

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.
- (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 qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You 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 84.299B), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202-4260. The Application Control Center accepts hand deliveries daily between 8:00 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 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification 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 from 34 CFR 263.6 and are listed 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. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to <http://www.ed.gov/fund/grant/apply/appforms/appforms.html>.

4. *Performance Measures:* The Secretary has established the following key performance measures for assessing the effectiveness of the Professional Development program: (1) The percentage of participants in administrator preparation projects who become principals, vice principals or other school administrators in LEAs that enroll five percent or more American Indian and Alaska Native students; (2) The percentage of participants in teacher preparation projects who become teachers in LEAs that enroll five percent or more American Indian and Alaska Native students; (3) The percentage of program participants who meet the definition of “Highly Qualified” in section 9101(23) of the ESEA; (4) The percentage of program participants who complete their service requirement on schedule; (5) The cost per individual who successfully completes an administrator preparation program, takes a position in a school district with at least five percent American Indian/Alaska Native enrollment, and completes the service requirement in such a district; and (6) The cost per individual who successfully completes a teacher preparation program, takes a position in such a school district with at least five percent American Indian/Alaska Native enrollment, and completes the service requirement in such a district.

We encourage applicants to demonstrate a strong capacity to provide

reliable data on these measures in their responses to the selection criteria “Quality of project services” and “Quality of the project evaluation.”

All grantees will be expected to submit, as part of their performance report, information with respect to these performance measures.

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT:

Lana Shaughnessy, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3E231, Washington, DC 20202-6335. Telephone: (202) 205-2528 or by e-mail: Indian.education@ed.gov.

If you use a TDD, call the FRS, toll free, at 1-800-877-8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or computer diskette) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

Electronic Access to This Document: You can 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: January 15, 2009.

Kerri L. Briggs,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. E9-1263 Filed 1-22-09; 8:45 am]

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DEPARTMENT OF EDUCATION

Native Hawaiian Career and Technical Education Program (NHCTEP) Catalog of Federal Domestic Assistance (CFDA) Number: 84.259A

AGENCY: Office of Vocational and Adult Education, Department of Education.

ACTION: Notice of proposed requirements, definitions, and selection criteria.

SUMMARY: The Assistant Secretary for Vocational and Adult Education proposes requirements, definitions, and selection criteria under the Native Hawaiian Career and Technical Education Program. The Assistant Secretary may use these requirements, definitions, and selection criteria in competitions in fiscal year (FY) 2009 and later years. The requirements, definitions, and selection criteria proposed in this notice are very similar to those we used in the first competition we held (in FY 2007) for this program following the enactment in August 2006 of the Carl D. Perkins Career and Technical Education Act of 2006 (Act). For that competition, we established the requirements, definitions, and selection criteria pursuant to a waiver of rulemaking under the authority of section 457(d) of the General Education Provisions Act. In this notice we are publishing and requesting public comment on proposed requirements, definitions, and selection criteria for NHCTEP that will govern a second competition, and may also govern subsequent competitions, for this program.

DATES: We must receive your comments on or before February 23, 2009.

ADDRESSES: Address all comments about this notice to Nancy Essey, U.S. Department of Education, 400 Maryland Avenue, SW., room 11070, Potomac Center Plaza (PCP), Washington, DC 20202-7241.

If you prefer to send your comments by e-mail, use the following address: nancy.essey@ed.gov. You must include the term Native Hawaiian Career and Technical Education Program in the subject line of your electronic message.

FOR FURTHER INFORMATION CONTACT: Nancy Essey. Telephone: (202) 245-7789. Fax: (202) 245-7170 or by e-mail: nancy.essey@ed.gov.

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

SUPPLEMENTARY INFORMATION:

Invitation to Comment: We invite you to submit comments regarding this notice. To ensure that your comments have maximum effect in developing the notice of final requirements, definitions, and selection criteria, we urge you to identify clearly the specific proposed requirements, definitions, and selection criteria that each comment addresses.

We invite you to assist us in complying with the specific

requirements of Executive Order 12866 and its overall requirement of reducing regulatory burden that might result from these proposed requirements, definitions, and selection criteria. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments about this notice in room 11070, 550 12th Street, SE., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Washington, DC time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Purpose of Program: The Native Hawaiian Career and Technical Education Program provides grants to eligible applicants to plan, conduct, and administer programs, or portions of programs, that are authorized by and consistent with the purposes of section 116 of the Act for the benefit of Native Hawaiians.

