

U.S. DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION & REHABILITATIVE SERVICES
OFFICE OF SPECIAL EDUCATION PROGRAMS
WASHINGTON, D.C. 20202

**FISCAL YEAR 2008
APPLICATION FOR NEW GRANTS UNDER THE
INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)**

**TECHNICAL ASSISTANCE AND DISSEMINATION TO IMPROVE
SERVICES AND RESULTS FOR CHILDREN
WITH DISABILITIES**

**THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT
PAPERWORK WAIVER DEMONSTRATION PROGRAM
(CFDA 84.326P)**

**THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT MULTI-
YEAR INDIVIDUALIZED EDUCATION PROGRAM DEMONSTRATION
PROGRAM (CFDA 84.326Q)**



**DATED MATERIAL - OPEN IMMEDIATELY
CLOSING DATE: February 11, 2008**

FORM APPROVED - OMB No. 1820-0028, EXP. DATE: 08/31/10

TABLE OF CONTENTS

Dear Applicant Letter	A1
Federal Register Notices	A4
Grants.gov Submission Procedures and Tips for Applicants Document	A137
Priority (Competition) Description by Program	
<u>Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities</u>	
The Individuals with Disabilities Education Act Paperwork Waiver Demonstration Program (CFDA No. 84.326P).....	B2
The Individuals with Disabilities Education Act Multi-Year Individualized Education Program Demonstration Program (CFDA No. 84.326Q).....	B10
Selection Criteria and Format for 84.326P and 84.326Q.....	B17
General Information on Completing an Application	C1
Application Transmittal Instructions and Requirements for Intergovernmental Review (Executive Order 12372)	D1
Notice to All Applicants (Ensuring Equitable Access) and Application Forms and Instructions	E1
Part I: Application for Federal Assistance (SF Form 424)	
Part II: Budget Information -- Non-Construction Programs and Instructions (ED Form 524)	
Part III: Application Narrative	
Part IV: Assurances and Certifications	
Assurances -- Non-Construction Program	
Certifications Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements (ED Form 80-0013)	
Disclosure of Lobbying Activities	
Important Notice to Prospective Participants in USDE Contract and Grant Programs	
Survey on Ensuring Equal Opportunity for Applicants	
Notice to All Applicants: The Government Performance and Results Act (GPRA)	

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1820-0028. The time required to complete this information collection is estimated to average 45 hours and 40 minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: U.S. Department of Education, Washington, D.C. 20202-4651. If you have comments or concerns regarding the status of your individual submission of this form, write directly to: Office of Special Education Programs, U.S. Department of Education, 400 Maryland Avenue, S.W., PCP 4106, Washington, D.C. 20202-2600.

Dear Applicant:

This application packet contains information and the required forms for you to use in submitting a new application for funding under one program authorized by the Individuals with Disabilities Education Act (IDEA). This packet covers two competitions under the Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities (CFDA 84.326) program.

An application for an award must be: (1) hand-delivered, submitted electronically, or mailed by the closing date; and, (2) for paper applications, have an original signature on at least one copy of the assurances and certifications (Part IV of the application form). It is also important to include the appropriate Catalog of Federal Domestic Assistance (CFDA) numeric and alpha in Item #11 on SF Form 424 (e.g., CFDA No. 84.326P) for paper applications.

Please note the following:

- **APPLICATION SUBMISSION**. Based on the precautionary procedures the U.S. Postal Service is using to process mail, we are experiencing delays in the delivery of mail to the Department. Therefore, you may want to consider sending your application by overnight courier or submitting your application electronically.
- **GRANTS.GOV APPLICATION SUBMISSION**. Applications for grants under this competition may be submitted electronically using the Grants.gov Apply site (www.Grants.gov). Please read carefully the document that we have included immediately following this letter (see page A-4), which includes helpful tips about submitting electronically using the Grants.gov Apply site. Please note that you must follow the Application Procedures as described in the Federal Register notice announcing this grant competition. Information (including dates and times) about how to submit your application electronically, or by mail or hand delivery, can also be found in the Application Transmittal Instructions and Requirements for Intergovernmental Review section of this application package.
- **MAXIMUM AWARD AMOUNT**. In addition to providing detailed budget information for the total grant period requested, the competition included in this package has a maximum award amount (See Section B of this package). Please be advised that for the priority in this package, the maximum award amount covers all project costs including indirect costs.
- **STRICT PAGE LIMITS**. The competition included in this package limits the Part III Application Narrative to a specified number of double-spaced pages. This page limitation applies to all material presented in the application narrative -- including, for

example, any charts, tables, figures, and graphs. (Please refer to the specific requirements on page limits for the priority/competition to which you are submitting an application - i.e., Section B of this package). The Department will reject, and will NOT consider an application that does not adhere to the page limit requirements for the competition.

- **FORMAT FOR APPLICATIONS.** Please note that additional information regarding formatting applications has been included on Pages C-3 and 4 of the “General Information on Completing An Application” section of this package.
- **PROTECTION OF HUMAN SUBJECTS IN RESEARCH.** The discretionary grant Application Form 424 (ED supplement to the SF 424 on Grants.gov) requires applicants to indicate whether they plan to conduct research involving human subjects at any time during the proposed project period. The Protection of Human Subjects in Research Attachment is an integral part of the SF 424 form (ED supplement to the SF 424 on Grants.gov). It includes information that applicants need to complete the protection of human subjects item and, as appropriate, to provide additional information to the Department regarding human subjects research projects. Additional information on completing the protection of human subjects item is also available and can be accessed on the INTERNET at:

<http://www.ed.gov/about/offices/list/ocfo/gcsindex.html>
<http://www.ed.gov/about/offices/list/ocfo/humansub.html>

- **RESPONSE TO GPRA.** As required by the Government Performance and Results Act (GPRA) of 1993 OSEP has developed a strategic plan for measuring GPRA performance. The program included in this announcement is authorized under Part D - National Activities to Improve Education of Children with Disabilities of the Individuals with Disabilities Education Act. The Office of Special Education Programs (OSEP) will collect information to assess progress and performance. See Performance Measures included in the Priority Description section of this application package. Applicants are encouraged to consider this information, as applications are prepared.
- **COPIES OF THE APPLICATION.** Current Government-wide policy requires that an original and two copies need to be submitted. OSEP would appreciate receiving three additional copies to facilitate the peer review process. This means an original and two copies are required but we would appreciate your voluntarily submitting an additional three copies (six applications in all). If you are submitting your application electronically, you do not need to submit paper copies of the application. Please note: If an application is recommended for funding and a grant award is issued, we will contact the applicant to request a copy of the application on a diskette or CD. The Department is moving toward an electronic grant filing system and an electronic copy of all applications that are being funded will facilitate this effort.

During the application process, OSEP is unable to answer individual applicant questions concerning whether specific paperwork waivers or proposed processes related to multi-year IEPs would be acceptable. The requirements that apply to these pilots are those in the statute under section 609 for the paperwork reduction pilot, and section 614(d)(5) for the multi-year IEP pilot, as well as the additional requirements and selection criteria announced in the Federal Register on

July 9, 2007 for each of these pilots. Both priorities in this package require supporting documentation on how the State involved multiple stakeholders in developing its application, as well as summaries of public hearings and how the State addressed the public comment in developing and finalizing its application. OSEP does plan to conduct a conference call (date to be determined) to discuss these priorities in some detail with potential applicants.

A program officer is available to provide general information to you regarding this competition. Please refer to the name of the program contact at the end of the priority description. For information about other U.S. Department of Education grant and contract opportunities, we encourage you to use the Department's grant information web page which can be accessed on the INTERNET at:

<http://www.ed.gov/about/offices/list/ocfo/gcsindex.html>

We appreciate your efforts to improve the provision of services for individuals with disabilities.

Sincerely,

Louis C. Danielson, Ph.D.
Director
Research to Practice Division
Office of Special Education Programs

4000-01-U

DEPARTMENT OF EDUCATION

RIN 1820-ZA42

The Individuals with Disabilities Education Act Paperwork Waiver
Demonstration Program

AGENCY: Office of Special Education and Rehabilitative Services, Department
of Education.

ACTION: Notice of final additional requirements and selection criteria.

SUMMARY: The Assistant Secretary for Special Education and Rehabilitative
Services announces additional requirements and selection criteria for a
competition in which the Department will select up to 15 States to
participate in a pilot program, the Paperwork Waiver Demonstration Program
(Paperwork Waiver Program). State proposals approved under this program will
create opportunities for participating States to reduce paperwork burdens and
other administrative duties in order to increase time for instruction and
other activities to improve educational and functional results for children
with disabilities, while preserving students' civil rights and promoting
academic achievement. The Assistant Secretary will use these additional
requirements and selection criteria for a single, one-time-only competition
for this program.

EFFECTIVE DATE: These priorities are effective August 6, 2007.

FOR FURTHER INFORMATION CONTACT: Patricia Gonzalez, U.S. Department of
Education, 400 Maryland Avenue, SW., room 4082, Potomac Center Plaza,
Washington, DC 20202-2700. Telephone: (202) 245-7355 or by e-mail:
Patricia.Gonzalez@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 contact person listed under FOR FURTHER INFORMATION CONTACT.

SUPPLEMENTARY INFORMATION:

We published a notice of proposed requirements and selection criteria for the Paperwork Waiver Program in the Federal Register on December 19, 2005 (70 FR 75161) (December 2005 Notice).

On December 3, 2004, President Bush signed into law Public Law 108-446, 118 Stat. 2647, the Individuals with Disabilities Education Improvement Act of 2004, reauthorizing and amending the Individuals with Disabilities Education Act (Act). This new law reflects the importance of strengthening our Nation's efforts to ensure every child with a disability has available a free appropriate public education (FAPE) that is (1) of high quality and (2) designed to achieve the high standards established in the No Child Left Behind Act of 2001 (NCLB).

The Paperwork Waiver Program is one of two demonstration programs authorized under the new law that is designed to address parents', special educators' and States' desire to reduce excessive and repetitious paperwork, administrative burden, and non-instructional teacher time and, at the same time, to increase the resources and time available for classroom instruction and other activities focused on improving educational and functional results of children with disabilities.

Paperwork burden in special education affects (1) the time school staff can devote to instruction or service provision and (2) retention of staff, particularly special education teachers. In 2002, the Office of Special Education Programs (OSEP) funded a nationally representative study of teachers' perceptions of sources of paperwork burden, the hours devoted to these activities, and possible explanations for variations among teachers in the hours devoted to these tasks. Among the findings related to the Individualized Education Program (IEP), student evaluations, progress

reporting, and case management was that teachers whose administrative duties and paperwork exceeded four hours per week were more likely to perceive these responsibilities as interfering with their job of teaching. Moreover, the study found that the mean number of hours reported by teachers to be devoted to these tasks was 6.3 hours per week. However, data from the study also suggested that there was considerable variation in the amount of time special education teachers devoted to paperwork. For example, the average hours spent on administrative duties and paperwork varied significantly by geographic region, with the Northeast having the lowest paperwork burden.

Through the Paperwork Waiver Program, established under section 609(a) of the Act, the Secretary may grant waivers of certain statutory and regulatory requirements under part B of the Act to not more than 15 States, including Puerto Rico, the District of Columbia, and the outlying areas (States) based on State proposals to reduce excessive paperwork and non-instructional time burdens that do not assist in improving educational and functional results for children with disabilities. The Secretary is authorized to grant these waivers for a period of up to four years.

Although the purpose of the Paperwork Waiver Program is to reduce the paperwork burden associated with the Act, not all statutory and regulatory requirements under part B of the Act may be waived. Specifically, the Secretary may not waive any statutory or regulatory provisions relating to applicable civil rights requirements or procedural safeguards. Furthermore, waivers may not affect the right of a child with a disability to receive FAPE. In short, State proposals must preserve the basic rights of students with disabilities.

Statutory Requirements for Paperwork Waiver Program

As outlined in the December 2005 Notice, the Act establishes the following requirements to govern the Paperwork Waiver Program proposals:

1. States applying for approval under this program must submit a proposal to reduce excessive paperwork and non-instructional time burdens that do not assist in improving educational and functional results for children with disabilities.

2. A State submitting a proposal for the Paperwork Waiver Program must include in its proposal a list of any statutory requirements of, or regulatory requirements relating to, part B of the Act that the State desires the Secretary to waive, in whole or in part (not including civil rights requirements and procedural safeguards as noted elsewhere in this notice); and a list of any State requirements that the State proposes to waive or change, in whole or in part, to carry out the waiver granted to the State by the Secretary. Waivers may be granted for a period of up to four years.

3. The Secretary is prohibited from waiving any statutory requirements of, or regulatory requirements relating to procedural requirements under section 615 of the Act or applicable civil rights requirements. A waiver may not affect the right of a child with a disability to receive FAPE (as defined in section 602(9) of the Act).

4. The Secretary will not grant any waiver to a State if the Secretary has determined that the State currently meets the conditions under section 616(d)(2)(A)(iii) or (iv) of the Act relative to its implementation of part B of the Act.

5. The Secretary will terminate a State's waiver granted as part of this program if the Secretary determines that the State (a) needs assistance under section 616(d)(2)(A)(ii) of the Act and that the waiver has contributed to or caused the need for assistance; (b) needs intervention under section 616(d)(2)(A)(iii) of the Act or needs substantial intervention under section 616(d)(2)(A)(iv) of the Act; or (c) fails to appropriately implement its waiver.

Background for Additional Requirements and Selection Criteria

While the Act establishes the foregoing requirements, it does not provide for other requirements that are necessary for the implementation of this program. Accordingly, in the December 2005 Notice, we proposed additional Paperwork Waiver Program requirements to address program implementation issues as well as selection criteria that we will use to evaluate State proposals for this program.

In this notice, we also establish requirements with which States must comply that will allow the Department to evaluate the effectiveness of the Paperwork Waiver Program. Under section 609(b) of the Act, the Department is required to report to Congress on the effectiveness of this program. To accomplish this, the Institute of Education Sciences (IES) will conduct an evaluation using a quasi-experimental design that collects data on the following outcomes: (a) educational and functional results (including academic achievement) for students with disabilities, (b) allocation and engagement of instructional time for students with disabilities, (c) time and resources spent on administrative duties and paperwork requirements by teaching and related services personnel, (d) quality of special education services and plans incorporated in IEPs, (e) teacher, parent, and administrator satisfaction, (f) the promotion of collaboration of IEP team members, and (g) enhanced long-term educational planning for students. These outcomes will be compared between students who participate in the Paperwork Waiver Program, and students who are matched on disability, age, socioeconomic status, race/ethnicity, language spoken in the home, prior educational outcomes, and to the extent feasible, the nature of special education, who do not participate in the paperwork waiver program. Specifics of the design will be confirmed during discussion with the evaluator, a technical workgroup, and the participating States during the first several months of the study.

