

7100 Old Landover Road, Landover, MD 20785-1506.

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark,

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service,

(3) A dated shipping label, invoice, or receipt from a commercial carrier, or

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark, or

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

**Note:** The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

#### c. *Submission of Paper Applications by Hand Delivery.*

If you submit your application in paper format by hand delivery, you (or a courier service) must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.184E), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202-4260.

The Application Control Center accepts hand deliveries daily between 8 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

**Note for Mail or Hand Delivery of Paper Applications:** If you mail or hand deliver your application to the Department:

(1) You must indicate on the envelope and—if not provided by the Department—in Item 4 of the ED 424 the CFDA number—and suffix letter, if any—of the competition under which you are submitting your application.

(2) The Application Control Center will mail a grant application receipt acknowledgment to you. If you do not receive the grant application receipt acknowledgment within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245-6288.

### V. Application Review Information

**Selection Criteria:** The selection criteria for this competition are in the application package.

### VI. Award Administration Information

1. **Award Notices:** If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may also notify you informally.

If your application is not evaluated or not selected for funding, we notify you.

2. **Administrative and National Policy Requirements:** We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. **Reporting:** At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. You must also submit a progress report nine months after the award date. This report should provide the most current performance and financial expenditure information, including baseline data.

4. **Performance Measures:** The Secretary has established the following performance measures for assessing the effectiveness of the Emergency Response and Crisis Management Grant Program:

- Demonstration of increased number of hazards addressed by the improved school emergency response plan as compared to the baseline plan;
- Demonstration of improved response time and quality of response to practice drills and simulated crises; and
- A plan for and commitment to the sustainability and continuous improvement of the school emergency response plan by the district and community partners beyond the period of Federal financial assistance.

These three measures constitute the Department's indicators of success for this program. Consequently, applicants for a grant under this program are advised to give careful consideration to these three measures in conceptualizing the approach and evaluation of their proposed project. If funded, applicants will be asked to collect and report data in their performance and final reports about progress toward these measures.

### VII. Agency Contact

**FOR FURTHER INFORMATION CONTACT:** Sara Strizzi, U.S. Department of Education, 400 Maryland Ave., SW., Room 3E320, Washington, DC 20202-6450. Telephone: (202) 708-4850 or by email: [sara.strizzi@ed.gov](mailto:sara.strizzi@ed.gov).

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) 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 program contact person listed in this section.

### VIII. Other Information

**Electronic Access to This Document:** You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: <http://www.ed.gov/news/fedregister>.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

**Note:** The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: <http://www.gpoaccess.gov/nara/index.html>.

Dated: June 16, 2005.

**Deborah A. Price,**

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

[FR Doc. 05-12224 Filed 6-20-05; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF EDUCATION

### Safe and Drug-Free Schools Programs, Final Priority and Other Application Requirements

**AGENCY:** Office of Safe and Drug-Free Schools, Department of Education.

**ACTION:** Notice of final priority and other application requirements.

**SUMMARY:** The Assistant Deputy Secretary for Safe and Drug-Free Schools announces a priority and other application requirements under the Emergency Response and Crisis Management Grants program. We may use this priority and these application requirements for competitions in fiscal

year (FY) 2005 and later years. We take this action to focus Federal financial assistance on an identified national need. We intend the priority to support grants to local educational agencies (LEAs) to improve and strengthen emergency response and crisis management plans.

**EFFECTIVE DATE:** The priority and other application requirements are effective July 21, 2005.

**FOR FURTHER INFORMATION CONTACT:** Sara Strizzi, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3E320, Washington, DC 20202. Telephone: (202) 708-4850 or via Internet: [sara.strizzi@ed.gov](mailto:sara.strizzi@ed.gov).

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1-800-877-8339.

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**SUPPLEMENTARY INFORMATION:** The events of September 11, 2001, made schools and communities aware that, in addition to planning for traditional crises and emergencies, schools must now plan to respond to possible terrorist attacks on campus or in the community. The purpose of this program is to support LEA projects to improve and strengthen emergency response and crisis management plans, at the district and school-building level, addressing the four phases of crisis planning: Prevention/Mitigation, Preparedness, Response, and Recovery. Plans must include: (1) training for school personnel and students in emergency response procedures; (2) coordination with local law enforcement, public safety, public health, and mental health agencies; and (3) a method for communicating school emergency response policies and reunification procedures to parents and guardians.

