. The Department will consider, as appropriate, in the Record of Decision, any comments received by July 29, 1996 on the Cost Comparison for Highly Enriched Uranium Disposition Alternatives (available separately and summarized in the Supplementary Information, below) or the Floodplain Proposed Statement of Findings (included in section 4.13 of the HEU Final EIS and also summarized below).

ADDRESSES: Requests for copies of the HEU Final EIS or the Cost Comparison for Highly Enriched Uranium Disposition Alternatives, requests for information, and comments on the Proposed Floodplain Statement of Findings (section 4.13 of the HEU Final EIS) should be directed to: Office of Fissile Materials Disposition (MD-4), Attention: HEU EIS, U.S. Department of Energy, 1000 Independence Ave., SW, Washington, DC 20585, phone (202) 586-4513, fax (202) 586-4078.

FOR FURTHER INFORMATION CONTACT: For information on the DOE National Environmental Policy Act process, contact: Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance (EH-42), U.S. Department of Energy, 1000 Independence Ave., SW, Washington, DC 20585, (202) 586-4600 or leave a message at 1-800-472-2756.

Availability of the HEU Final EIS: Copies of the HEU Final EIS have been distributed to Federal, State, Indian tribal, and local officials, agencies, and interested organizations and individuals. The full text of the 72-page Summary of the HEU Final EIS is available, along with numerous other Fissile Materials Disposition program documents, on the program's Electronic Bulletin Board/World Wide Web Page (<http://web.fie.com/htdoc/fed/doe/fsl/pub/menu/any/>). Copies of the HEU Final EIS and supporting technical reports are also available for public