

Procedure Act for rules concerning public property, loans, grants, benefits, or contracts (5 U.S.C. 533(a)(2)). Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 533 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis is not required and has not been prepared.

Dated: April 17, 2009.

Efrain Gonzalez,

Chief, Office of Business Development,
Minority Business Development Agency.

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DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

ACTION: Correction notice.

SUMMARY: On April 15, 2009, the Department of Education published a comment period notice in the **Federal Register** (Page 17459, Column 1) for the information collection, "Documents Associated with the Notice of Terms and Conditions of Additional Purchase of Loans under the "Ensuring Continued Access to Student Loans Act of 2008". This notice amends the total annual responses to 8,395. The IC Clearance Official, Regulatory Information Management Services, Office of Management, hereby issues a correction notice as required by the Paperwork Reduction Act of 1995.

Dated: April 20, 2009.

Angela C. Arrington,

IC Clearance Official, Regulatory Information
Management Services, Office of Management.

[FR Doc. E9-9316 Filed 4-22-09; 8:45 am]

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DEPARTMENT OF EDUCATION

Office of Innovation and Improvement; Overview Information; DC School Choice Incentive Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2009

Catalog of Federal Domestic Assistance
(CFDA) Number: 84.370A.

Dates:

Applications Available: April 23,
2009.

Deadline for Notice of Intent to Apply:
May 8, 2009.

*Deadline for Transmittal of
Applications:* May 26, 2009.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The DC School Choice Incentive Program, established under the DC School Choice Incentive Act of 2003 (Act), provides low-income parents residing in the District of Columbia (District) with expanded options for the education of their children.

Background: For FY 2009, the Department will be awarding one grant on a competitive basis to an eligible applicant to continue a scholarship program to provide students who currently have scholarships under this program with scholarships for the 2009-2010 school year. Students are eligible to receive scholarships under this program if they (1) are residents of the District, and (2) come from households whose income does not exceed 200 percent (or, in the case of an eligible student whose first year of participation in the program was an academic year ending in June 2005 or June 2006 and whose second or succeeding year is an academic year ending on or before June 2009, 300 percent) of the poverty line. These scholarships may be used to pay tuition and fees and transportation expenses, if any, to enable students to attend a participating District nonpublic elementary or secondary school.

Under the absolute priority established in this notice, funds awarded under this competition may only be used to award scholarships to students currently participating in this program. Accordingly, in addition to the requirements described in the preceding paragraph, to be eligible for a scholarship for the 2009-2010 school year, a student must currently be receiving a scholarship through the DC School Choice Incentive Program.

We are establishing this absolute priority in light of the prohibition in Public Law 111-8, the Omnibus Appropriations Act, 2009, against using funds appropriated under that law, or any other law, for scholarships under this program after the conclusion of the 2009-2010 school year and the direction in the Joint Explanatory Statement for Public Law 111-8 to limit scholarships for 2009-2010 to students who are currently receiving scholarships under this program. Specifically, Public Law 111-8 provides, with respect to this program that "use of any funds in this Act or any other [law] for opportunity scholarships after school year 2009-2010 shall only be available upon enactment of reauthorization of that program by Congress and the adoption of legislation by the District of Columbia approving such reauthorization." In

addition, the Joint Explanatory Statement for Public Law 111-8 directs that "[f]unding provided for the private scholarship program shall be used for currently-enrolled participants rather than new applicants." The Chancellor of the District of Columbia Public Schools is directed to "promptly take steps to minimize potential disruption and ensure smooth transition for any students seeking enrollment in the public school system as a result of any changes made to the private scholarship program affecting periods after school year 2009-2010." See the Joint Explanatory Statement, Division D, Title VIII, Federal Payment for School Improvement, at <http://thomas.loc.gov/home/approp/app09.html>.

Priorities: We are establishing this priority for the FY 2009 grant competition only in accordance with section 437(d)(2) of the General Education Provisions Act (GEPA), 20 U.S.C. 1232(d)(2).

Absolute Priority: For FY 2009, this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is:

Scholarships for Currently Enrolled Participants During the 2009-2010 School Year.

Scholarship funds must be used to provide scholarships during the 2009-2010 school year only to currently enrolled participants who are DC residents and meet the eligibility requirements related to family income. Funds awarded under this competition may not be used to provide scholarships for new applicants or for current scholarship recipients after the 2009-2010 school year.

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on proposed priorities, selection criteria, and non-statutory requirements. Section 437(d)(2) of GEPA, however, allows the Secretary to exempt from rulemaking requirements, regulations where application of those requirements will cause extreme hardship to the intended beneficiaries of the program. Conducting notice-and-comment rulemaking for the absolute priority, selection criteria, and non-statutory requirement (in section III.3.(c)) established in this notice would preclude timely implementation of this program for the 2009-2010 school year and, thereby, cause extreme hardship to the intended beneficiaries of this program, namely those students who are currently receiving scholarships under this program and are eligible to receive scholarships in the 2009-2010 school