We published a notice of proposed priority and other application requirements for this program in the **Federal Register** on April 14, 2005 (70 FR 19736).

### Analysis of Comments and Changes

In response to our invitation in the notice of proposed priority and other application requirements, three parties submitted comments on the proposed priority and application requirements. An analysis of the comments and of any changes in the priority and other application requirements since publication of the notice of proposed

priority and other application requirements follows.

Generally, we do not address technical and other minor changes and suggested changes the law does not authorize us to make under the applicable statutory authority.

*Comment:* One commenter requested clarification regarding the implementation date of September 30, 2005 for requirements under the National Incident Management System (NIMS). The commenter noted that the proposed July 29, 2005 application due date does not allow adequate time to complete implementation of the NIMS requirements by September 30, 2005.

*Discussion:* The Department of Homeland Security (DHS) has established minimum NIMS compliance activities and deadlines for the State, territorial, and local levels for FY 2005, which ends on September 30, 2005. The activities and deadlines listed in the notice of proposed priority and other application requirements reflected these requirements. However, as FY 2005 is a start-up year for NIMS implementation, full compliance with the NIMS is not a requirement to receive FY 2005 grant funds. LEAs that have not completed all FY 2005 NIMS requirements by September 30, 2005 should leverage preparedness assistance to complete NIMS implementation by September 30, 2006.

*Change:* We have revised the priority to clarify NIMS implementation deadlines. The priority now allows for LEAs that have not completed all FY 2005 NIMS requirements by September 30, 2005 to complete implementation of the requirements during FY 2006.

*Comment:* One commenter suggested substituting "local public health agencies" for "local health agencies" in the priority and application requirements.

*Discussion:* We agree that the priority and other application requirements would be clearer with the change recommended by the commenter. The term "public health" is used consistently at the Federal, State, and local levels to describe an agency or entity that performs essential functions including public health programs, activities, or services. Public health agencies are directly responsible for critical aspects related to emergency planning and response. According to DHS, public health agencies are the primary entities responsible for conducting one or more of the following functions or activities: monitoring health status to identify community health problems; diagnosing and investigating health problems and health hazards in the community;

informing, educating and empowering people about health issues; mobilizing community partnerships to identify and solve health problems; developing policies and plans that support individual and community health efforts; enforcing laws and regulations that protect health and ensure safety; evaluating the effectiveness, accessibility, and quality of personal and population-based health services; and researching for new insights and innovative solutions to health problems. The term "public health agencies" more accurately reflects the role of the health care system in emergency planning and response.

*Change:* We have substituted "local public health agencies" for "local health agencies" in the priority and application requirements.

*Comment:* One commenter suggested that the priority allow for funding State educational agencies (SEAs) in order to encourage standardization and involvement at the State level as well as the local level.

*Discussion:* Generally, we believe that LEAs are better positioned to support the development of emergency response and crisis management plans that are specific to individual school sites—the primary focus of this grant program. LEAs must identify local first responders and mental health professionals to help schools respond to crises and to support students and their families and staff in the recovery process. LEAs also work with schools directly in developing plans that address unique local threats and conditions. While some issues associated with response and recovery lend themselves to a degree of standardization (for example selection of communication equipment and communication protocols), even standardized processes or plans must be modified to address unique local needs and issues. We believe that SEAs have a very significant and valuable role to play in the development of Statewide or regional protocols, practices, and templates related to crisis prevention, response and recovery, but that those plans must be adapted and practiced at the LEA and school building level if they are to provide school personnel and other first responders with the skills and confidence they need to effectively manage a crisis situation. We encourage SEAs to work in collaboration with individual districts and to provide guidance as needed.

*Change:* None.

**Note:** This notice does *not* solicit applications. In any year in which we choose to use this priority and other application

requirements, we invite applications through a notice in the **Federal Register**. When inviting applications we designate the 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)).

## Priority

### *Improvement and Strengthening of School Emergency Response and Crisis Management Plans*

The priority supports local educational agency (LEA) projects to improve and strengthen emergency response and crisis management plans, at the district and school-building level addressing the four phases of crisis planning: Prevention/Mitigation, Preparedness, Response, and Recovery. Plans must include: (1) Training for school personnel and students in emergency response procedures; (2) coordination with local law enforcement, public safety, public health, and mental health agencies; and (3) a method for communicating school emergency response policies and reunification procedures to parents and guardians.