Program Authority: 20 U.S.C. 2326(a)-(h).

Proposed Requirements: Background:

Under section 116(h) of the Act, the Secretary is authorized to award grants under the NHCTEP to eligible community-based organizations to plan, conduct, and administer programs, or portions thereof, which are consistent with the purposes of section 116 of the Act, for the benefit of Native Hawaiians. Section 116(e) of the Act provides that educational programs, services, and activities funded under section 116 must support and help to improve career and technical education programs. (20 U.S.C. 2326(e)) This requirement, along with the statutory definition of career and technical education, aligns NHCTEP with other programs authorized under the Act that require grantees to offer a sequence of courses that provides individuals with coherent and rigorous content aligned with challenging academic standards and relevant technical knowledge and skills needed to prepare for further education and careers in current or

emerging professions. (20 U.S.C. 2302(5))

While section 116(e) of the Act requires grantees to use funds awarded by the Department to support and help to improve career and technical education, it does not identify specific types of programs, services, and activities that are consistent with the purposes of section 116. The requirements proposed in the *Authorized Programs, Services, and Activities* section of this notice include examples of the activities that the Assistant Secretary views as being consistent with the purposes of section 116. In this section, we also describe those activities that we believe meet the definition of "expansion" of NHCTEP projects, consistent with the purposes of the Act. More specifically, we explain our interpretation of the terms "expansion" and "improvement" and specify those programs, services, and activities that the Assistant Secretary believes inherently improve career and technical education.

Section 116 of the Act also does not address situations in which a project plans to use NHCTEP funds to provide students with stipends or other forms of assistance. Accordingly, we are proposing in this notice requirements for those NHCTEP projects that choose to provide student stipends. These include requirements for determining whether a student qualifies for a stipend, recordkeeping requirements, and the procedure for calculating stipends. We also propose requirements that grantees must meet if they decide to provide "direct assistance to students" using NHCTEP funds.

A number of NHCTEP grantees traditionally have not provided career and technical education to Native Hawaiian students directly, but instead have provided NHCTEP funds to qualified educational entities that have served Native Hawaiian students. In such instances, we believe a written agreement that describes the commitments and responsibilities of each party would improve accountability and would help ensure that students receive services that have been thoughtfully developed and planned, consistent with applicable Federal requirements. This notice includes several proposed requirements for a written agreement between the grantee and the educational institution providing services directly.

The Government Performance and Results Act of 1993 (GPRA) requires Federal departments and agencies to describe clearly the goals and objectives of their programs, identify resources and actions needed to accomplish these

goals and objectives, develop a means of measuring progress made, and regularly report on their achievement. To meet our obligations under GPRA, we are proposing several performance measures for projects awarded funds under this program and to require grantees to conduct an independent evaluation of their projects. Information from the proposed GPRA core factors and measures would provide a means for the Department to evaluate the overall effectiveness of the NHCTEP. Further, we believe that the proposed evaluation requirements for an independent evaluator and formative and summative evaluations, which are paid for by the grant, would provide grantees with valuable objective information on the effectiveness of their project. Grantees and the Assistant Secretary would be able to use this evaluative information to guide and improve projects and determine the quality of project activities.

Proposed Requirements:

Consistent with the Act, the Assistant Secretary proposes the following requirements for this program. We may apply these requirements in any year in which this program is in effect.

I. Authorized Programs, Services, and Activities:

(a) *Authorized Programs.* In accordance with section 116(e) of the Act, under this program, NHCTEP projects must—

(1) Develop new programs, services, or activities or improve or expand existing programs, services, or activities that are consistent with the purposes of the Act. In other words, the Department will support “expansions” or “improvements” that include, but are not necessarily limited to, the expansion of effective programs or practices; upgrading of activities, equipment, or materials; increasing staff capacity; adoption of new technology; modification of curriculum; or implementation of new policies to improve program effectiveness and outcomes; and

(2) Fund a career and technical education program, service, or activity that—

(i) Is a new program, service, or activity that was not provided by the applicant during the instructional term (a defined period, such as a semester, trimester, or quarter, within the academic year) that preceded the request for funding under NHCTEP;

(ii) Will improve or expand an existing career and technical education program; or