Participating States will play a crucial supportive role in this evaluation. They will, at a minimum, assist in developing the evaluation plan, assure that districts participating in the Paperwork Waiver Program will collaborate with the evaluation, provide background information on relevant State policies and practices, supply data relevant to the outcomes from State data sources (e.g., student achievement and functional performance data, complaint numbers), provide access to current student IEPs (if appropriate and paperwork waiver affects an IEP) during Year 1 of the evaluation (consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. §1232g (FERPA) and the privacy requirements under the Act), complete questionnaires and surveys, and participate in interviews. Data collection and analysis will be the responsibility of IES through its contractor. States can expect to allocate resources for this purpose at a minimum during Year 1 to assist with planning the details of the evaluation, ensuring participation of involved districts, providing access to relevant State records, and completing questionnaires or participating in interviews. Over the course of the evaluation, participating States will receive an annual incentive payment (described in the Additional Requirements section of this notice) that will offset the cost of participating in the evaluation.

The December 2005 Notice included a background statement that described the rationale for the additional requirements and selection criteria we were proposing. This notice of final requirements and selection criteria contains several changes from the December 2005 Notice. We fully explain these changes in the Analysis of Comments and Changes section that follows.

Analysis of Comments and Changes

In response to our invitation in the December 2005 Notice, 22 parties submitted comments on the proposed additional requirements and selection criteria. In addition, we received approximately 1,200 comments that were identical in form and substance and that summarized major recommendations

submitted by one of the 22 commenters referenced in the preceding sentence; we do not respond to these 1,200 comments separately. An analysis of the comments and of any changes in the additional requirements and selection criteria since publication of the December 2005 Notice follows.

We group issues according to subject. We do not address technical or other minor changes, and suggested changes that the law does not authorize us to make under the applicable statutory authority, or comments that express concerns of a general nature about the Department or other matters that are not directly relevant to the Paperwork Waiver Program.

FAPE

Comment: A few commenters recommended that the final additional requirements and selection criteria identify all of the Federal requirements that a State applying for approval under this program can propose to waive while ensuring that students with disabilities continue to receive FAPE.

One commenter recommended that States be required to explain why they are requesting that certain Federal and State requirements be waived and why they feel that such waivers can be accomplished without denying FAPE.

Discussion: The commenters misunderstand the statutory obligation, which is to ensure that the Paperwork Waiver Program does not affect the right of a child to receive a FAPE, not to ensure that children continue to receive a FAPE. In general, States are in a better position to identify Federal and State requirements that, in practice, do not assist in improving educational and functional results for children with disabilities residing in their State. States can make these determinations by taking into consideration the uniqueness of their State practices and policies, and the compliance history of local school districts within their State. We believe that the right to receive FAPE can be sufficiently protected by requiring that parents provide voluntary informed written consent for any change in policies or procedures

under the Paperwork Waiver Program that affects the provision of FAPE to their child, such as changes to the IEP.

We do not believe that States should be required to explain why they are requesting that certain Federal and State requirements be waived. The purpose of the Paperwork Waiver Program is to provide an opportunity for States to identify ways to reduce paperwork burdens and other administrative duties that are directly associated with the requirements of the Act in order to increase the time and resources available for instruction and other activities aimed at improving educational and functional results for children with disabilities. The national evaluation will assess the extent to which the waivers were successful in reaching these goals.

Changes: We have revised paragraph 1 of the additional requirements by revising paragraph 1(f) and adding a new paragraph 1(g) (paragraph 1(f) and 1(g) now contain language from paragraph 1(e) of the proposed additional requirements) to require that local education agencies (LEAs) obtain voluntary informed written consent from parents to waive any paperwork requirements related to the provision of FAPE, such as changes related to IEPs, and requiring that the LEA must inform the parent in writing of any differences between the requirements of the Act related to the provision of FAPE (including changes related to IEPs), the parent's right to revoke consent, and the LEA's responsibility to meet all paperwork requirements related to the provision of FAPE when the parent does not provide informed written consent, or revokes that consent. Additionally, the LEA must inform the parents that if the parents revoke consent to a waiver of paperwork requirements regarding IEPs that the LEA must conduct, within 30 calendar days of such revocation, an IEP meeting to develop an IEP that meets all requirements of section 614(d) of the Act.

Comment: Many commenters recommended revising the final additional requirements and selection criteria to require States to identify effective

mechanisms for reporting and resolving adverse events, such as the denial of FAPE. These commenters also urged the Department to add a requirement that would prevent districts or schools from participating in the program if they have a demonstrated history of not complying with the Act or have experienced a disproportionate number of complaints to the State educational agency (SEA) or participated in a disproportionate number of dispute resolution processes.

Discussion: We generally agree with the commenters and will add a new requirement that State applicants describe how they will collect, report on and respond to evidence of adverse consequences. The State is obligated to ensure that children with disabilities who participate in the program continue to receive services in accordance with the Act and implementing regulations, modified only to the extent consistent with the State's approved application. States therefore should take into consideration the compliance history of LEAs within the State as part of their process for selecting LEAs to participate in the Paperwork Waiver Program, and monitor implementation of the program and take corrective action, if needed.

Changes: Paragraph 1(c) of the additional requirements has been revised to require the State to provide an assurance that the State will collect and report to the Department and the evaluator all State complaints related to the denial of FAPE to any student with a disability, and how the State responded to this information, including the outcome of that response such as providing technical assistance to the LEA to improve implementation, or suspending or terminating the authority of an LEA to implement the Paperwork Waiver Program due to unresolved compliance problems. In addition, paragraph 1(h)(ii) of the additional requirements (paragraph 1(f)(ii) of the proposed additional requirements) has been revised to require the State to describe to the evaluator the circumstances under which district participation may be terminated.

Comment: One commenter recommended that the final additional requirements specify that the authority to implement the Paperwork Waiver Program will be terminated for any State that is found to be in noncompliance with the Act.

Discussion: We believe that the commenter's concern is addressed by the language in section 609(a)(4) of the Act. As explained in paragraph 5 of the Statutory Requirements for Paperwork Waiver Program section in this notice, the Secretary will terminate a State's waiver granted as part of this program if the Secretary determines that the State (a) needs assistance under section 616(d)(2)(A)(ii) of the Act and that the waiver has contributed to or caused the need for assistance; (b) needs intervention under section 616(d)(2)(A)(iii) of the Act or needs substantial intervention under section 616(d)(2)(A)(iv) of the Act; or (c) fails to appropriately implement its waiver.

Changes: None.

Comment: Several commenters agreed that a State should not be permitted to participate in the Paperwork Waiver Program if the State meets the conditions under section 616(d)(2)(A)(iii) or (iv) of the Act, and recommended that the additional requirements and selection criteria also limit participation in the Paperwork Waiver Program to States in which the majority of the State's schools meet Adequate Yearly Progress (AYP) under the Elementary and Secondary Education Act of 1965, as amended, 20 U.S.C. 6301 et seq. (ESEA).

One commenter recommended that the Department contact the Chief State School Officers and Special Education Directors of States that are eligible to submit a proposal for the Paperwork Waiver Program to inform them of their eligibility.

Discussion: Section 609 of the Act does not limit participation in the Paperwork Waiver Program to States that have met the requirements of the ESEA. Given that Congress did not limit eligibility in this manner, the

Department does not believe it is appropriate to limit eligibility to States in which the majority of their schools meet AYP under the ESEA.

The Secretary believes that the additional requirements and selection criteria provide clear guidance as to eligibility criteria for this program, and that separate notification of eligibility to States is not necessary.

Changes: None.

Comment: None.

Discussion: As part of our internal review of the proposed additional requirements and selection criteria, we determined that it was appropriate to revise paragraph 1 of the additional requirements to better align it with the language of the Act as specified in paragraph 1 of the Statutory Requirements for Paperwork Waiver Program section of this notice. Specifically, section 609(a)(1) of the Act specifies that the purpose of the Paperwork Waiver Program is to provide an opportunity for States to identify ways to reduce paperwork burdens and other administrative duties that are directly associated with the requirements of the Act in order to increase the time and resources available for instruction and other activities aimed at improving educational and functional results for children with disabilities.

Changes: We have revised the introductory language in paragraph 1 of the additional requirements to clarify that a State applying for approval under this program must submit a proposal to reduce excessive paperwork and non-instructional time burdens that do not assist in improving educational and functional results for children with disabilities.

Civil Rights/Procedural Safeguards

Comment: Many commenters recommended clarifying that States are prohibited from proposing any waiver of procedural safeguards under section 615 of the Act, and that the civil rights requirements that may not be waived are not limited to provisions set forth in section 615 of the Act.

Discussion: The Secretary agrees that additional clarification is needed because the civil rights requirements that may not be waived under this program are not limited to the civil rights requirements in section 615 of the Act. Accordingly, we have revised the wording of paragraph 3 in the Statutory Requirements for Paperwork Waiver Program section of this notice to clarify that States may not propose to waive any procedural safeguards under section 615 of the Act, and may not propose to waive any applicable civil rights requirements. No changes are necessary to the final additional requirements or selection criteria in response to these comments.

Changes: None.

Comment: Many commenters recommended including the Act in the list of statutes in the definition of applicable civil rights requirements in paragraph 2 of the proposed additional requirements. In addition, one commenter recommended that the list include the U.S. Constitution, and that States should be required to add a detailed explanation of what steps they will take to ensure that children's civil rights are not violated or waived.

Discussion: Consistent with section 609 of the Act, the additional requirements and selection criteria prohibit waiving any statutory or regulatory requirements related to applicable civil rights requirements. Paragraph 2 of the additional requirements defines the term applicable civil rights as all civil rights requirements in: Section 504 of the Rehabilitation Act of 1973, as amended; Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; Title II of the Americans with Disabilities Act of 1990; and the Age Discrimination Act of 1975 and their implementing regulations. We have not included the Act in the list of statutes in this definition because section 609 of the Act clearly allows States that are participating in the Paperwork Waiver Program to waive some requirements of the Act. Including the Act in this list would preclude States from waiving any Federal requirements in order to reduce the paperwork

burden associated with requirements of part B of the Act and would be inconsistent with the explicit purposes of section 609 of the Act. We do not include the U.S. Constitution in the list of applicable civil rights statutes because, as a matter of law, the Act could not be interpreted to allow for the waiver of any of the protections provided under the U.S. Constitution.

Changes: None.

Comment: One commenter expressed concern that the results of the national evaluation on the Paperwork Waiver Program could form the basis for waiving requirements of the Act in subsequent reauthorizations, which would erode civil rights protections and FAPE for children with disabilities.

Discussion: The Act provides for the Paperwork Waiver Program and directs the Secretary to report to Congress on the effectiveness of waivers granted under the program. The national evaluation will yield the information necessary for the Department to carry out this responsibility. We cannot address what future reauthorizations of the Act will require or provide.

Changes: None.

Public Input/Parental Notification and Consent

Comment: Many commenters recommended requiring that any State that submits a proposal for the Paperwork Waiver Program must establish a committee comprised of school district personnel, and at least three parents (each representing a different disability group) to provide input on the State's proposal, including defining the terms "excessive paperwork" and "non-instructional time burdens." In addition, many commenters recommended requiring that the State's application: (a) include a summary of the public input; (b) indicate what input the State incorporated into its proposal and who or what organization provided the suggestion; and (c) identify which stakeholders agreed and which stakeholders disagreed with each Federal and State requirement that the State proposed to waive under its proposed paperwork waiver program.

Many commenters recommended requiring States to use a variety of mechanisms to obtain broad stakeholder input, including public meetings held at convenient times and places and inviting written public comments. Similarly, two commenters observed that public input must be transparent, and involve the greatest number of stakeholders, particularly teachers, administrators, related services providers, students, and parents.

Several commenters urged the Secretary to require that (in addition to obtaining input from school and district personnel, and parents) States obtain input from representatives of parent training and information centers and community parent resource centers and parents. In addition, one commenter recommended that the Secretary should require States to (a) obtain input from family members and advocates for children with disabilities, (b) require the State to summarize the input that it received and the type of stakeholder who submitted the input, and (c) describe how each specific proposal to waive a Federal statutory or regulatory requirement, or State requirement, would improve educational and functional results for children by reducing paperwork.

One commenter recommended that the final additional requirements and selection criteria define the kinds of paperwork that may be waived that are excessive and impose non-instructional time burdens on school personnel, and the Secretary should not allow any waiver of notices to families, reports of evaluation results, IEPs, or performance reports to parents. The commenter also recommended that (a) the State ensure that the State Parent Training and Information Center and Special Education Advisory Council support the State's application for each proposed waiver; (b) institutions of higher education work in collaboration with the State in developing its application; and (c) the State have a plan for on-going implementation review that requires data collection and the submission of interim reports to the Secretary.

One commenter recommended clarifying that any proposed State plans must comply with section 612(a)(19) of the Act requiring public participation.

One commenter recommended that the Department should clearly articulate the impact that negative public input will have on the selection criteria of a State's application, if any.

Discussion: It is not appropriate or possible for the Department to prejudge the possible impact of stakeholder input on the peer reviewers' recommendations. Likewise, we believe that States should have some flexibility in designing their process for obtaining public input. We have revised paragraph 1(a) of the additional requirements to require States to include in their proposals a description of how they involved multiple stakeholders in selecting the requirements proposed for the waiver and any specific proposals for changing those requirements to reduce paperwork, and a description of how they provided an opportunity for public comment in selecting the requirements proposed for the waiver consistent with the requirements of section 612(a)(19) of the Act. Paragraph 1(b) of the additional requirements requires the proposal to include a summary of the public comments received upon implementing paragraph 1(a) and a description of how those comments were addressed in the proposal. Accordingly, each State's application will be judged on the extent to which the State involved multiple stakeholders and provided an opportunity for public comment in selecting the requirements proposed for the waiver.

Changes: We have revised paragraph 1(a) of the additional requirements to clarify that a State must include in its proposal a description of how the State (a) involved multiple stakeholders, including parents, children with disabilities, special education and regular education teachers, related services providers, and school and district administrators, in selecting the requirements proposed for the waiver and any specific proposals for changing those requirements to reduce paperwork, and (b) provided an opportunity for

public comment in selecting the requirements proposed for the waiver. In addition, we have added a new paragraph 1(b) to the additional requirements to require the State to provide a summary of public comments and how public comments were addressed in the proposal.

Comment: Many commenters recommended that States be required to provide a detailed description of how they plan to provide training on the paperwork waivers for administrators, teachers, related services providers, education support professionals, and parents. The commenters expressed concern that children with disabilities would be denied FAPE absent sufficient training of parents and education personnel on Federal and State requirements that are waived by the State.

Discussion: The Secretary agrees with the commenters that it is essential that parents, teachers, administrators, related services providers, and education support professionals understand what Federal and State requirements are waived by the State as part of the Paperwork Waiver Program in order to ensure proper implementation.

Changes: We have revised the additional requirements by adding a new paragraph 1(d) to require applying States to provide as part of their proposals a description of the procedures they will employ to ensure that diverse stakeholders understand the proposed elements of the State's submission for the Paperwork Waiver Program. With the addition of this new paragraph 1(d), we have re-designated paragraphs 1(d) through (f) of the proposed additional requirements as paragraphs 1(e) through (g). Paragraphs 1(e) through (g) reflect additional changes as discussed in this preamble.