## Other Application Requirements

1. **Partner Agreements.** To be considered for a grant award, an applicant must include in its application an agreement that details the participation of each of the following five community-based partners: Law enforcement, public safety, public health, mental health, and the head of the applicant's local government (for example the mayor, city manager, or county executive). The agreement must include a description of each partner's roles and responsibilities in improving and strengthening emergency response plans at the district and school-building level, a description of each partner's commitment to the continuation and continuous improvement of emergency response

plans at the district and school-building level, and an authorized signature representing the LEA and each partner acknowledging the agreement. If one or more of the five partners listed is not present in the applicant's community, or cannot feasibly participate, the agreement must explain the absence of each missing partner. To be considered eligible for funding, however, an application must include a signed agreement between the LEA, a law enforcement partner, and at least one of the other required partners (public safety, public health, mental health, or head of local government).

Applications that fail to include the required agreement, including information on partners' roles and responsibilities and on their commitment to continuation and continuous improvement (with signatures and explanations for missing signatures as specified above), will not be read.

Although this program requires partnerships with other parties, administrative direction and fiscal control for the project must remain with the LEA.

2. **Coordination with State or Local Homeland Security Plan.** All emergency response and crisis management plans must be coordinated with the Homeland Security Plan of the State or locality in which the LEA is located. All States submitted such a plan to the Department of Homeland Security on January 30, 2004. To ensure that emergency services are coordinated, and to avoid duplication of effort within States and localities, applicants must include in their applications an assurance that the LEA will coordinate with, and follow, the requirements of their State or local Homeland Security Plan for emergency services and initiatives.

3. **Support of the National Incident Management System.** Applicants also must agree to support the implementation of the National Incident Management System (NIMS). In accordance with Homeland Security Presidential Directive/HSPD-5, the NIMS provides a consistent approach for Federal, State, and local governments to work effectively and efficiently together to prepare for, prevent, respond to, and recover from domestic incidents, regardless of cause, size, or complexity.

LEAs, working in collaboration with State and local resources, are encouraged to achieve full NIMS implementation by September 30, 2005. To the extent that full compliance is not possible by September 30, 2005, LEAs, working in coordination with State and

local resources, should leverage federal preparedness assistance to complete NIMS implementation by September 30, 2006. To be considered eligible for funding, an application must include an assurance that the LEA has completed, or will complete by September 30, 2006, the following steps to support NIMS implementation:

- Administer the NIMS Awareness Course: "National Incident Management System (NIMS), An Introduction" (IS 700) to key district and school staff. This independent study course, developed by the Emergency Management Institute (EMI), explains the purpose, principles, key components, and benefits of the NIMS. The course is available online and will take between forty-five minutes to three hours to complete. The course is available on the EMI Web site at: <http://training.fema.gov/EMIWeb/IS/is700.asp>

- Formally recognize the NIMS and adopt NIMS principles and policies. Districts and/or their local government should establish an executive order, resolution, or ordinance to formally adopt the NIMS.

- Establish a NIMS baseline to determine which NIMS requirements have been met by the LEA. Districts should coordinate with their community partners to assess the district's overall compliance with the NIMS, and determine gaps in compliance that need to be closed in order to reach full implementation of the NIMS.

- Establish a timeframe and strategy for full NIMS implementation.

- Establish the use of the Incident Command System (ICS). The ICS has been established by the NIMS as the standardized incident organizational structure for the management of all incidents. Districts should coordinate with community partners listed above in institutionalizing the use of the ICS in a manner that is consistent with the concepts and principles in the NIMS.

**Note:** Since LEAs are integral to local governments, an LEA's NIMS compliance must be achieved in close coordination with the local government and with recognition of the first responder capabilities held by the LEA and the local government. As LEAs are not traditional response organizations, first responder services will typically be provided to LEAs by local fire and rescue departments, emergency medical service providers, and law enforcement agencies. This traditional relationship must be acknowledged in achieving NIMS compliance in an integrated NIMS compliance plan for the local government and the LEA. LEA participation in the NIMS preparedness program of the local government is essential to ensure that first responder services are delivered to

schools in a timely and effective manner. Additional information about NIMS implementation is available at <http://www.fema.gov/nims>.