(iii) Inherently improves career and technical education. A program, service,

or activity “inherently improves career and technical education” if it—

(A) Develops new career and technical education programs of study for approval by the appropriate accreditation agency;

(B) Strengthens the rigor of the academic and career and technical components of funded programs;

(C) Uses curriculum that is aligned with industry-recognized standards and will result in students attaining industry-recognized credentials, certificates, or degrees;

(D) Integrates academics (other than remedial courses) with career and technical education programs through a coherent sequence of courses to help ensure learning in the core academic and career and technical subjects;

(E) Links career and technical education at the secondary level with career and technical education at the postsecondary level, and facilitates students’ pursuit of a baccalaureate degree;

(F) Expands the scope, depth, and relevance of curriculum, especially content that provides students with a comprehensive understanding of all aspects of an industry and a variety of hands-on, job-specific experiences; or

(G) Offers—

(1) Work-related experience, internships, cooperative education, school-based enterprises, studies in entrepreneurship, community service learning, and job shadowing that are related to career and technical education programs;

(2) Coaching/mentoring, support services, and extra help for students after school, on the weekends, or during the summer so they can meet higher standards;

(3) Career guidance and academic counseling for students participating in career and technical education programs under NHCTEP;

(4) Placement services for students who have successfully completed career and technical education programs and attained a technical skill proficiency that is aligned with industry-recognized standards;

(5) Professional development programs for teachers, counselors, and administrators;

(6) Strong partnerships among grantees and local educational agencies, postsecondary institutions, community leaders, adult education providers, and, as appropriate, other entities, such as employers, labor organizations, parents, and local partnerships, to enable students to achieve State academic standards and attain career and technical skills;

(7) The use of student assessment and evaluation data to improve continually instruction and staff development; or

(8) Research, development, demonstration, dissemination, evaluation and assessment, capacity-building, and technical assistance related to career and technical education programs.

(b) *Student stipends.*

(1) A portion of an award under this program may be used to provide stipends (as defined elsewhere in this notice under the heading *Proposed Definitions*) to help students meet the costs of participation in a NHCTEP project.

(2) To be eligible for a stipend a student must—

(i) Be enrolled in a career and technical education project funded under this program;

(ii) Be in regular attendance in a NHCTEP project and meet the training institution’s attendance requirement;

(iii) Maintain satisfactory progress in his or her program of study according to the training institution’s published standards for satisfactory progress; and

(iv) Have an acute economic need that—

(A) Prevents participation in a project funded under this program without a stipend; and

(B) Cannot be met through a work-study program.

(3) The amount of a stipend is the greater of either the minimum hourly wage prescribed by State or local law, or the minimum hourly wage established under the Fair Labor Standards Act.

(4) A grantee may award a stipend only if the stipend combined with other resources the student receives does not exceed the student’s financial need. A student’s financial need is the difference between the student’s cost of attendance and the financial aid or other resources available to defray the student’s cost of attending a NHCTEP project.

(5) To calculate the amount of a student’s stipend, a grantee must multiply the number of hours a student actually attends career and technical education instruction by the amount of the minimum hourly wage that is prescribed by State or local law or by the minimum hourly wage that is established under the Fair Labor Standards Act. The grantee must reduce the amount of a stipend if necessary to ensure that it does not exceed the student’s financial need.

Example: If a grantee uses the Fair Labor Standards Act minimum hourly wage of \$7.25 and a student attends classes for 20 hours a week, the student’s stipend would be \$145 for the week during which the student attends

classes ($\$7.25 \times 20 = \145). If the program lasts 16 weeks and the student's total financial need is \$2,000, the grantee must reduce the weekly stipend to \$125, because the total stipend for the course would otherwise exceed the student's financial need by \$320 (or \$20 a week).

Note: Grantees must maintain records that fully support their decisions to award stipends to students, as well as the amounts that are paid, such as proof of a student's enrollment in the NHCTEP project, stipend applications, timesheets showing the number of hours of student attendance that are confirmed in writing by an instructor, student financial status information, and evidence that a student could not participate in the NHCTEP project without a stipend. (See generally 20 U.S.C. 1232f; 34 CFR 75.700–75.702; 75.730; and 75.731.)

(6) An eligible student may earn a stipend when taking a course for the first time, although a stipend may not be provided to a student for a particular course if the student has already taken, completed, and had the opportunity to benefit from the course and is merely repeating the course.