Comment: Many commenters recommended clarifying that the parents of children with disabilities should receive written notice, in addition to verbal notice, of any waiver of Federal requirements permitted under the Paperwork Waiver Program. If the State proposes to waive IEP requirements, the commenters recommended requiring that States receive informed written consent

from the parents before an IEP that does not meet the requirements of section 614(d) of the Act is developed for a child with a disability. The commenters also recommended that parents should receive written notice of any State requirements that will be waived under the program, the anticipated effects of these waivers, and the protections that have been put into place to ensure that no child with a disability is denied FAPE. The commenters stressed that sending parents a list of references to Federal and State requirements that will be waived is insufficient to ensure that they are properly informed. The commenters recommended requiring that notice to parents of any waived requirements be fully explained, written in an easily understandable manner and in the parent's native language, with an explanation of the effect of such waivers and the protections that have been put in place to ensure the provision of FAPE in the least restrictive environment, and the protection of the child's civil rights and procedural safeguards under section 615 of the Act.

Three commenters recommended eliminating the parental notification requirement altogether.

One commenter recommended requiring that the Paperwork Waiver Program include effective mechanisms for reporting to the Department adverse effects of the program, such as denial of FAPE.

Discussion: Section 609(a)(3)(B)(i) of the Act requires the State to identify any statutory or regulatory requirements related to part B of the Act that would be waived, and section 609(a)(3)(B)(ii) of the Act requires the State to identify any State requirements that would be waived. Although not specifically required under section 609 of the Act, paragraph 1(e) of the additional requirements (paragraph 1(d) of the proposed additional requirements), which requires States to ensure that parents are given notice of any statutory, regulatory, or State requirements that will be waived as

part of the Paperwork Waiver Program, is consistent with the parental notice requirements in section 615 of the Act.

We agree with the commenters that the notice containing the requirements that are being waived should be presented to parents in writing and in a manner that is understandable to parents consistent with section 615 of the Act. We have incorporated, in paragraphs 1(f) and 1(g) of the additional requirements, parent consent requirements to ensure that waivers will not result in the denial of a child's right to FAPE. We agree that States should disseminate information about how they will ensure a child's right to FAPE, and otherwise protect the child's civil rights and procedural safeguards under section 615 of the Act to participating LEAs that, in turn, should provide the information to parents. Accordingly, we have added language to paragraph 1(e) of the additional requirements (paragraph 1(d) in the proposed additional requirements) to clarify that the parental notice on what Federal and State requirements are being waived include a description of the procedures the State will employ to ensure that the child's right to FAPE is preserved and that the child's civil rights and procedural safeguards under section 615 of the Act are protected, and that such notice should be in writing in easily understandable language and in the native language of the parent, unless it clearly is not feasible to do so.

In addition, we agree with the commenters that participating LEAs must obtain informed written consent from parents before an IEP that does not meet the requirements of section 614(d) of the Act is developed for a child with a disability. Paragraph 1(g) of the additional requirements (paragraph 1(e) of the proposed additional requirements) requires States to ensure that, in requesting voluntary informed written consent from parents, the LEA must inform the parent in writing of (i) any differences between the paperwork requirements of the Act related to the provision of FAPE, such as changes related to IEPs, (ii) the parent's right to revoke consent to waive any

paperwork requirements related to the provision of FAPE at any time, (iii) the LEA's responsibility to meet all paperwork requirements related to the provision of FAPE if the parent does not provide voluntary written informed consent or revokes consent, and (iv) the LEA's responsibility to conduct an IEP meeting to develop an IEP that meets all requirements of section 614(d) of the Act within 30 calendar days if the parent revokes consent to waiving paperwork requirements related to the content, development, review, and revision of IEPs. We do not agree with commenters that the notice must include an explanation of the effects of such waivers. Section 609 of the Act does not require the State to include in such a notice specific anticipated effects of the waiver program. Moreover, we believe that the possible benefits of including this information in the notices are outweighed by the burden. In short, we believe that children are sufficiently protected by the fact that States must ensure that the waiver program does not affect the right of a child with a disability to receive FAPE.

Changes: We have re-designated paragraph 1(d) of the proposed additional requirements as paragraph 1(e) and revised paragraph 1(e) of the final additional requirements to require States to provide assurances that each parent of a child with a disability in participating LEAs will be given written notice (in the native language of the parent, unless it clearly is not feasible to do so) of any statutory, regulatory, or State requirements that will be waived and notice of the procedures that State will employ under paragraph 1(c) (which requires that States ensure the right to FAPE and protection of due process protections under section 615 of the Act, and applicable civil rights requirements).

In addition, we have re-designated paragraph 1(e) of the proposed additional requirements as paragraph 1(f) and revised paragraph 1(f) of the additional requirements to require that in applying for a waiver of any paperwork requirements related to the provision of FAPE, such as changes

related to IEPs, applicants must assure that they will require any participating LEA to obtain voluntary informed written consent from the parents. We also have added language to paragraph 1(g) of the additional requirements (paragraph 1(e) of the proposed additional requirements) to clarify that States must ensure that in requesting voluntary informed written consent from parents, the LEA must inform the parent in writing (and in the parent's native language, unless it clearly is not feasible to do so) of (i) any differences between the paperwork requirements of the Act related to the provision of FAPE, such as changes related to IEPs, (ii) the parent's right to revoke consent to waive any paperwork requirements related to the provision of FAPE at any time, (iii) the LEA's responsibility to meet all paperwork requirements related to the provision of FAPE if the parent does not provide voluntary written informed consent or revokes consent, and (iv) the LEA's responsibility to conduct an IEP meeting to develop an IEP that meets all requirements of section 614(d) of the Act within 30 calendar days if the parent revokes consent to waiving paperwork requirements related to the content, development, review and revision of IEPs.

Comment: One commenter recommended deleting the additional requirement that States allow parents to revoke consent to an IEP that does not meet the requirements of section 614(d) of the Act as part of the Paperwork Waiver Program proposal.

One commenter recommended deleting all parental consent requirements regarding the development of an IEP that does not meet the requirements of section 614(d) of the Act as part of the Paperwork Waiver Program.

One commenter recommended that the final additional requirements clarify that parental consent is voluntary to ensure that parents are not pressured or coerced into agreeing to an IEP that does not meet the requirements of section 614(d) of the Act.

Discussion: We disagree with the commenter that LEAs should not be required to receive parental consent before an IEP that does not meet the requirements of section 614(d) of the Act is developed. We also disagree with the commenter that parents should be prohibited from withdrawing their consent. We believe these provisions are essential to ensuring that States participating in the Paperwork Waiver Demonstration Program ensure the right to FAPE for all participating students.

We intended the reference to "informed consent" of parents in paragraph 1(e) of the proposed additional requirements to mean consent that is both informed and provided by the parents voluntarily. "Consent" in this context has the same meaning as given the term in 34 CFR 300.9. However, we agree with the commenter that additional clarification is needed to ensure that parental consent is voluntary.

Changes: As noted elsewhere in this section, we have re-designated paragraph 1(e) of the proposed additional requirements as paragraph 1(f) of the additional requirements. We also have revised that paragraph by inserting the term "voluntary" before the word "informed" and inserting the term "written" before the word "consent."

Comment: One commenter recommended that States be required to inform parents that refusing to consent to an IEP that does not meet the requirements of section 614(d) of the Act will not affect the delivery of special education and related services to their child.

Discussion: We agree with the commenter that additional clarification is needed regarding situations where a parent refuses to provide consent for an IEP that does not meet the requirements of section 614(d) of the Act. If a parent does not provide consent for an LEA to develop an IEP that does not meet the requirements of section 614(d) of the Act, the LEA is responsible for implementing the child's current IEP that meets all of the requirements of section 614(d) of the Act.

Changes: We have revised paragraph 1(g) of the additional requirements (paragraph 1(e) of the proposed additional requirements) to make clear that the information provided to parents must explain that if the parent does not provide consent, or revokes consent, the LEA is responsible for meeting all paperwork requirements related to the provision of FAPE.

Comment: Many commenters recommended prohibiting States from proposing to waive any requirements related to IEPs, Individualized Family Services Plans (IFSPs), Procedural Safeguards Notices or Prior Written Notices as part of their applications for the Paperwork Waiver Program. The commenters also recommended that the Secretary terminate a State's waiver granted as part of this program if the Secretary determines that the State has violated any requirements related to IEPs, IFSPs, Procedural Safeguards Notices or Prior Written Notices.

Many commenters recommended that the proposed additional requirements for this program be revised to prohibit applicants from using the Paperwork Waiver Program as a vehicle for implementing multi-year IEPs that do not comply with the terms of the Department's Multi-Year IEP Demonstration Program (Multi-Year IEP Program).

Many commenters recommended that the Department prohibit States from participating in both the Paperwork Waiver Program and the Multi-Year IEP Program.

Many commenters recommended adding a requirement that any State permitted to participate in both the Multi-Year IEP Program and the Paperwork Waiver Program may not implement both programs in the same district or school.

Discussion: Section 609 of the Act does not authorize the Secretary to allow States to propose waiving any requirements of IFSPs under part C of the Act. Section 609 of the Act authorizes the Secretary only to grant waivers of statutory requirements of, or regulatory requirements relating to, part B of

the Act. In addition, sections 609 and 614(d)(5) of the Act do not preclude a State from proposing to waive requirements related to the content, development, review and revision of IEPs, nor does the Act preclude a State from proposing to incorporate elements of the Multi-Year IEP Program in its application for the Paperwork Waiver Program. We decline to make the requested changes because we believe that there are sufficient protections in the requirements for the Paperwork Waiver Program to protect a child's right to FAPE as well as to ensure that civil rights and procedural safeguard requirements are not waived.

The Act allows States to apply for the Multi-Year IEP Program and the Paperwork Waiver Program. However, we agree with the commenters that a State that receives awards for the Paperwork Waiver Program and the Multi-Year IEP Program should not be permitted to execute both programs in the same school district. We believe that this type of prohibition would allow for a more precise evaluation of each program.

Changes: A note has been added at the end of the ADDITIONAL REQUIREMENTS AND SELECTION CRITERIA section to clarify that receipt of an award for the Paperwork Waiver Program does not preclude an applicant from applying for and receiving an award for the Department's Multi-Year IEP Program. However, a State that receives an award for both programs may not execute both programs within the same LEA.

Comment: Many commenters recommended requiring States to work with the national evaluator to convene Statewide meetings at a time and place convenient for parents and family members so that they can publicly express whether there is family satisfaction with the Paperwork Waiver Program.

Discussion: We strongly support parental involvement in the education of children, and believe that the involvement of parents and other stakeholders in the development and evaluation of the Paperwork Waiver Program is ensured through requirements established in this notice. In addition, parent

satisfaction will be evaluated under the outcomes that are measured as part of the national evaluation. The evaluation contractor, working under the direction of IES and in consultation with a technical workgroup and participating States, may choose to convene Statewide public meetings as part of its research methodology to collect data on parent satisfaction. However, we see no compelling reason to require the evaluation contractor to convene Statewide meetings at this time. The details of the national evaluation will be confirmed during discussion with the evaluator, a technical workgroup, and the participating States during the first several months of the study, including how parent satisfaction will be evaluated.

Changes: None.

National Evaluation

Comment: None.

Discussion: Based on an internal review of the description of the national evaluation in the Background for Additional Requirements and Selection Criteria section of this notice, we have determined that it is appropriate to clarify for applicants and other stakeholders that academic measures are among those student outcomes to be assessed as part of the national evaluation.

Changes: In the Background for Additional Requirements and Selection Criteria section of this notice, we have added the phrase "including academic achievement" to the outcomes to be measured by the national evaluation.

Paragraph (a) of the outcomes to be measured now reads: "educational and functional results (including academic achievement) for students with disabilities."

Comment: Many commenters requested a definition of "quasi-experimental design" and an explanation of how it compares with a "rigorous research design." One commenter recommended that the evaluation include a variety of

qualitative and quantitative evaluation methods (e.g., case studies, observation, cost-benefit analyses).

One commenter noted the absence of a research question within the proposed additional requirements for the national evaluation conducted by IES and asked for clarification as to why a research question was not specified. Discussion: A quasi-experimental research design is similar to experimental research design but it lacks one key ingredient -- random assignment. In conducting the national evaluation, it may not be possible for IES to match LEAs within States according to demographic characteristics, programmatic features, and other factors in order to apply an empirical research design that randomly assigns LEAs to experimental and control groups. For example, some States may have only one large urban school district, and a comparable control group within the State cannot be established.

Similarly, it may not be possible to match participating States according to demographic characteristics in order to establish experimental and control groups. For example, because this is a competitive program, only eligible States that apply for and are awarded authority to waive Federal and State requirements will participate in the Paperwork Waiver Program. As such, it is not possible to randomly assign States to experimental and control groups. For this reason, IES will conduct an evaluation using a rigorous quasi-experimental design (i.e., a research design that does not include random assignment of participating States and LEAs to experimental and control groups). The design will, however, allow for the collection of data on the following outcomes: (a) educational and functional results (including academic achievement) for students with disabilities, (b) allocation and engagement of instructional time for students with disabilities, (c) time and resources spent on administrative duties and paperwork requirements by teaching and related services personnel, (d) quality of special education services and plans incorporated in IEPs, (e) teacher, parent, and administrator satisfaction, (f) the promotion of

collaboration of IEP team members, and (g) enhanced long-term educational planning for students. These outcomes will be compared between students who participate in the Paperwork Waiver Program, and students who are matched on disability, age, socioeconomic status, race/ethnicity, language spoken in the home, prior educational outcomes, and to the extent feasible, the nature of special education, and who do not participate in the Paperwork Waiver Program.

Given that limitations may preclude random assignment of States and LEAs to experimental and control groups, the findings from the national evaluation may largely be "descriptive" in nature rather than drawing "causal" inferences that can be reached from experimental research design, which we believe is what the commenters were referring to as "rigorous research design." That is, descriptive research has the goal of describing what, how, or why something is happening, whereas experimental research has the goal of determining whether something causes an effect. Therefore, specific research questions commonly associated with experimental research design cannot be generated a priori because independent and dependent variables associated with experimental research design cannot readily be established due to the variability of demographic characteristics between and within States that preclude random assignment of States and LEAs to experimental and control groups. The specifics of the national evaluation design will be confirmed during discussion with the evaluator, a technical workgroup, and the participating States during the first several months of the study and might include a variety of qualitative and quantitative evaluation methods (e.g., case studies, observation, cost benefit analyses).

Changes: None.

Comment: Several commenters recommended requiring States to prohibit participation of some LEAs within the State in order to create separate experimental and control groups.

Discussion: As discussed elsewhere in this section, it may not be possible to match LEAs within States according to demographic characteristics in order to establish experimental and control groups. The specifics of the national evaluation design will be confirmed during discussion with the evaluator, a technical workgroup, and the participating States during the first several months of the study, and decisions regarding the extent to which experimental research design can be employed will be decided at that time.