4. *Individuals with Disabilities.* The applicant's plan must demonstrate that the applicant has taken into consideration the communication, transportation, and medical needs of individuals with disabilities within the school district.

#### *Executive Order 12866*

This notice of final priority and other application requirements has been reviewed in accordance with Executive Order 12866. Under the terms of the order, we have assessed the potential costs and benefits of this regulatory action.

The potential costs associated with the notice of final priority are those resulting from statutory requirements and those we have determined as necessary for administering this program effectively and efficiently.

In assessing the potential costs and benefits—both quantitative and qualitative—of this notice of final priority and other application requirements, we have determined that the benefits of the final priority and other application requirements justify the costs.

We have also determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

We summarized the costs and benefits in the notice of proposed priority and other application requirements.

#### *Intergovernmental Review*

This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

*Electronic Access to This Document:* You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: <http://www.ed.gov/news/fedregister>.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government

Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

You may also view this document in text or PDF at the following sites: <http://www.ed.gov/emergencyplan>, <http://www.ed.gov/programs/dvpemergencyresponse/index.html>.

**Note:** The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: <http://www.gpoaccess.gov/nara/index.html>.

(Catalog of Federal Domestic Assistance Number 84.184.E-Emergency Response and Crisis Management Grant program.)

**Program Authority:** 20 U.S.C. 7131.

Dated: June 16, 2005.

**Deborah A. Price,**

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

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**BILLING CODE 4000-01-P**

## DEPARTMENT OF EDUCATION

### Notice of Final Extension of Project Period and Waiver for the Spinal Cord Injury Model Systems Centers

**AGENCY:** National Institute on Disability and Rehabilitation Research (NIDRR), Office of Special Education and Rehabilitative Services, Department of Education.

**ACTION:** Notice of final extension of project period and waiver for the Spinal Cord Injury Model Systems Centers (SCIMS).

**SUMMARY:** The Secretary waives the requirements in Education Department General Administrative Regulations (EDGAR), in 34 CFR 75.250 and 75.261(c)(2), respectively, that generally prohibit project periods exceeding five years and project period extensions involving the obligation of additional Federal funds. This extension of project period and waiver enables the current SCIMS (a total of 16), which provide assistance to establish innovative projects for the delivery, demonstration, and evaluation of comprehensive medical, vocational, and other rehabilitation services to meet the wide range of needs of individuals with Spinal Cord Injury (SCI), to receive an additional 12-month Federal funding period ranging from September 1, 2005, until December 1, 2006, a period exceeding the original project period of five years.

**DATES:** *Effective Date:* This priority is effective June 21, 2005.

#### **FOR FURTHER INFORMATION CONTACT:**

Donna Nangle, U.S. Department of Education, 400 Maryland Avenue, SW., room 6030, Potomac Center Plaza, Washington, DC 20202. Telephone: (202) 245-7462 or by e-mail: [donna.nangle@ed.gov](mailto:donna.nangle@ed.gov)

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotope, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

**SUPPLEMENTARY INFORMATION:** On April 25, 2005, we published a notice in the **Federal Register** (70 FR 21188) proposing an extension of project period and waiver in order to—

(1) Enable the Secretary to provide additional funds to the currently funded centers for an additional 12-month period ranging from September 1, 2005, until December 1, 2006; and

(2) Request comments on the proposed extension and waiver.

There are no substantive differences between the notice of proposed extension of project period and waiver and this notice of final extension of project period and waiver.

#### **Public Comment**

In the notice of proposed extension of project period and waiver, we invited comments. One party submitted a comment agreeing with the proposal to extend the grant period of the current grantees. We did not receive any comments opposing the proposed extension of project period and waiver. Generally, we do not address technical and other minor changes, as well as suggested changes the law does not authorize us to make.

#### **Waiver of Delayed Effective Date**

The Administrative Procedure Act requires that a substantive rule shall be published at least 30 days before its effective date, except as otherwise provided for good cause (5 U.S.C. 553(d)(3)). During the 30-day public comment period on the notice of proposed extension of project period and waiver, one party submitted a comment in support of the proposed extension and waiver. There were no objections received on the proposed extension and waiver, and therefore, no substantive changes have been made. In addition, given the fact that the additional period of funding is only for a 12-month period, and in order to make