(7) An applicant must include, in its application, the procedure it intends to use in determining student eligibility for stipends and stipend amounts, and its oversight procedures for the awarding and payment of stipends.

(c) *Direct assistance to students.* A grantee may provide direct assistance (as defined elsewhere in this notice under the heading *Proposed Definitions*) to a student only if the following conditions are met:

(1) The recipient of the direct assistance is an individual who is a member of a special population (as defined in section 3(29) of the Act) and who is participating in a NHCTEP project.

(2) The direct assistance is needed to address barriers to the individual's successful participation in a NHCTEP project.

(3) The direct assistance is part of a broader, more generally focused program or activity for addressing the needs of an individual who is a member of a special population.

Note: Direct assistance to individuals who are members of special populations is not, by itself, a "program or activity for special populations."

(4) The grant funds used for direct assistance must be expended to supplement, and not supplant, assistance that is otherwise available from non-Federal sources. For example, generally, a community-based organization could not use NHCTEP funds to provide child care for single parents if non-Federal funds previously

were made available for this purpose, or if non-Federal funds are used to provide child care services for single parents participating in non-career and technical education programs and these services otherwise (in the absence of NHCTEP funds) would have been available to career and technical education students.

(5) In determining how much of the NHCTEP grant funds it will use for direct assistance to an eligible student, a grantee—

(i) May only provide assistance to the extent that it is needed to address barriers to the individual's successful participation in career and technical education; and

(ii) Considers whether the specific services to be provided are a reasonable and necessary cost of providing career and technical education programs for special populations. However, the Secretary does not envision a circumstance in which it would be a reasonable and necessary expenditure of NHCTEP project funds for a grantee to utilize a majority of a project's budget to pay direct assistance to students, in lieu of providing the students served by the project with career and technical education.

(d) *Career and technical education agreement.* Any applicant that is not proposing to provide career and technical education directly to Native Hawaiian students and proposes instead to pay one or more qualified educational entities to provide such career and technical education to Native Hawaiian students must include with its application a written career and technical education agreement between the applicant and the educational entity. The written agreement must describe the commitment between the applicant and the educational entity and must include, at a minimum, a statement of the responsibilities of the applicant and the entity. The agreement must be signed by the appropriate individuals on behalf of each party, such as the authorizing official or administrative head of the applicant Native Hawaiian community-based organization.

(e) *Supplement-Not-Supplant.* Grantees may not use funds under NHCTEP to replace otherwise available non-Federal funding for "direct assistance to students" (as defined elsewhere in this notice under the heading *Proposed Definitions*) and family assistance programs. For example, NHCTEP funds must not be used to supplant non-Federal funds to pay the costs of students' tuition, dependent care, transportation, books, supplies, and other costs associated

with participation in a career and technical education program.

Further, funds under NHCTEP may not be used to replace Federal student financial aid. The Act does not authorize the Secretary to fund projects that serve primarily as entities through which students may apply for and receive tuition and other financial assistance.

II. *Evaluation Requirements:*

To help ensure the high quality of NHCTEP projects and the achievement of the goals and purposes of section 116(h) of the Act, each grantee must budget for and conduct an ongoing evaluation of the effectiveness of its project. An independent evaluator must conduct the evaluation. The evaluation must—

(a) Be appropriate for the project and be both formative and summative in nature; and

(b) Include—

(1) Collection and reporting of the performance measures for NHCTEP that are identified in the *Performance Measures* section of this notice; and

(2) Qualitative and quantifiable data with respect to—

(i) Academic and career and technical competencies demonstrated by the participants and the number and kinds of academic and work credentials acquired by individuals, including their participation in programs providing skill proficiency assessments, industry certifications, or training at the associate degree level that is articulated with an advanced degree option;

(ii) Enrollment, completion, and placement of participants by gender, for each occupation for which training was provided;

(iii) Job or work skill attainment or enhancement, including participation in apprenticeship and work-based learning programs, and student progress in achieving technical skill proficiencies necessary to obtain employment in the field for which the student has been prepared, including attainment or enhancement of technical skills in the industry the student is preparing to enter;

(iv) Activities, during the formative stages of the project, to help guide and improve the project, as well as a summative evaluation that includes recommendations for disseminating information on project activities and results;

(v) The number and percentage of students who obtained industry-recognized credentials, certificates, or degrees;

(vi) The outcomes of students' technical assessments, by type and scores, if available;

(vii) The rates of attainment of a proficiency credential or certificate, in conjunction with a secondary school diploma;

(viii) The effectiveness of the project, including a comparison between the intended and observed results and a demonstration of a clear link between the observed results and the specific treatment given to project participants;

(ix) The extent to which information about or resulting from the project was disseminated at other sites, such as through the grantee's development and use of guides or manuals that provide step-by-step directions for practitioners to follow when initiating similar efforts; and

(x) The impact of the project, e.g., follow-up data on students' employment, sustained employment, promotions, further and continuing education or training, or the impact the project had on Native Hawaiian economic development or career and technical education activities.