Changes: None.

Comment: Many commenters recommended clarifying that all States that participate in the Paperwork Waiver Program must participate in the national evaluation conducted by IES. The commenters also recommended adding a new requirement that participating States conduct a State evaluation of the project to ensure accountability to participating children and families and that the State must provide more detailed State specific data than would be required for the national evaluation. In addition, the commenters recommended that the Secretary consider the extent to which the applicant has devoted sufficient resources to conduct a State evaluation of its project and the training of administrators, educators, and parents to ensure proper implementation of the proposed project.

Discussion: IES will conduct the national evaluation of the Paperwork Waiver Program. Paragraph 1(h) of the additional requirements (paragraph 1(f) of the proposed additional requirements) makes clear that participating States must cooperate fully in this national evaluation. Section 609 of the Act does not require a State evaluation under the Paperwork Waiver Program and we do not think it is appropriate to require States to conduct a State evaluation. However, nothing in the Act or the final additional requirements and selection criteria prevents States from including a proposal to conduct a Statewide assessment of their project as part of their application, if determined appropriate by the State.

Changes: None.

Comment: Two commenters recommended deleting all requirements related to a State's participation in the national evaluation. The commenters expressed concern that such participation would add unnecessary costs and paperwork for States and local school districts and could discourage many States from applying for the Paperwork Waiver Program.

One commenter stated that it was unreasonable to expect States to allocate resources for the project to assist with planning the details of the evaluation and ensuring the participation of the involved school districts, and that it was unlikely that the research would yield reliable and valid experimental outcomes.

One commenter noted that the State lacked the authority to enforce the cooperation of school districts to participate in the national evaluation.

Discussion: IES will ensure that the national evaluation yields results that are reliable and valid. Under section 609 of the Act, the Department is responsible for reporting to Congress on the effectiveness of the waiver program. In order to accurately evaluate program effectiveness, the national evaluation is necessary, and it is appropriate for States that are granted waivers under the program, and participating LEAs, to participate in that evaluation. A State that does not provide an assurance that it will fully cooperate with the national evaluator will be deemed ineligible to participate in the Paperwork Waiver Program. Moreover, the State is responsible for ensuring that participating LEAs cooperate in the national evaluation conducted by IES. If a State is unable to provide an assurance that its participating LEAs will cooperate in the national evaluation, then the State will be deemed ineligible to participate in the Paperwork Waiver Program. Similarly, an LEA that does not provide an assurance to the applying State that it will fully cooperate with the national evaluator is ineligible to participate in the program. In addition, we believe that participation in the national evaluation

will not add unnecessary costs and paperwork or be overly burdensome for States and local school districts. Moreover, over the course of the evaluation, participating States will receive an annual incentive payment (described in the Additional Requirements section of this notice) that will offset the cost of participating in the evaluation.

Changes: None.

Comment: One commenter noted that the privacy rights of individuals under the privacy requirements of FERPA and the Act must be protected in making individual student's IEPs accessible as part of the national evaluation.

Discussion: We agree with the commenter and have revised paragraph 1(h)(i) of the additional requirements to clarify that States must ensure, consistent with the privacy requirements of FERPA and the Act, that the evaluator will have access to original and all subsequent new versions of the associated documents for each child involved in the evaluation, including IEPs (if applicable). We also have revised the description of the role that States will play in the national evaluation in the SUPPLEMENTARY INFORMATION section of this notice to ensure that the privacy requirements of FERPA and the Act are protected.

Changes: We have revised paragraph 1(h)(i) of the additional requirements (paragraph 1(f)(i) of the proposed additional requirements) by adding the words "consistent with the privacy requirements of the Act and The Family Educational Rights and Privacy Act" to the sentence requiring States to ensure that the evaluator will have access to the original and all subsequent new versions of the associated documents for each child involved in the evaluation.

Comment: Two commenters recommended revising paragraph 1(f) of the proposed additional requirements by deleting the phrase "if selected."

Discussion: Paragraph 1(f) of the proposed additional requirements (which has been re-designated as paragraph 1(h) of the additional requirements) requires States to provide assurances that they will cooperate fully, if

selected, in a national evaluation of the Paperwork Waiver Program. The phrase "if selected" was intended to clarify that the requirement only applies to States that are selected to participate in the Paperwork Waiver Program; however, we agree with the commenters that the phrase is confusing. Accordingly, we have re-worded this paragraph to read, "Assurances that the State will cooperate fully in a national evaluation of this program, if selected to participate in the Paperwork Waiver Program."

Changes: As noted elsewhere, we have re-designated paragraph 1(f) of the proposed additional requirements as paragraph 1(h). We also have revised that paragraph to clarify that assurances are required from States selected to participate in the Paperwork Waiver Program.

Comment: Many commenters recommended including representatives of national parent organizations in the design of the national evaluation. The commenters stated that it is essential that stakeholders have confidence that the evaluation procedures will yield valid, reliable, and comprehensive data.

Discussion: IES will identify and select individuals with the necessary technical expertise to serve as members of the technical workgroup, which will advise IES on the development of a rigorous research design for conducting the national evaluation. These individuals may include representatives of national parent organizations. We decline at this time to add any other specific parties to those involved in determining the specifics of the evaluation design.

Changes: None.

Comment: Two commenters recommended eliminating the requirement for a State to designate a coordinator for the Paperwork Waiver Program.

Discussion: We believe that it is necessary and reasonable to ensure effective implementation and evaluation of the Paperwork Waiver Program to require States to designate a coordinator who will monitor the State's implementation of the program and work with the national evaluator.

Changes: None.

Comment: Many commenters recommended adding a new requirement that would preclude a State from authorizing school districts to begin implementing waivers until the beginning of the first school year after the specifics of the study design for the national evaluation and the State's evaluation have been determined. The commenters noted that more time was needed to work with the national evaluator on the specifics of the national study design before LEAs begin implementing the program.

One commenter recommended allowing States to establish their own implementation schedule in their proposals, and that the Department should encourage States to do so in an expeditious manner to meet the congressional expectation that the Department issue an "effectiveness report" to the Congress by the end of 2006.

Discussion: We believe that the commenters' concerns are addressed because the evaluation design will be determined prior to implementation of the Paperwork Waiver Program. Accordingly, LEAs may not begin implementing waivers until after the specifics of the study design for the national evaluation and the State's evaluation have been determined and all the background information for the national evaluation has been provided to IES. We believe that States should have some flexibility in the timing of their implementation and, while a State may propose to delay implementation of the Paperwork Waiver Program as part of its application, it must fully cooperate with the national evaluator in developing the specifics of the national study design.

Changes: None.

Comment: Many commenters recommended that the Department commence the national evaluation process as soon as the final evaluation design has been completed, and that the evaluator begin collecting background information from the States at this time.

Discussion: We do not agree with the commenters that it is necessary at this time to require the national evaluation process to commence as soon as the final study design has been completed, nor do we believe that the evaluator should be required to begin collecting background information from the States at this time. Rather, specifics of the design (including matters of when data collection will commence) will be confirmed during discussion with the evaluator, a technical workgroup, and the participating States during the first several months of the study.

Changes: None.

Comment: One commenter recommended that the Department contract with an independent agency to develop a research design that would produce reliable information about the effectiveness of the Paperwork Waiver Program and meet the requirements of the Department's "What Works Clearinghouse."

Discussion: Data collection and analysis will be the responsibility of IES through its independent contractor. The Department's "What Works Clearinghouse" (WWC) collects, screens, and identifies existing studies of effectiveness of educational interventions (programs, products, practices, and policies). The evaluation will be based on a strong quasi-experimental design that will yield valid and reliable results consistent with the WWC evidence standards for quasi-experimental studies and will meet the needs of the Secretary for reporting to Congress under section 426 of the Department of Education Organization Act and section 609(b) of the Act.

Changes: None.

Comment: Many commenters recommended that the national evaluation include collection of data on "family member" satisfaction.

Discussion: We generally agree with the commenters that the national evaluation should collect data on the satisfaction of family members of children participating in the Paperwork Waiver Program. Section 609(b) of the Act requires the Department to report to Congress on the effectiveness of

the waiver program and to provide specific recommendations for broader implementation of such waivers related to five outcomes, including ensuring satisfaction of family members. In this context, the Department interprets the term "family members" to mean "parents" and intends to collect data on parent satisfaction with the program. While the perspectives of family members, including siblings, grandparents, and other relatives can be important in making educational decisions for a child with a disability, we believe that the parents of a child with a disability are in the best position to represent the interests of their child. Moreover, while the Act provides a definition of "parent," it does not provide a definition of "family member." Parents may, at their discretion, convey the interests and perspectives of other family members in the operation of the project on behalf of their children.

Accordingly, we have included language in the background statement for the additional requirements and selection criteria in the SUPPLEMENTARY INFORMATION section of this notice to clarify that, as part of the national evaluation, IES will collect data on the extent to which program activities result in parent satisfaction. We have not made any changes to the additional requirements or selection criteria in response to these comments.

Changes: None.

Comment: One commenter recommended that the national evaluation not include collection of data on "teacher" and "administrator" satisfaction.

Discussion: Section 609 of the Act does not require the collection of data on teacher and administrator satisfaction as part of the national evaluation. However, because multiple stakeholders, including teachers and administrators, will be involved in the development and implementation of the Paperwork Waiver Program, the Secretary believes that the national evaluation should include collection of data on teacher and administrator satisfaction.

Changes: None.

Comment: Many commenters recommended that IES collect data on whether the Paperwork Waiver Program will promote collaboration of IEP team members and how long-term educational planning will be enhanced for students through the program.

Discussion: We agree with the commenters. Section 609(b) of the Act requires the Department to report on the effectiveness of the Paperwork Waiver Program and provide specific recommendations for broader implementation of such waivers related to five outcomes, including (but not limited to) promoting collaboration between IEP team members, and enhancing longer-term educational planning, in its annual report to Congress. Accordingly, we have included language in the background statement for the additional requirements and selection criteria in the SUPPLEMENTARY INFORMATION section of this notice to clarify that, as part of the national evaluation, IES will collect data on the extent to which program activities promote collaboration among IEP team members and enhance long-range educational planning. We have not made any changes to the additional requirements or selection criteria in response to these comments.

Changes: None.

Comment: One commenter requested that we clarify the language in paragraph 1(h)(i) of the additional requirements (paragraph 1(f)(i) of the proposed additional requirements) regarding an evaluator having access to the most recent IEP created before participating in the Paperwork Waiver Program because this language implies that no initially identified child could participate in the pilot project if elements of the IEP are waived.

Discussion: Initially identified children are eligible to participate in this program. We agree that additional clarification is needed because an initially identified child would not have a previous IEP, and therefore having access to the most recent IEP would not be applicable.

Changes: Paragraph 1(h)(i) (paragraph 1(f)(i) of the proposed additional requirements) has been revised to clarify that the evaluator will have access to the most recent IEP created (if a previous IEP was created) before participating in the Paperwork Waiver Program.

Comment: One commenter recommended re-ordering the requirements with which States must comply that will allow the Department to evaluate the effectiveness of the program to parallel the requirements of section 609(b) of the Act. The same commenter also recommended limiting data collection on the effectiveness of the program related to student outcomes to educational and functional results that are "in accordance with each student's IEP."

Discussion: Section 609(a)(1) of the Act specifies that the purpose of the Paperwork Waiver Program is to provide an opportunity for States to identify ways to reduce paperwork burdens and other administrative duties that are directly associated with the requirements of the Act in order to increase the time and resources available for instruction and other activities aimed at improving educational and functional results for children with disabilities. We believe that the ordering of evaluation outcomes is sufficiently clear, and re-ordering is not necessary. In addition, we believe that potential improvements in the educational and functional results for children with disabilities as a result of this program should not be limited to IEP goals. For example, the national evaluation could include examination of student assessment data or other indices of student progress beyond what is included in students' IEPs.

Changes: None.

Comment: Several commenters recommended eliminating some or all data collection requirements as part of the national evaluation to reduce burden and costs on States participating in the Paperwork Waiver Program.

Discussion: Section 609(b) of the Act requires the Department to report on the effectiveness of the Paperwork Waiver Program and provide specific recommendations for broader implementation of such waivers related to five

outcomes. However, data collection and analysis will not be the responsibility of States. Rather, data collection and analysis will be the responsibility of IES through its contractor. States can expect to allocate resources, at a minimum during Year 1, to assist with planning the details of the evaluation, ensuring participation of involved districts, providing access to relevant State records, and completing questionnaires or participating in interviews. Over the course of the evaluation, participating States will receive an annual incentive payment (described in the Additional Requirements section of this notice) that will offset the cost of participating in the evaluation.

Changes: None.

Comment: Many commenters recommended increasing the annual incentive payment provided to States to support program-related activities, and recommended requiring that the national evaluator provide funds to participating school districts based on the number of participating students in the evaluation.

Discussion: Paragraph 3 of the proposed additional requirements provided that each State receiving approval to participate in the Paperwork Waiver Program would be awarded an annual incentive payment of \$10,000 to be used exclusively to support program-related evaluation activities, including one trip to Washington, DC, annually to meet with the project officer and the evaluator. In addition, paragraph 3 of the proposed additional requirements indicated that each participating State would receive an additional incentive payment of \$15,000 annually from the evaluation contractor to support evaluation activities in the State, and that incentive payments may also be provided to participating districts to offset the cost of their participation in the evaluation of the Paperwork Waiver Program. Because the total available funds for each award will depend on the number of awards made, we are unable to specify an exact amount over the initially proposed incentive payment amounts. However, the Secretary agrees with the commenters that more

funds should be made available if possible and, therefore, the final additional requirements have been revised to clarify that participating States will receive at least \$10,000 to support program-related evaluation activities, and at least \$15,000 annually from the evaluation contractor to support evaluation activities in the State.

Changes: We have revised paragraph 3 of the final additional requirements to clarify that each State receiving approval to participate in the Paperwork Waiver Program will be awarded an annual incentive payment of not less than \$10,000 to support program-related evaluation activities, and not less than \$15,000 annually from the evaluation contractor to support evaluation activities in the State, to offset the cost of participating districts, or to do both. We also have added language to this paragraph to clarify that the total available funds for each award will depend on the number of awards made.

Comment: Many commenters recommended that the Department indicate when the results of the national evaluation will be available and how they will be disseminated.

Discussion: We believe that it is not appropriate to set a timeline for disseminating the results of the national evaluation until the specifics of the national evaluation are confirmed during discussion with the evaluator, a technical workgroup, and the participating States during the first several months of the study. Consistent with section 609(b) of the Act, the Secretary will include in the annual report to Congress pursuant to section 426 of the Department of Education Organization Act information related to the effectiveness of waivers including any specific recommendations for broad implementation. It is the expectation of the Department that the annual report will be based, at least in part, on the results of the national evaluation.

Changes: None.

Selection Criteria

Comment: None.

Discussion: Upon further consideration of the proposed selection criteria, the Department has made the decision to use selection criteria already established in the Education Department General Administrative Regulations (EDGAR) in 34 CFR 75.210 for the review of this program. The proposed selection criteria included many of the measures that would be evaluated as part of the national evaluation of this program. Upon further consideration, we determined that it would be inappropriate to include these measures in the selection criteria. We believe that use of the EDGAR selection criteria will enable the Department to sufficiently evaluate State applications for this program.

Changes: Throughout the selection criteria, we have replaced or modified proposed selection criteria to better align with selection criteria from 34 CFR 75.210 of EDGAR. Specifically, we have deleted or modified proposed selection criteria 1(b), 2(a), 2(b), 3(b) and 3(c) and added language from 34 CFR 75.210 of EDGAR.

Comment: One commenter recommended eliminating proposed selection criterion 1(a) (i.e., that the proposed project demonstrate the extent to which it will develop or demonstrate promising new strategies that build on, or are alternatives to, existing strategies).

Discussion: We decline to make the requested change because we believe that selection criterion 1(a) is an important criterion for evaluating the innovativeness of each State application for the Paperwork Waiver Program.

Changes: None.

Comment: Many commenters recommended requiring the Secretary to evaluate, separately, the significance of the proposed project in terms of how likely it would lead to reduced paperwork burden, increase instructional time, and improve academic achievement. The commenters also recommended that the Secretary consider the likelihood that the proposed project will ensure parent satisfaction.

One commenter stated that section 609(b) of the Act anticipates "positive outcomes" for students and that the expected outcomes for the program should relate directly to the individual's annual IEP goals (educational and functional outcomes) as opposed to being limited to academic achievement.

Discussion: We believe that the commenters' concerns about the likelihood that the project will lead to reduced paperwork, increased instructional time, improved academic achievement, and will ensure parents' satisfaction are sufficiently addressed by the national evaluation. Similarly, we believe that the comment on measuring outcomes related to the IEP is already addressed by the national evaluation. Readers are referred to the Background for Additional Requirements and Selection Criteria section, which lists the measures on which IES will collect data for purposes of the national evaluation. These measures include data on the educational and functional results of students with disabilities, the quality of the services and plans within the IEP, allocation and engagement of instructional time for students with disabilities, time and resources spent on administrative duties and paperwork requirements by teaching and related services personnel, and parent satisfaction, among other things.

We strongly support parental involvement in all aspects of education, but believe that parental involvement in the development and evaluation of the Paperwork Waiver Program is more appropriately ensured through other additional requirements included in this notice (e.g., paragraphs 1(a) and (d) of the additional requirements) and will be addressed by the outcomes measured as part of the national evaluation conducted by IES (e.g., parent satisfaction) and selection criterion 3(c).

Changes: None.

Comment: None.

Discussion: Since publishing the December 2005 notice, we have decided to use certain selection criteria from those found in EDGAR in 34 CFR 75.210 for the

review of this program. Proposed selection criterion 1(b), "The likelihood that the proposed project will result in improvements in the IEP process, especially long-term planning for children with disabilities, without compromising the provision of FAPE, satisfaction of parents, and educational outcomes for children with disabilities" has been deleted. Upon internal review of the proposed selection criteria, we have determined that this criterion is inappropriate because it would require panel reviewers to speculate on the impact proposals would have on the variables to be measured by the national evaluation (i.e., long-term planning for children with disabilities, satisfaction of parents and educational outcomes for children with disabilities). If the relationship between certain paperwork waivers and outcome variables were known, then there would be no need for the evaluation.

We have replaced proposed selection criterion 1(b) with the following EDGAR criterion, which is from 34 CFR 75.210(b)(2)(iii): "The potential contribution of the proposed project to increased knowledge or understanding of educational problems, issues or effective strategies." This criterion will allow panel reviewers to evaluate the proposal's significance relative to how articulately or persuasively the State can connect current problems or issues with the paperwork requested for waiver. This type of evaluation and subsequent scoring of an application is commonly done in proposal review by standing panel members.

Changes: Proposed selection criterion 1(b) has been deleted and replaced with the selection criterion from section 75.210(b)(2)(iii) of EDGAR.

Comment: Many commenters recommended that the Secretary consider the importance or magnitude of the results or outcomes likely to be attained by the project, especially improvements in teaching and student achievement.

Discussion: We agree with the commenter that the importance or magnitude of the results or outcomes likely to be attained by the project, particularly improvements in teaching and student achievement, is an important criterion

in assessing the significance of a proposed project. We also agree that it is important to evaluate the effects a proposed project will have on instructional time that could lead to improvements in educational and functional outcomes for children with disabilities.

Changes: Selection criteria 1 has been amended by adding new selection criterion 1(c), which allows the Secretary to evaluate the importance or magnitude of the results or outcomes likely to be attained by the project, especially improvements in teaching and student achievement.

Comment: Many commenters recommended amending the selection criteria to ensure that the emphasis on paperwork reduction in a State's proposal includes a focus on improved student outcomes and does not come at the expense of FAPE for children with disabilities.

Discussion: We agree with the commenters that the program's emphasis on paperwork reduction should include a focus on improved student outcomes and should not come at the expense of a student's right to a FAPE. Accordingly, we have added selection criterion 1(c) and replaced proposed selection criterion 2(b) with an EDGAR selection criterion to enable the Secretary to focus on student outcomes or needs. The changes made in the additional requirements (discussed elsewhere in this notice) provide adequate protection to students' right to a FAPE.

Changes: We have added selection criterion 1(c) to enable the Secretary to evaluate the importance or magnitude of the outcomes likely to be attained by the project. We also have replaced proposed selection criterion 2(b) with an EDGAR selection criterion to enable the Secretary to assess the extent to which the proposed project will address the needs of the target population or other identified needs.

Comment: One commenter recommended striking selection criterion 2(c) as it seemed vague and duplicative of selection criterion 3(c).

Discussion: We agree that proposed selection criterion 2(c) is duplicative of selection criterion 3(c).

Changes: We have deleted proposed selection criterion 2(c) (i.e., the extent to which the proposed project encourages consumer involvement, including parental involvement).

Comment: Many commenters recommended that we consider the quality of the proposed project design and procedures for documenting project activities and results.

Discussion: We agree with the commenters. The design and procedures for documenting proposed activities and results of the Paperwork Waiver Program must be of high quality for evaluation purposes.

Changes: We have added a new selection criterion 2(c) (as noted elsewhere, we have deleted proposed selection criterion 2(c)) to enable the Secretary to consider the quality of the proposed project design and procedures for documenting project activities and results.

Comment: Many commenters recommended that the Secretary consider the extent to which the proposed project was designed to involve broad parental input.

Discussion: We believe that the commenters' concerns are addressed by selection criterion 3(c), which ensures that States involve multiple stakeholders, including parents, in the implementation of their projects.

Moreover, we believe that paragraphs 1(a), 1(b), 1(d), 1(e), and 1(f) of the additional requirements ensure involvement by parents in this program.

Changes: None.

Comment: Many commenters recommended that the Secretary consider the extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of children with disabilities.

Discussion: We agree that it is important to consider the extent to which the design of a project is appropriate to, and will successfully address, the needs of children with disabilities. As discussed elsewhere, we have replaced proposed selection criterion 2(b) with an EDGAR selection criterion

to emphasize how well the project will address the needs of the target population as a basis for application review.

Changes: We have replaced proposed selection criterion 2(b) with an EDGAR selection criterion to enable the Secretary to consider 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.

Comment: Many commenters recommended including the selection criterion found in section 75.210(c)(2)(v) of EDGAR, which requires the Secretary to consider the extent to which the proposed activities constitute a coherent, sustained program of training in the field.

Discussion: We decline to include the selection criterion from section 75.210(c)(2)(v) of EDGAR in the selection criteria for this program because that selection criterion applies to professional development grants and is not appropriate for the Paperwork Waiver Program.

Changes: None.

Comment: Many commenters recommended that the Secretary consider the extent to which performance feedback and continuous improvement are integral to the design of the proposed project.

Discussion: We believe that the commenters' concerns are addressed under the management plan selection criterion in paragraph 3(a) (i.e., that the Secretary consider the adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project).

Changes: None.

Comment: One commenter recommended amending the selection criteria to allow States to modify and revise their original statutory, regulatory, and administrative waiver requests during the course of the pilot project.

Discussion: We are committed to ensuring the objectivity and integrity of IES's national evaluation of the Paperwork Waiver Program. For this reason, we do not support allowing States to pursue changes to waiver activities

proposed in their initial applications as this would significantly interfere with the reliability of the outcome data gathered as part of the evaluation component for this program.

Changes: None.

Comment: One commenter recommended amending the selection criteria to require States to address their commitment to cooperate in the national evaluation in their applications, but to clarify that they are not required to document the extent to which they devoted sufficient resources to conduct data collection and analysis as part of the evaluation of the waiver program.

Discussion: We agree with the commenters that documentation of the extent to which applicants have devoted sufficient resources to the data collection and analysis of the evaluation is not necessary. The applicant's commitment to the evaluation is assessed through additional requirement 1(h). However, the specific change requested by the commenter is unnecessary since, following further internal review of the selection criteria, we have deleted proposed selection criterion 3(b) in favor of including only EDGAR selection criteria.

Changes: Selection criterion 3(b) (i.e., the extent to which the applicant has devoted sufficient resources to the evaluation of the proposed project) has been deleted.

Comment: One commenter recommended that the Secretary consider how the applicant will ensure that the perspectives of children with disabilities are brought to bear in the operation of the proposed project.

One commenter recommended revising the selection criteria to ensure that the perspectives of family members and advocates for children with disabilities are considered.

Discussion: We believe it is important to involve children with disabilities in their educational programming. We therefore agree with the commenter that it is appropriate to ensure that the perspectives of children with disabilities are brought to bear in the operation of the project. We believe

that the commenters' concerns are addressed by selection criterion 3(c), which authorizes the Secretary to consider how an applicant will ensure that a diversity of perspectives, including those of "recipients or beneficiaries of services," are brought to bear in the operation of the proposed project. Children with disabilities are "recipients or beneficiaries of services" provided under this program.

We do not agree with the commenter regarding the need to involve family members and child advocates, other than the child's parents or legal guardian. While the perspectives of siblings, grandparents, other relatives, and outside advocates can be important in making educational decisions for a child with a disability, we believe that the parents of a child with a disability are in the best position to represent the interests of their child. Parents may, at their discretion, convey the interests and perspectives of other family members and outside advocates in the operation of the project on behalf of their children.

Changes: None.

Comment: Many commenters recommended that the Secretary consider the extent to which the methods of evaluation proposed by the State provide for examining the effectiveness of the project implementation strategies and provide guidance for quality assurance.

Discussion: We believe that the concerns of the commenters are addressed in the Quality of the project design selection criterion (selection criterion 2). Selection criterion 2 states that we will consider (a) the extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable; (b) 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; and (c) the quality of the proposed project's procedures for documenting project activities and results.

Changes: None.

Comment: Many commenters recommended that the Secretary consider the extent to which the methods of evaluation proposed by the State will provide performance feedback and permit periodic assessment toward achieving intended outcomes.

Discussion: We believe that the concerns of the commenters are addressed in selection criteria 2(a) and 3(a). Selection criterion 2(a) provides that the Secretary will consider the extent to which the goals, objectives and outcomes to be achieved by the proposed project are clearly specified and measurable. Selection criterion 3(a) provides that we will consider the adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project.

Changes: None.

Comment: Many commenters recommended that the Secretary consider the extent to which the methods of evaluation proposed by the State include multiple methods for collecting data on parent satisfaction from a broad representative sample throughout the State with respect to the waivers and the usefulness of the information and training they receive.

Discussion: We believe that the evaluation of these projects is the responsibility of the national evaluation to be designed and conducted by IES in collaboration with the States. There is no requirement for the States to complete an impact evaluation of their projects independent of the national evaluation.

Changes: None.

Other Issues

Comment: One commenter recommended requiring that the design and development activities of the proposed project be completed during the course of the project period. The commenter noted that the proposed requirements for the program require States to begin to develop their model prior to the

submission of the application, and that the period of the project performance would be devoted to implementation and evaluation of the program.

Discussion: Prior to submitting its application, a State must involve multiple stakeholders and convene public meetings to gather input on the Federal and State requirements that the State proposes to waive to reduce excessive paperwork and non-instructional time burdens that do not assist in improving educational and functional results for children with disabilities. The State also must provide a summary of public comments and how the public comments were addressed in its application. Because a State must meet these minimum requirements for its application to be deemed eligible for review, it follows that the focus of the project period must be on the implementation and evaluation of the program, rather than program design and development activities.

Changes: None.

Comment: Many commenters recommended that the background for the additional requirements and selection criteria include information from the "Project Forum Proceedings on Special Education Paperwork"¹, and the "Study of Personnel Needs in Special Education (SPeNSE)"², particularly related to information regarding the geographical variation in the amount of time special education teachers devote to paperwork.

Discussion: The background for the proposed additional requirements and selection criteria included information from the SPeNSE study, although the study was not directly cited. That said, the Secretary agrees with the commenters that it is important to include in the background statement for the additional requirements and selection criteria information from the SPeNSE study that shows the geographical variation in the amount of time special education teachers devote to paperwork. The Secretary does not

¹ U.S. Department of Education, Office of Special Education Programs, Project Forum, Project Forum Proceedings Document, "Policy Forum: Special Education Paperwork." 2002.

believe it is appropriate to include information from the Project Forum Proceedings on Special Education Paperwork because it was not intended to be a scientific study of the time that educators spend completing special education paperwork. Accordingly, we have included information from the SPeNSE study in the background statement for the additional requirements and selection criteria in the SUPPLEMENTARY INFORMATION section of this notice. We have not made any changes to the additional requirements or selection criteria in response to these comments.

Changes: None.

Comment: Many commenters recommended clarifying that the Department will not allow any State that fails to sufficiently address all requirements under section 609 of the Act in its application to participate in the Paperwork Waiver Program.

Discussion: We will ensure that only applications that meet the requirements of section 609 of the Act are deemed eligible for approval under the program.

Changes: None.

Comment: One commenter recommended defining the term "parent" to have the meaning of the term as defined in section 602(23) of the Act.

Discussion: We intend the term "parent" to have the meaning given the term in section 300.30 of the final regulations implementing part B of the Act (34 CFR 300.30). However, we agree that additional clarification is needed and will add a note reflecting this change.

Changes: We have revised the final additional requirements and selection criteria to include a note defining the term "parent" consistent with the definition of that term under section 300.30 of the final regulations implementing part B of the Act (34 CFR 300.30).

² U.S. Department of Education, Office of Special Education Programs, Study of Personnel Needs in Special Education (SPeNSE), Final Report of the Paperwork Substudy. 2003.

Comment: One commenter recommended that States be required to use the model IEP, procedural safeguards notice, and prior written notice forms developed by the Department.