III. *Performance Measures:* The Assistant Secretary proposes the following core factors and measures for evaluating the overall effectiveness of the NHCTEP and projects supported under this program.

(a) *Number of Secondary, Postsecondary, and Adult Projects.* The number of secondary, postsecondary, and adult programs that—

(1) Apply industry-recognized skill standards so that students can earn skill certificates in those projects; and

(2) Offer skill competencies, related assessments, and industry-recognized skill certificates in an area of study offered by secondary and postsecondary institutions.

(b) *Secondary Projects.* The percentage of participating secondary career and technical education students who—

(1) Meet or exceed State proficiency standards in reading/language arts and mathematics;

(2) Attain a secondary school diploma or its State-recognized equivalent, or a proficiency credential in conjunction with a secondary school diploma;

(3) Attain career and technical education skill proficiencies aligned with industry-recognized standards; and

(4) Are placed in postsecondary education, advanced training, military service, or employment in high-skill, high-wage, and high-demand occupations or in current or emerging occupations.

(c) *Postsecondary Projects.*

The percentage of participating postsecondary students in career and technical education programs who—

(1) Receive postsecondary degrees, certificates, or credentials;

(2) Attain career and technical education skill proficiencies aligned with industry-recognized standards;

(3) Receive industry-recognized credentials, certificates, or degrees;

(4) Are retained in postsecondary education or transfer to a baccalaureate degree program; and

(5) Are placed in military service or apprenticeship programs, or are placed in employment, receive an employment promotion, or retain employment.

(d) *Adult Projects.* The percentage of participating adult career and technical education students who—

(1) Enroll in a postsecondary education or training program;

(2) Attain career and technical education skill proficiencies aligned with industry-recognized standards;

(3) Receive industry-recognized credentials, certificates, or degrees; and

(4) Are placed in employment, receive an employment promotion, or retain employment.

Note: All grantees must submit an annual performance report addressing these performance measures, to the extent feasible and to the extent that they apply to each grantee's NHCTEP project.

Proposed Definitions:

Background:

The Act authorizes specific uses of funds for, and contains definitions for many key terms applicable to, NHCTEP. The Act does not, however, define all terms or all key activities and services relevant to NHCTEP. Experience from previous competitions has shown us that without concise definitions of terms, applicants and grantees often develop approaches that are inconsistent with the purposes of the Act and accepted historical practice in career and technical education programs. In this notice we propose definitions of key terms not defined in the Act, to eliminate confusion and ensure that grantees provide services that are consistent with the Act and that increase students' chances of success in attaining career and technical education and skills.

Proposed Definitions:

The Assistant Secretary proposes the following definitions for NHCTEP program terms not defined in the Act. We may apply these definitions in any year in which this program is in effect.

Acute economic need means an income that is at or below the national poverty level according to the latest available data from the U.S. Department of Commerce or the U.S. Department of Health and Human Services Poverty Guidelines.

Coherent sequence of courses means a series of courses in which career and academic education is integrated, and that directly relates to, and leads to, both academic and occupational competencies. The term includes competency-based education and academic education, and adult training or retraining, including sequential units encompassed within a single adult retraining course that otherwise meets the requirements of this definition.

Direct assistance to students means tuition, dependent care, transportation, books, and supplies that are necessary for a student to participate in a project funded under this program.

Stipend means a subsistence allowance—

(a) For a student who is enrolled in a career and technical education program funded under the NHCTEP;

(b) For a student who has an acute economic need that cannot be met through work-study programs; and

(c) That is necessary for the student to participate in a project funded under this program.