Discussion: As part of the 2004 amendments to the Act, the Congress required the Department to publish and widely disseminate model forms that are consistent with the requirements of part B of the Act and are "sufficient to meet those requirements." Specifically, the Act requires the Department to develop forms for the IEP; the notice of procedural safeguards; and the prior written notice. Consistent with the Act, the Department developed the three forms to assist SEAs and LEAs in understanding the content that part B of the Act requires for each of these three types of forms. The content of each of these forms is based upon the requirements set forth in the final regulations implementing part B of the Act. Although States must ensure that school districts include all of the content that part B of the Act requires for each of the documents that they provide to parents, States are not required to use the format or specific language reflected in these forms. States may choose to include additional content in their forms, so long as the additional content is consistent with all requirements under part B of the Act.

Changes: None.

Comment: One commenter recommended that States should indicate in their applications whether they will need technical assistance from the Office of Special Education Programs (OSEP) or some other entity.

Discussion: States may choose to indicate in their applications whether they will need technical assistance from OSEP in the implementation of the program. States that are awarded authority to participate in the Paperwork Waiver Program may contact OSEP for assistance. OSEP funds a number of national technical assistance centers and regional resource centers that can provide technical assistance to States in the operation of the Paperwork Waiver Program.

Changes: None.

Note: This notice does not solicit applications. We will invite applications through a separate notice in the Federal Register.

ADDITIONAL REQUIREMENTS AND SELECTION CRITERIA:

Additional Requirements

The Secretary establishes the following additional requirements for the Paperwork Waiver Program.

(1) A State applying for approval under this program must submit a proposal to reduce excessive paperwork and non-instructional time burdens that do not assist in improving educational and functional results for children with disabilities. A State submitting a proposal under the Paperwork Waiver Program must include the following material in its proposal:

(a) A description of how the State met the public participation requirements of section 612(a)(19) of the Act, including how the State (1) involved multiple stakeholders, including parents, children with disabilities, special education and regular education teachers, related services providers, and school and district administrators, in selecting the requirements proposed for the waiver and any specific proposals for changing those requirements to reduce paperwork, and (2) provided an opportunity for public comment in selecting the requirements proposed for the waiver.

(b) A summary of public comments received in accordance with paragraph 1(a) of these additional requirements and how the public comments were addressed in the proposal.

(c) A description of the procedures the State will employ to ensure that, if the waiver is granted, it will not result in a denial of the right to FAPE to any child with a disability, a waiver of any applicable civil rights requirements, or a waiver of any procedural safeguards under section 615 of the Act. This description also must include an assurance that the State will collect and report to the Department, as part of the State's annual

performance report submission to the Secretary in accordance with section 616(b)(2)(c)(ii)(II) of the Act, and to the national evaluator, all State complaints related to the denial of FAPE to any student with a disability and how the State responded to this information, including the outcome of that response such as providing technical assistance to the LEA to improve implementation, or suspending or terminating the authority of an LEA to waive paperwork requirements due to unresolved compliance problems.

(d) A description of the procedures the State will employ to ensure that diverse stakeholders (including parents, teachers, administrators, related services providers, and other stakeholders, as appropriate) understand the proposed elements of the State's submission for the Paperwork Waiver Program.

(e) Assurances that each parent of a child with a disability in participating LEAs will be given written notice (in the native language of the parent, unless it clearly is not feasible to do so) of any statutory, regulatory, or State requirements that will be waived and notice of the procedures that State will employ under paragraph 1(c) in easily understandable language.

(f) Assurances that the State will require any participating LEA to obtain voluntary informed written consent from parents for a waiver of any paperwork requirements related to the provision of FAPE, such as changes related to IEPs.

(g) Assurances that the State will require any participating LEA to inform parents in writing (and in the native language of the parents, unless it clearly is not feasible to do so) of (i) any differences between the paperwork requirements of the Act related to the provision of FAPE, such as changes related to IEPs, (ii) the parent's right to revoke consent to waive any paperwork requirements related to the provision of FAPE at any time, (iii) the LEA's responsibility to meet all paperwork requirements related to

the provision of FAPE if the parent does not provide voluntary written informed consent or revokes consent, and (iv) the LEA's responsibility to conduct an IEP meeting to develop an IEP that meets all requirements of section 614(d) of the Act within 30 calendar days if the parent revokes consent to waiving paperwork requirements related to the content, development, review and revision of IEPs.

(h) Assurances that the State will cooperate fully in a national evaluation of this program, if selected to participate in the Paperwork Waiver Program. Cooperation includes devoting a minimum of 4 months between the award and the implementation of the State's waiver to conduct joint planning with the evaluator. It also includes participation by the State educational agency (SEA) in the following evaluation activities:

(i) Ensuring that, for each item in the list of statutory, regulatory, or State requirements submitted pursuant to paragraph 2 in the Statutory Requirements for Paperwork Waiver Program section of this notice, and consistent with the privacy requirements of the Act and The Family Educational Rights and Privacy Act, the evaluator will have access to the original and all subsequent new versions of the associated documents for each child involved in the evaluation, together with a general description of the process for completing each of the documents. For example, if elements of the IEP process are waived, the evaluator shall have access to the most recent IEP created under previous guidelines for each participating child (if a previous IEP was created), as well as all of the new IEPs created under the waiver, along with a description of the process for completing both types of IEPs.

(ii) Recruiting districts or schools to participate in the evaluation (as established in the evaluation design) and ensuring their continued cooperation with the evaluation. Providing a list of districts and schools that have been recruited and have agreed to implement the proposed Paperwork Waiver Program, along with a description of the circumstances under which

district participation may be terminated, allow data collection to occur, and cooperate fully with the evaluation. For each participating school or district, providing basic demographic information such as student enrollment, district wealth and ethnicity breakdowns, the number of children with disabilities by category, and the number or type of personnel, as requested by the evaluator.

(iii) Serving in an advisory capacity to assist the evaluator in identifying valid and reliable data sources and improving the design of data collection instruments and methods.

(iv) Providing to the evaluator an inventory of existing State-level data relevant to the evaluation questions or consistent with the identified data sources. Supplying requested State-level data in accordance with the timeline specified in the evaluation design.

(v) Providing assistance to the evaluator with the collection of data from parents, including obtaining informed consent, for parent interviews and responses to surveys and questionnaires, if necessary to the final design of the evaluation.

(vi) Designating a coordinator for the project who will monitor the implementation of the project and work with the evaluator. This coordinator also will serve as the primary point of contact for the OSEP project officer.

(2) For purposes of the statutory requirement prohibiting the Secretary from waiving any statutory requirements of, or regulatory requirements relating to, but not limited to, applicable civil rights, the term "applicable civil rights requirements," as used in this notice, includes all civil rights requirements in: (a) Section 504 of the Rehabilitation Act of 1973, as amended; (b) Title VI of the Civil Rights Act of 1964; (c) Title IX of the Education Amendments of 1972; (d) Title II of the Americans with Disabilities Act of 1990; and (e) Age Discrimination Act of 1975 and their implementing regulations. The term does not include other requirements under the Act.

(3) Each State receiving approval to participate in the Paperwork Waiver Program will be awarded an annual incentive payment of not less than \$10,000 to be used exclusively to support program-related evaluation activities, including one trip to Washington, DC, annually to meet with the project officer and the evaluator. Each participating State will receive an additional incentive payment of not less than \$15,000 annually from the evaluation contractor to support evaluation activities in the State. Incentive payments may also be provided to participating districts to offset the cost of their participation in the evaluation of the Paperwork Waiver Program. Total available funds will depend on the number of awards made.

Note: Receipt of an award for the Paperwork Waiver Program does not preclude an applicant from applying for and receiving an award for the Department's Multi-Year IEP Program. However, a State that receives an award for both programs may not execute both programs within the same local school district.

Note: The term "parent" as used in these requirements and selection criteria for the Paperwork Waiver Program has the same meaning given the term in section 300.30 of the final regulations implementing part B of the Act.

Selection Criteria

The following selection criteria will be used to evaluate State proposals submitted under this program. These particular criteria were selected because they address the statutory requirements and program requirements and permit applicants to propose a distinctive approach to addressing these requirements.

Note: We will inform applicants of the points or weights assigned to each criterion and sub-criterion in a notice published in the Federal Register inviting States to submit applications for this program.

1. Significance. The Secretary considers the significance of the proposed project. In determining the significance of the proposed project, the Secretary considers the following factors:

(a) The extent to which the proposed project involves the development or demonstration of promising new strategies that build on, or are alternatives to, existing strategies.

(b) The potential contribution of the proposed project to increased knowledge or understanding of educational problems, issues or effective strategies.

(c) The importance or magnitude of the results or outcomes likely to be attained by the project, especially improvements in teaching and student achievement.

2. Quality of the project design. The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(a) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(b) 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.

(c) The quality of the proposed project's procedures for documenting project activities and results.

3. Quality of the management plan. The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

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

(b) How the applicant will ensure that a diversity of perspectives are brought to bear in the operation of the proposed project, including those of parents, teachers, the business community, a variety of disciplinary and

professional fields, recipients or beneficiaries of services, or others, as appropriate.

Executive Order 12866

This notice of final additional requirements and selection criteria 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 this regulatory action are those resulting from statutory requirements and those we have determined as necessary for administering this program effectively and efficiently. Although there may be costs associated with participating in this pilot, the Department will provide incentive payments to States to help offset these costs. In addition, we expect that States will weigh these costs against the benefits of being able to participate in the pilot and will only opt to participate in this pilot if the potential benefits exceed 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.

Intergovernmental Review

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

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents 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.

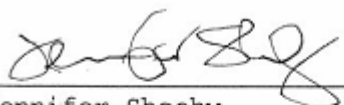
Note: The official version of this document is the document published in the Federal Register. Free Internet access to the official edition of the Federal Register and the Code of Federal Regulations is available on GPO Access at:

www.gpoaccess.gov/nara/index.html

(Catalog of Federal Domestic Assistance Numbers 84.326P Individuals with Disabilities Education Act Paperwork Waiver Demonstration Program)

PROGRAM AUTHORITY: 20 U.S.C. 1408.

Dated:



Jennifer Sheehy,
Director of Policy and
Planning for Special
Education and Rehabilitative
Services.

4001-01-U

DEPARTMENT OF EDUCATION

RIN 1820-ZA41

The Individuals with Disabilities Education Act Multi-Year Individualized Education Program Demonstration Program

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice of final additional requirements and selection criteria.

SUMMARY: The Assistant Secretary for Special Education and Rehabilitative Services announces additional requirements and selection criteria for a competition in which the Department will select up to 15 States to participate in a pilot program, the Multi-Year Individualized Education Program (IEP) Demonstration Program (Multi-Year IEP Program). State proposals approved under this program will create opportunities for participating local educational agencies (LEAs) to improve long-term planning for children with disabilities through the development and use of comprehensive multi-year IEPs. Additionally, the additional requirements and selection criteria focus on an identified national need to reduce the paperwork burden associated with IEPs while preserving students' civil rights and promoting academic achievement. The Assistant Secretary will use these additional requirements and selection criteria for a single one-time only competition.

EFFECTIVE DATE: These additional requirements and selection criteria are effective August 6, 2007.

FOR FURTHER INFORMATION CONTACT: Patricia Gonzalez, U.S. Department of Education, 400 Maryland Avenue, SW., room 4082, Potomac Center Plaza, Washington, DC 20202-2700. Telephone: (202) 245-7355 or by e-mail: Patricia.Gonzalez@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 contact person listed under FOR FURTHER INFORMATION CONTACT.

SUPPLEMENTARY INFORMATION:

We published a notice of proposed requirements and selection criteria for the Multi-Year IEP Program in the Federal Register on December 19, 2005 (70 FR 75158) (December 2005 Notice).

The purpose of the Multi-Year IEP Program established under section 614(d)(5) of the Individuals with Disabilities Education Act, as amended by the Individuals with Disabilities Education Improvement Act (Act), is to provide an opportunity for States (including Puerto Rico, the District of Columbia and the outlying areas) to allow parents and LEAs the opportunity for long-term planning by offering the option of developing a comprehensive multi-year IEP, not to exceed three years, that is designed to coincide with the natural transition points for the child. Under section 614(d)(5)(C) of the Act, the term "natural transition points" means those periods that are close in time to the transition of a child with a disability from preschool to elementary grades, from elementary grades to middle or junior high school grades, from middle or junior high school grades to secondary school grades, and from secondary school grades to post-secondary activities, but in no case a period longer than three years (for the full text of section 614(d)(5) of the Act, go to: <http://www.gpoaccess.gov/plaws/index.html>).

Statutory Requirements for Multi-Year IEP Program

As outlined in the December 2005 Notice, the Act establishes the following requirements that States must follow in developing and implementing their Multi-Year IEP Program proposals:

1. A State applying for approval under this program must propose to conduct demonstrations using a comprehensive multi-year IEP (not to exceed

three years) that coincides with natural transition points for each participating child.

2. Except as specifically provided for under this program, all of the Act's requirements regarding provision of a free appropriate public education (FAPE) to children with disabilities (including requirements related to the content, development, review, and revision of the IEP under section 614(d) of the Act and procedural safeguards under section 615 of the Act) apply to participants in this Multi-Year IEP Program.

3. A State submitting a proposal under the Multi-Year IEP Program must include the following material in its proposal:

(a) Assurances that if an LEA offers parents the option of a multi-year IEP, development of the multi-year IEP is voluntary.

(b) Assurances that the LEA will obtain informed consent from parents before a comprehensive multi-year IEP is developed for their child.

(c) A list of all required elements for a comprehensive multi-year IEP, including:

(i) Measurable long-term goals not to exceed three years, coinciding with natural transition points for the child, that will enable the child to be involved in and make progress in the general education curriculum and that will meet the child's other needs that result from the child's disability.

(ii) Measurable annual goals for determining progress toward meeting the long-term goals, coinciding with natural transition points for the child, that will enable the child to be involved in and make progress in the general education curriculum and that will meet the child's other needs that result from the child's disability.

(d) A description of the process for the review and revision of a multi-year IEP, including:

(i) A review by the IEP team of the child's multi-year IEP at each of the child's natural transition points.

(ii) In years other than a child's natural transition points, an annual review of the child's IEP to determine the child's current levels of progress and whether the annual goals for the child are being achieved, and a requirement to amend the IEP, as appropriate, to enable the child to continue to meet the measurable goals set forth in the IEP.

(iii) If the IEP team determines, on the basis of a review, that the child is not making sufficient progress toward the goals described in the multi-year IEP, a requirement that within 30 calendar days of the IEP team's determination, the LEA shall ensure that the IEP team carries out a more thorough review of the IEP in accordance with section 614(d)(4) of the Act.

(iv) A requirement that, at the request of the parent, the IEP team will conduct an immediate review of the child's multi-year IEP, rather than at the child's next transition point or annual review.

Background for Additional Requirements and Selection Criteria

While the Act establishes the foregoing requirements, it does not provide for other requirements that are necessary for the implementation of this program. Accordingly, in the December 2005 Notice, we proposed additional Multi-Year IEP Program requirements to address program implementation issues as well as selection criteria that we will use to evaluate State proposals for this program.

In the December 2005 Notice, we also proposed requirements with which States would need to comply to allow the Department to evaluate the effectiveness of the Multi-Year IEP Program. Under section 614(d)(5)(B) of the Act, the Department is required to report to Congress on the effectiveness of this program. To accomplish this, the Institute of Education Sciences (IES) will conduct an evaluation of the program using a quasi-experimental design that collects data on the following outcomes:

(i) Educational and functional results (including academic achievement) for students with disabilities.

- (ii) Time and resource expenditures by IEP team members and teachers.
- (iii) Quality of long-term education plans incorporated in IEPs.
- (iv) Degree of collaboration among IEP members.
- (v) Degree of parent satisfaction.

These outcomes will be compared for students whose parents consent to their child's participation in a multi-year IEP and students who are matched on type of disability, age, socioeconomic status, race/ethnicity, language spoken in the home, prior educational outcomes, and to the extent feasible, the nature of special education, who do not participate in the multi-year IEP. Specifics of the design will be confirmed during discussions with the evaluator, a technical workgroup, and the participating States during the first several months of the study. Participating States will play a crucial supportive role in this evaluation. They will, at a minimum--

- (i) Assist in developing the specifics of the evaluation plan;
- (ii) Assure that districts participating in the multi-year IEP will participate in the evaluation;
- (iii) Supply data relevant to the outcomes being measured from State data sources (e.g., student achievement and functional outcome data, complaint numbers); and
- (iv) Provide background information on relevant State policies and practices, provide access to current student IEPs (consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. §1232g (FERPA) and the privacy requirements under the Act) during Year 1 of the evaluation, and complete questionnaires and participate in interviews.

The December 2005 Notice described the rationale for the additional requirements and selection criteria we were proposing. This notice of final additional requirements and selection criteria contains several changes from the December 2005 Notice. We fully explain these changes in the Analysis of Comments and Changes section that follows.

Analysis of Comments and Changes

In response to the Secretary's invitation in the December 2005 Notice, 31 parties submitted comments on the proposed additional requirements and selection criteria. In addition, we received approximately 1,200 comments that were identical in form and substance and that summarized major recommendations submitted by one of the 31 commenters referenced in the preceding sentence; we do not respond to these 1,200 comments separately.

An analysis of the comments and of any changes in the proposed additional requirements and selection criteria follows.

We group issues according to subject. 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, or comments that express concerns of a general nature about the Department or other matters that are not directly relevant to the Multi-Year IEP Program.

FAPE

Comment: Many commenters recommended revising the final additional requirements and selection criteria to require States to identify effective mechanisms for reporting and resolving adverse events, such as the denial of FAPE.

Discussion: We agree that States participating in this program should be required to report on and remedy any adverse consequences of the Multi-Year IEP Program regarding the provision of appropriate services or the denial of other rights protected under the Act and its implementing regulations. Accordingly, we will add a new requirement for States to describe in their proposals how they will collect and report to the Department and the evaluator evidence of any adverse consequences of their projects, including information that children with disabilities are not receiving appropriate services because of their participation in the Multi-Year IEP Program, and information obtained through their complaint and due process systems relating

to the Multi-Year IEP Program. The new requirement will also require States to report on how the States responded to this information, including the outcome of that response.

Changes: The additional Multi-Year IEP Program requirements have been revised by adding a new paragraph 3(e) to require each State to include in its proposal a description of how the State will collect and report to the Department and the evaluator evidence of adverse consequences of the project and how the State responded to this information, including the outcome of that response.

Comment: Many commenters recommended that multi-year IEPs should be limited to students who are given assessments based on grade-level achievement standards, and should not be offered to students given assessments based on modified or alternate achievement standards.

Many commenters recommended that States not be allowed to restrict any multi-year IEP to any specific disability category or group of categories.

Several commenters recommended restricting multi-year IEPs for students who are expected to achieve the same standards as their non-disabled peers, as these students must have annual IEPs that are directly tied to grade appropriate core curriculum content standards.

Several commenters recommended that clarification be given regarding processes that a State may use for students given assessments against modified or alternate achievement standards.

Discussion: Section 614(d)(1)(A)(i)(I)(cc) of the Act requires that the IEPs for students who take alternate assessments based on alternate achievement standards include benchmarks or short-term objectives. We believe that Congress included this provision to ensure explicit short-term planning for students with the most significant cognitive disabilities who participate in alternate assessments based on alternate achievement standards. However, these students might also benefit from longer-range planning as part of

multi-year IEPs, provided that such longer-range planning is complemented with shorter-term planning. The Act does not require that an IEP include benchmarks or short-term objectives for a student who takes an assessment based on modified achievement standards, as proposed by the Department on December 15, 2005 (70 FR 74624).

We do not agree with the commenters who suggested that multi-year IEPs should be restricted for students who are expected to achieve the same standards as their non-disabled peers, or for students assessed based on alternate or modified achievement standards. These suggestions would preclude the participation of all children with disabilities in the program and would be inconsistent with the Act.

Clarification is available on the processes that a State may use for students given assessments based on alternate achievement standards (see Alternate Achievement Standards for Students with the Most Significant Cognitive Disabilities: Non-Regulatory Guidance (August, 2005); <http://www.ed.gov/policy/elsec/guid/altguidance.doc>). Because the final regulations on assessments based on modified achievement standards have not been finalized, we are unable to provide clarification at this time regarding processes that a State may use for students given assessments based on modified achievement standards.

We agree with the commenters who recommended that multi-year IEPs be available to all students with disabilities, regardless of disability category, except that the multi-year IEP for a student who takes an alternate assessment based on alternate achievement standards must also include benchmarks or short-term objectives in addition to meeting the other requirements of the multi-year IEP. Therefore, we will add language to additional requirement 3 reflecting this change.

Changes: We have added paragraph 3(a) to the additional requirements to require that States provide assurances that the multi-year IEP for any child with a disability who takes an alternate assessment based on alternate achievement standards includes a description of benchmarks or short-term objectives in accordance with section 614(d)(1)(A)(i)(I)(cc) of the Act.

Comment: Two commenters stated that there is a potential conflict between recently released proposed regulations permitting States to develop modified achievement standards and assessments based on those standards for certain children with disabilities (see the Notice of Proposed Rulemaking, published in the Federal Register on December 15, 2005 (70 FR 74623)). The commenters noted that section 200.1(e)(5) of the proposed regulations would require that IEP teams review, on an annual basis, decisions to assess students based on modified achievement standards to ensure that those standards remain appropriate. (70 FR 74623, 74635).

Discussion: The Department has not issued final regulations on modified achievement standards. However, when those regulations are finalized, if a State wanted to offer assessments based on modified academic achievement standards to eligible children with disabilities, the State would have to comply with the requirements specified in those regulations.

Changes: None.

Comment: Several commenters stated that nothing in the proposed additional requirements or selection criteria would require an IEP team to revisit and adjust a student's IEP when a student is not progressing in accordance with his or her annual IEP goals.

Discussion: We believe that the commenters' concerns are addressed by the statutory requirements for this program. Under the Act, IEP teams are required to conduct annual reviews of a child's level of progress and whether the annual goals for the child are being achieved and to amend the IEP, as appropriate, to enable the child to continue to meet the measurable goals set

forth in the IEP (see 614(d)(5)(A)(iii)(II)(dd)(BB) of the Act). Moreover, under 614(d)(5)(A)(iii)(II)(dd)(CC) of the Act, if the IEP team determines, on the basis of an annual review, that a child is not making sufficient progress toward the goals described in the multi-year IEP, the LEA must ensure that, within 30 days of the IEP team's determination, the IEP team carries out a more thorough review of the IEP. These statutory requirements are restated in paragraph 3(d)(ii) and (iii) of the Statutory Requirements for Multi-Year IEP Program section of this notice. Because the Act addresses the commenters' concerns, we do not believe additional requirements or selection criteria are necessary. Furthermore, all of the statutory requirements will be reflected in the application package for this competition.

Changes: None.

Comment: Many commenters recommended that States be required to provide a detailed description of how they plan to provide training on multi-year IEPs for administrators, teachers, related services providers, education support professionals, and parents. The commenters expressed concern that children with disabilities would be denied FAPE absent sufficient training of parents and education personnel on Federal and State requirements for multi-year IEPs.

Discussion: The Secretary agrees with the commenters that it is essential that parents, teachers, administrators, related services providers, and education support professionals understand the program in order to ensure proper implementation.

Changes: We have revised the additional requirements by adding a new paragraph 3(f) to require applying States to provide as part of their proposals a description of the procedures they will employ to ensure that diverse stakeholders understand the proposed elements of the State's submission for the Multi-Year IEP Program.

Comment: One commenter recommended defining the term "parent" to have the meaning of the term as defined in section 602(23) of the Act.

Discussion: We intend the term "parent" to have the meaning given the term in section 300.30 of the final regulations implementing part B of the Act (34 CFR 300.30). However, we agree that additional clarification is needed and will add a note reflecting this change.

Changes: We have revised the final additional requirements and selection criteria to include a note defining the term "parent" consistent with the definition of that term under section 300.30 of the final regulations implementing part B of the Act (34 CFR 300.30).

Comment: One commenter asked the Department to provide additional clarification on the meaning of the term "natural transition points."

Discussion: Section 614(d)(5)(C) of the Act defines the term "natural transition points" as those periods that are close in time to the transition of a child with a disability from preschool to elementary grades, from elementary grades to middle or junior high school grades, from middle or junior high school grades to secondary school grades, and from secondary school grades to post-secondary activities, but in no case a period longer than three years. We believe that this definition is clear and that no further clarification is necessary.

Changes: None.

Comment: Many commenters expressed concern that the Multi-Year IEP Program would compromise the right of children with disabilities to receive FAPE. The commenters recommended that the final requirements and selection criteria specify that all of the Act's requirements regarding the provision of FAPE to children with disabilities (including requirements related to the content, development, review, and revision of the IEP under section 614(d) of the Act and procedural safeguards under section 615 of the Act) apply to participants in this Multi-Year IEP Program.

Discussion: Public agencies participating in the Multi-Year IEP Program may develop, under the terms of their State's approved application, IEPs that may deviate in certain specified ways from the normal requirements regarding IEP content, review and revision. That said, nothing in this program authorizes participating public agencies to deny appropriate services to children with disabilities or to limit any other right they have under the Act and its implementing regulations.

Changes: None.

National Evaluation

Comment: One commenter recommended that the national evaluation study be completed as two separate Requests for Proposals (RFPs) -- one awarded to a group that will work in multiple States and sites to investigate the outcomes variables in a more controlled, experimental way, and one awarded to a separate group that will complete the study evaluation.

Discussion: According to section 614(d)(5)(B) of the Act, the Department must report on the effectiveness of the program and provide to Congress recommendations for broader implementation, if appropriate. A maximum of 15 States can participate in this program. Including only select States in the evaluation would undermine the rigor of the evaluation, as well as limit the generalizability of the findings.

Changes: None.

Comment: None.

Discussion: Based on an internal review of the description of the national evaluation in the Background for Additional Requirements and Selection Criteria section of this notice, we have determined that it is appropriate to clarify for applicants and other stakeholders that academic measures are among those student outcomes to be assessed as part of the national evaluation.

Changes: In the Background for Additional Requirements and Selection Criteria section of this notice, we have added the phrase "including academic achievement" to the outcomes to be measured by the national evaluation. Paragraph (i) of the outcomes to be measured now reads: "Educational and functional results (including academic achievement) for students with disabilities."

Comment: Many commenters recommended that the Department commence the national evaluation process as soon as the final evaluation design has been completed, and that the evaluator begin collecting background information from the States at this time.

Discussion: We do not agree with the commenters regarding the need to establish a specific timeframe for evaluation activities to commence or to begin collecting background information from States prior to awards being made. The collection of background information cannot begin until after awards are made to States, and we believe that it is more appropriate to allow IES to confirm the specifics of the evaluation design during its discussion with a technical workgroup and the participating States during the first several months of the study.

Changes: None.

Comment: Many commenters requested a definition of "quasi-experimental design" and an explanation of how it compares with a "rigorous research design." One commenter recommended that the evaluation include a variety of qualitative and quantitative evaluation methods (e.g., case studies, observation, cost-benefit analyses).

Discussion: A quasi-experimental research design is similar to experimental research design but it lacks one key ingredient -- random assignment. In conducting the national evaluation, it may not be possible for IES to match LEAs within States according to demographic characteristics, programmatic features, and other factors in order to apply an empirical research design

that randomly assigns LEAs to experimental and control groups. For example, some States may have only one large urban school district, and a comparable control group within the State cannot be established. Similarly, it may not be possible to match participating States according to demographic characteristics in order to establish experimental and control groups. For this reason, IES will conduct the national evaluation using a rigorous quasi-experimental design (i.e., the evaluation will not randomly assign States or LEAs to "experimental" and "control" groups). In addition to quantitative analysis, IES may choose to employ a variety of qualitative evaluation methods (e.g., case studies, observation, cost-benefit analyses). Specifics of the design will be confirmed during discussion with the evaluator, a technical workgroup, and the participating States during the first several months of the study.

Changes: None.

Comment: Many commenters recommended deleting the requirement for States to work with the national evaluator for four months to conduct joint planning prior to implementing the program. The commenters instead recommended that States establish their own schedule to implement their proposals in an "expeditious manner."

Discussion: We believe that it is important to evaluate the effectiveness of the Multi-Year IEP Program. A successful evaluation of the program requires States to work with the national evaluator. We believe that the four-month timeline for States to conduct joint planning with the national evaluator is essential to adequately plan and lay the groundwork for data collection and implementation of the program and the national evaluation.

Changes: None.

Comment: Many commenters recommended clarifying that all States that participate in the Multi-Year IEP Program must participate in the national evaluation conducted by IES. The commenters also recommended adding a new

requirement that participating States conduct a State evaluation of the project to ensure accountability to participating children and families and that the State must provide more detailed State specific data than would be required for the national evaluation.

Discussion: Paragraph 3(d) of the additional requirements makes clear that participating States must cooperate fully in the national evaluation.

Section 614(d)(5) of the Act does not require a State evaluation component to the Multi-Year IEP Program and we believe that it is not appropriate to require States to conduct a State evaluation. However, nothing in the Act or the final additional requirements and selection criteria prevents States from including a proposal to conduct a Statewide assessment of their project as part of their application, if determined appropriate by the State.

Changes: None.

Comment: Many commenters recommended that LEAs not be required to participate in the national evaluation. One commenter noted that States lack the authority to enforce the cooperation of school districts to participate in the national evaluation.

Discussion: The State is responsible for ensuring that participating LEAs cooperate in the national evaluation conducted by IES. If a State is unable to provide an assurance that its participating LEAs will cooperate in the national evaluation, then the State will be deemed ineligible to participate in the Multi-Year IEP Program. Similarly, an LEA that does not provide an assurance to the applying State that it will fully cooperate with the national evaluator is ineligible to participate in the program.

Changes: None.