Proposed Selection Criteria:

Background:

Our experience with administering competitions for a variety of career and technical education programs, including feedback from peer reviewers, applicants, and funded grantees, demonstrates that using program-specific selection criteria improves our ability to select high-quality projects that are specifically focused on the goals and purposes of a particular program. In addition to providing precise focus, we believe the proposed selection criteria would enable us to (1) emphasize specific aspects of projects that typically result in better-quality projects, e.g., project design, project management, experience and qualifications of personnel, resources available for project activities, and project evaluation and (2) ensure that projects propose to expand and improve the effectiveness of NHCTEPs.

Proposed Selection Criteria:

The Assistant Secretary proposes the following selection criteria for evaluating an application under this program. We may apply one or more of these criteria in any year in which this program is in effect. In the notice inviting applications or the application package, or both, we will announce the maximum possible points assigned to each criterion.

(a) *Quality of the project design.* In determining the quality of the design of the proposed project, we consider the following factors:

(1) The extent to which the design of the proposed project is appropriate to

and will successfully address the needs of the target population or other identified needs (as evidenced by such data as local labor market demand, occupational trends, and surveys).

(2) The extent to which goals, objectives, and outcomes are clearly specified and measurable. (For example, we look for clear descriptions of proposed student career and technical education activities; recruitment and retention strategies; expected student enrollments, completions, and placements in jobs, military specialties, and continuing education/training opportunities; the number of teachers, counselors, and administrators to be trained; and identification of requirements for each program of study to be provided under the project, including related training areas and a description of performance outcomes.)

(3) The extent to which the proposed project will establish linkages with other appropriate agencies (e.g., community, State, and other Federal resources) and organizations providing services to the target population in order to improve services to students and strengthen outcomes for the proposed project.

(4) The extent to which the services to be provided by the proposed project will create and offer activities that focus on enabling participants to obtain the skills necessary to gain employment in high-skill, high-wage, and high-demand occupations in emerging fields or in a specific career field.

(5) The extent to which the services to be provided by the proposed project will create opportunities for students to acquire skills identified by the State at the secondary level or by industry-recognized career and technical education programs for licensure, degree, certification, or as required by a career or profession.

(6) The extent to which the proposed project will provide opportunities for high-quality training or professional development services that—

(i) Are of sufficient quality, intensity, and duration to lead to improvements in practice among instructional personnel;

(ii) Will improve and increase instructional personnel's knowledge and skills to help students meet challenging and rigorous academic and career and technical skill proficiencies;

(iii) Will advance instructional personnel's understanding of effective instructional strategies that are supported by scientifically based research; and

(iv) Include professional development plans that clearly address ways in which learning gaps will be addressed and how continuous review of

performance will be conducted to identify training needs.

(b) *Quality of the management plan.* In determining the quality of the management plan for the proposed project, we consider the following factors:

(1) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and the milestones and performance standards for accomplishing project tasks.

(2) The extent to which the time commitments of the project director and other key project personnel, including instructors, are appropriate and adequate to meet the objectives of the proposed project.

(3) The adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project.

(c) *Quality of data collection plan.* In determining the quality of the data collection plan, we consider the following factors:

(1) The adequacy of procedures and methods for collecting data.

(2) The adequacy of the data collection plan in allowing comparison with other similar secondary, postsecondary, and adult career and technical education programs.

(d) *Quality of project personnel.* In determining the quality of project personnel, we consider the following factors:

(1) The extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(2) The qualifications, including relevant training, expertise, and experience, of the project director.

(3) The qualifications, including relevant training, expertise, and experience, of key project personnel, especially the extent to which the project will use instructors who are certified to teach in the field in which they will provide instruction.

(4) The qualifications, including training, expertise, and experience, of project consultants.

(e) *Adequacy of resources.* In determining the adequacy of resources for the proposed project, we consider the following factors:

(1) The adequacy of support, including facilities, equipment, supplies, and other resources, from the applicant organization(s) and the entities to be served, including the evidence and relevance of commitments

(e.g., articulation agreements, memoranda of understanding, letters of support, or commitments to employ project participants) of the applicant, local employers, or entities to be served by the project.

(2) The extent to which the budget is adequate and costs are reasonable in relation to the objectives and design of the proposed project.

(3) The potential for continued support of the project after Federal funding ends.

(f) *Quality of the project evaluation.* In determining the quality of the evaluation, we consider the following factors:

(1) The extent to which the methods of evaluation proposed by the grantee are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.

(2) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and the performance measures discussed elsewhere in this notice and will produce quantitative and qualitative data, to the extent possible.

(3) The extent to which the methods of evaluation will provide performance feedback and continuous improvement toward achieving intended outcomes.

(4) The quality of the proposed evaluation to be conducted by an external evaluator with the necessary background and technical expertise to carry out the evaluation.

Final Requirements, Definitions, and Selection Criteria:

We will announce the final requirements, definitions, and selection criteria in a notice in the **Federal Register**. We will determine the final requirements, definitions, and selection criteria after considering any comments submitted in response to this notice and other information available to the Department. This notice does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

Note: This notice does *not* solicit applications. In any year in which we choose to use these requirements, definitions, and selection criteria, we invite applications through a notice in the **Federal Register**.

Executive Order 12866: This notice 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 proposed regulatory action.

The potential costs associated with this proposed regulatory action 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 proposed regulatory action, we have determined that the benefits of the proposed requirements, definitions, and selection criteria justify the costs.

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

Discussion of Costs and Benefits:

Elsewhere in this notice we discuss the potential costs and benefits, both quantitative and qualitative, of the proposed evaluation requirements. We also discuss the benefits of the other proposed requirements, definitions and selection criteria.

In addition, we do not believe the proposed requirements, definitions, and selection criteria will increase the amount of time it takes to prepare an application. During the first competition under this program, the Department estimated that community-based organizations would spend 120 hours preparing an application, and we continue to believe that is a correct estimate. The application package for the NHCTEP (approved by the Office of Management and Budget through June 30, 2010 under 1830–0564) included the same requirements, definitions, and selection criteria that are in this notice.

We also believe that these proposed requirements, definitions, and selection criteria will improve the ability of eligible applicants to write applications that better address the purposes of the NHCTEP and to operate projects that are consistent with the Act.

Intergovernmental Review: This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

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

Electronic Access to This Document: You can 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: www.gpoaccess.gov/nara/index.html.

Dated: January 16, 2009.

Troy R. Justesen,

Assistant Secretary for Vocational and Adult Education.

[FR Doc. E9–1456 Filed 1–22–09; 8:45 am]

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DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education; Overview Information: Native Hawaiian Education Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2009

Catalog of Federal Domestic Assistance (CFDA) Number: 84.362A.

DATES:

Applications Available: January 23, 2009.

Deadline for Transmittal of Applications: March 24, 2009.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the Native Hawaiian Education program is to support innovative projects that enhance the educational services provided to Native Hawaiian children and adults. These projects may include those activities authorized under section 7205(a)(3) of the Elementary and Secondary Education Act of 1965, as amended (ESEA).

Note: Construction, renovation, or modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body will be a permissible activity under this competition only if Congress specifically authorizes the use of FY 2009 funds for that purpose.

Priorities: In accordance with 34 CFR 75.105(b)(2)(iv), competitive preference priorities (a) through (d) are from section 7205(a)(2) of the ESEA (20 U.S.C. 7515(a)(2)). Competitive preference priority (e) is from the notice of final discretionary grant priorities for FY 2009, published in the **Federal Register** on November 21, 2008 (73 FR 70627).

Competitive Preference Priorities: For FY 2009 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i) we award up to an additional five points (total) to an application, depending on how well the application meets one or more of these priorities.

These priorities are:

(a) Projects that are designed to address beginning reading and literacy among students in kindergarten through third grade.

(b) Projects that are designed to address the needs of at-risk children and youth.

(c) Projects that are designed to address the needs in fields or disciplines in which Native Hawaiians are underemployed.

(d) Projects that are designed to address the use of the Hawaiian language in instruction.

(e) Projects that support activities and interventions aimed at improving the academic achievement of secondary school students who are at greatest risk of not meeting challenging State academic standards and not completing high school.

Note: In order to receive additional points under a competitive preference priority, an application should provide adequate and sufficient information that clearly substantiates its claim that it meets each priority addressed.

Program Authority: 20 U.S.C. 7511–7517.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 81, 82, 84, 85, 86, 97, 98, and 99. (b) The notice of final discretionary grant priorities for FY 2009, published in the **Federal Register** on November 21, 2008 (73 FR 70627).

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Discretionary grant.

Estimated Available Funds: The Administration's budget request for FY 2009 does not include funds for this program. However, we are inviting applications to allow enough time to complete the grant process before the end of the current fiscal year if Congress appropriates funds for this program.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2010 from the list of unfunded applicants from this competition.