Comment: One commenter requested that we clarify the language in paragraph 3(d)(i) of the additional requirements regarding an evaluator having access to the most recent IEP created before participating in the Multi-Year IEP

Program because this language implies that no initially identified child (where the multi-year IEP would be the child's first IEP) could participate in the pilot project.

Discussion: Initially identified children are eligible to participate in this program. We agree that additional clarification is needed because an initially identified child would not have a previous IEP, and therefore having access to the most recent IEP would not be applicable.

Changes: Paragraph 3(d)(i) has been revised to clarify that the evaluator will have access to the most recent IEP created (if applicable) before participating in the Multi-Year IEP Program.

Comment: Several commenters recommended that IES report on the extent to which program activities ensure satisfaction of family members.

Discussion: We generally agree with the commenters that the national evaluation should collect data on the satisfaction of family members of children participating in the Multi-Year IEP Program. Section 614(d)(5)(B)(v) of the Act requires the Department to submit a report to Congress and include in that report specific recommendations for "ensuring satisfaction of family members." In this context, the Department interprets the term "family members" to mean "parents" and intends to collect data on parent satisfaction with the program. While the perspectives of family members, including siblings, grandparents, and other relatives, can be important in making educational decisions for a child with a disability, we believe that the parents of a child with a disability are in the best position to represent the interests of their child. Moreover, while the Act provides a definition of "parent," it does not provide a definition of "family member." Parents may, at their discretion, convey the interests and perspectives of other family members in the operation of the project on behalf of their children. We have revised the Background for Additional Requirements and Selection Criteria of this notice to clarify that IES will

collect data on parent satisfaction with the program. In addition, as part of our internal review of the notice, we determined that it was appropriate to revise the Background for Additional Requirements and Selection Criteria to clarify that IES will collect data on teacher and administrator satisfaction. We have not made any changes to the additional requirements or selection criteria in response to these comments.

Changes: None.

Comment: Several commenters recommended that the list of parties who will be involved in determining the specifics of the evaluation design should be expanded to include representatives of national parent organizations that represent a cross-section of disabilities, as opposed to being limited to the evaluator, a technical workgroup and the participating States.

Discussion: IES will identify and select individuals with the necessary technical expertise to serve as members of the technical workgroup, which will advise IES on the development of a rigorous research design for conducting the national evaluation. These individuals may include representatives of national parent organizations. We decline at this time to add any other specific parties to those involved in determining the specifics of the evaluation design.

Changes: None.

Comment: One commenter recommended that the evaluation process include public meetings during which parents who participate in the Multi-Year IEP Program may publicly state their opinions regarding the operation of the program.

Discussion: We do not believe that it is necessary to design the evaluation process to include public meetings for parents because parent participation in the national evaluation of the program is assured under paragraph 3(d)(v) of the additional requirements. In addition, parent participation in the development and implementation of the program is assured under paragraphs

3(b) and 3(c) of the additional requirements. However, we believe a change is necessary to paragraph 3(d)(v) of the additional requirements because it is appropriate to require all participating States to provide assistance to the evaluator on the collection of data from parents, including obtaining informed consent for parents to participate in interviews and respond to questionnaires and surveys.

Changes: Paragraph 3(d)(v) of the additional requirements has been amended by deleting the words "If necessary to the final design of the study," to ensure that the national evaluation of the program will include the collection of data on the satisfaction of parents of children participating in the Multi-Year IEP Program.

Comment: Many commenters recommended that paragraph 3(d)(v) of the additional requirements should require the State to ensure that the national evaluation includes surveys of parents of children with disabilities from all 13 disability categories, and parents representing varying minority and socioeconomic backgrounds.

One commenter noted that the individual nature of each IEP may not be conducive for the use of the proposed treatment of comparing students participating in the Multi-Year IEP Program with those who are not. The commenter went on to state that the national evaluation should not group students by disability category.

Discussion: We recognize that random assignment of students to experimental and control groups is not possible due to the nature of the Multi-Year IEP Program. However, we believe that it is critical to compare the outcomes of students who participate in the program with those who do not to determine if patterns in student outcomes are demonstrated.

We decline to require the national evaluation to include surveys of parents of children with disabilities from all 13 disability categories. Specifics of the design will be confirmed during discussions with the

evaluator, a technical workgroup, and the participating States during the first several months of the study. IES will conduct an evaluation of the program using a quasi-experimental design that collects data on educational and functional results for students with disabilities, time and resource expenditures by IEP team members and teachers, quality of long-term education plans incorporated in IEPs, degree of collaboration among IEP members, and degree of parent satisfaction. These outcomes will be compared between students whose parents consent to their child's participation in a multi-year IEP and students who are matched on type of disability, age, socioeconomic status, race/ethnicity, language spoken in the home, prior educational outcomes, and to the extent feasible, the nature of special education, who do not participate in the multi-year IEP.

Changes: None.

Comment: Two commenters recommended deleting all requirements related to a State's participation in the national evaluation. The commenters expressed concern that such participation would add unnecessary costs and paperwork for States and local school districts and could discourage many States from applying for the Multi-Year IEP Program.

One commenter noted that the quasi-experimental research design will be overly costly and burdensome to States and school districts, particularly regarding data collection.

Discussion: Participating States will play a crucial supportive role in this evaluation. They will assist in developing the specifics of the evaluation plan; assure that districts participating in the multi-year IEP will participate in the evaluation; supply data relevant to the outcomes being measured from State data sources (e.g., student achievement and functional outcome data, complaint numbers); and provide background information on relevant State policies and practices, provide access to current student IEPs during Year 1 of the evaluation, and complete questionnaires and participate

in interviews. State participation in the national evaluation is critical to assess the impact of the program. We believe that participation in the national evaluation will not add unnecessary costs and paperwork or be overly burdensome for States and local school districts. Moreover, during the course of the evaluation, participating States will receive an annual incentive payment (described in the Additional Requirements section of this notice) that will offset the cost of participating in the evaluation.

Changes: None.

Comment: One commenter noted that the privacy rights of individuals under the privacy requirements of FERPA and the Act must be protected in making individual student's IEPs accessible as part of the national evaluation.

Discussion: We agree with the commenter and have revised paragraph 3(d)(i) of the additional requirements to clarify that States must ensure, consistent with the privacy requirements of FERPA and the Act, that the evaluator will have access to students' most current IEPs. In addition, we have revised the description of the role that States will play in the national evaluation in the SUPPLEMENTARY INFORMATION section of this notice to ensure that the privacy requirements of FERPA and the Act are protected.

Changes: We have revised paragraph 3(d)(i) of the additional requirements by adding the words "consistent with the privacy requirements of the Act and The Family Educational Rights and Privacy Act" to the sentence requiring States to ensure that the evaluator will have access to students' IEPs.

Comment: Two commenters recommended that the Department contract with an independent agency to develop a research design that would produce reliable information about the effectiveness of the Multi-Year IEP Program and meet the requirements of the Department's "What Works Clearinghouse."

Discussion: Data collection and analysis will be the responsibility of IES through its independent contractor. The Department's "What Works Clearinghouse" (WWC) collects, screens, and identifies existing studies of

effectiveness of educational interventions (programs, products, practices, and policies). The evaluation will be based on a strong quasi-experimental design that will yield valid and reliable results consistent with the WWC evidence standards for quasi-experimental studies and will meet the needs of the Secretary for reporting to Congress under section 426 of the Department of Education Organization Act and section 614(d)(5)(B) of the Act.

Changes: None.

Comment: Many commenters recommended that the Department indicate when the results of the national evaluation will be available and how they will be disseminated.

Discussion: We believe that it is not appropriate to set a timeline for disseminating the results of the national evaluation until the specifics of the national evaluation are confirmed during discussion with the evaluator, a technical workgroup, and the participating States during the first several months of the study. Consistent with section 614 (d)(5)(B) of the Act, the Secretary will submit an annual report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate regarding the effectiveness of the program and any specific recommendations for broad implementation. It is the expectation of the Department that this annual report will be based, at least in part, on the results of the national evaluation.

Changes: None.

Comment: Several commenters recommended that the final additional requirements and selection criteria require States to assist the national evaluator in collecting data on the implementation of the program from parents and family members of children participating in the program, including by obtaining informed consent from parents to participate in interviews and respond to surveys and questionnaires.

Discussion: We agree with the commenters that States should be required to assist the national evaluator in collecting data from parents. Therefore, a change will be made.

Changes: Paragraph 3(d)(v) of the additional requirements has been revised to clarify that participating State educational agencies (SEAs) must provide assistance to the evaluator in the collection of data from parents, including obtaining informed consent for parents to participate in interviews and respond to surveys and questionnaires.

Consent

Comment: Many commenters recommended that the final additional requirements and selection criteria clarify that parents may revoke their consent for their child to participate in the Multi-Year IEP Program at any time.

Discussion: We agree with the commenters that it would be useful to clarify that consent may be revoked at any time. Therefore, a change will be made.

Changes: Paragraph 3(b)(ii) of the additional requirements (paragraph 3(a)(ii) of the proposed additional requirements) has been revised to clarify that parents may revoke their consent at any time during the implementation of the Multi-Year IEP Program.

Comment: Several commenters recommended requiring that, before a comprehensive multi-year IEP is developed for a child, the LEA must obtain informed written consent from the parent agreeing to allow the development of a multi-year IEP for the child that would supercede the regular IEP requirements, and that the notice that the LEA provides to the parent must be in the native language of the parent.

Discussion: We intended the phrase "informed consent" in paragraph 3(a) of the proposed additional requirements to mean written consent that is both informed and provided by the parents voluntarily. "Consent" in this context has the same meaning as given the term in 34 CFR 300.9. For consent to be informed, parents must understand what they are consenting to (i.e., that they

are agreeing to a multi-year IEP for their child in lieu of an IEP that meets the requirements of section 614(d)(1)(A) of the Act). To avoid any confusion or misunderstanding, we agree to revise the final additional requirements to state explicitly that LEAs must obtain voluntary informed written consent from parents for a multi-year IEP for their child, and that, before an LEA requests such consent, it must inform the parents in writing (and in the native language of the parent, unless it clearly is not feasible to do so) of any differences between the requirements relating to the content, development, review, and revision of IEPs under section 614(d) of the Act and the State's requirements relating to the content, development, review, and revision of IEPs under the State's approved Multi-Year IEP Program proposal.

Changes: Paragraph 3(b) of the additional requirements (paragraph 3(a) of the proposed additional requirements) has been revised to clarify that States must include in their proposals assurances that, before an LEA requests a parent's voluntary informed written consent to the development of a multi-year IEP in lieu of an IEP that meets the requirements of section 614(d)(1)(A) of the Act, the LEA will inform the parent in writing (and in the native language of the parent, unless it clearly is not feasible to do so) of any differences between the requirements relating to the content, development, review, and revision of IEPs under section 614(d) of the Act and the State's requirements relating to the content, development, review, and revision of IEPs under the State's approved Multi-Year IEP Program proposal.

Comment: Many commenters recommended that informed written parental consent must include a statement including the opinions of those in the field that recommend against such consent. The commenters noted that such a statement should give a description of how the multi-year IEP differs from a regular IEP and encourage parents to seek advice from advocacy agencies and resource centers before consenting to a multi-year IEP.

Discussion: We believe it is unreasonable to expect States and school districts to seek out and collect information from individuals who oppose the development of multi-year IEPs for students with disabilities and to include such information in notices that are provided to parents. Parents are encouraged to consult with parent resource centers and other resources in making educational decisions for their child. The parent notification rights under section 615(c)(1)(D) of the Act requires that parents receive notification of sources that parents may contact to obtain assistance in understanding the provisions of the Act, including the provisions of the Multi-Year IEP Program under section 614(d)(5) of the Act. Furthermore, paragraph 3(b)(i) of the additional requirements (paragraph 3(a)(i) of the proposed additional requirements) requires the LEA to identify any differences between the requirements relating to the content, development, review, and revision of IEPs under section 614(d) of the Act and the State's requirements relating to the content, development, review, and revision of IEPs under the State's approved Multi-Year IEP Program proposal.

Changes: None.

Program Implementation

Comment: Many commenters recommended requiring that any State that submits a proposal for the Multi-Year IEP Program must establish a committee comprised of school district personnel, and at least three parents (each representing a different disability group) to provide input on the State's proposal. In addition, many commenters recommended requiring that the State's application: (a) include a summary of the public input; (b) indicate what input the State incorporated into its proposal and who or what organization provided the suggestion; and (c) identify which stakeholders agreed and which stakeholders disagreed with each Federal statutory and regulatory requirement, and State requirement, that the State proposed to waive under its proposed Multi-Year IEP Program.

Many commenters recommended requiring States to use a variety of mechanisms to obtain broad stakeholder input, including holding public meetings at convenient times and places and inviting written public comments. Similarly, two commenters observed that public input must be transparent, and involve the greatest number of stakeholders, particularly teachers, administrators, related services providers, and parents.

Many commenters recommended that paragraph 3(c) of the additional requirements clarify that proposed State proposals must comply with the public participation requirements in section 612(a)(19) of the Act.

Several commenters urged the Secretary to require that States obtain input from representatives of parent training and information centers and community parent resource centers (in addition to obtaining input from school and district personnel, and parents). In addition, one commenter recommended that the Secretary should require States to (1) obtain input from family members and advocates for children with disabilities, (2) require the State to summarize input that it received and the type of stakeholder who submitted the input, and (3) describe how the State's proposal would improve educational and functional results for children.

Discussion: Proposed State plans must conform with the public participation requirements in section 612(a)(19) of the Act, which require that before the adoption of any policies and procedures needed to comply with the Act (including any amendments to such policies and procedures), the State ensures that there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities. However, we believe that States should have some flexibility in designing their process for obtaining public input, rather than adopting the specific suggestions of the commenter. Accordingly, we have revised paragraph 3 of the additional requirements (paragraphs 3(b) and 3(c) of the proposed

additional requirements) to require States to include in their proposals a description of how they involved multiple stakeholders and provided an opportunity for public comment in developing their proposals consistent with section 612(a)(19) of the Act. With this change, each State's application will be judged on the extent to which the State involved multiple stakeholders and provided an opportunity for public comment when developing its proposal.

Changes: We have revised and renumbered paragraph 3(c) of the additional requirements to incorporate language from paragraph 3(b) of the proposed additional requirements and to clarify that a State must include in its proposal a description of how it will meet the public participation requirements of section 612(a)(19) of the Act. More specifically, paragraph 3(c) of the additional requirements now requires each State to include in its proposal how the State (a) involved multiple stakeholders, including parents, children, special education and regular education teachers, related services providers, and school and district administrators in the development of its proposal; (b) provided an opportunity for public comment in developing its proposal, including a summary of public comments received by the State as well as a description of how the proposal addresses those public comments; and (c) obtained input from school and district personnel and parents in developing the list of required elements for each multi-year IEP and the description of the process for the review and revision of each multi-year IEP.

Comment: One commenter recommended requiring that the design and development activities of the proposed project be completed during the course of the project period. The commenter noted that the proposed additional requirements for the program require States to begin to develop their model prior to the submission of the application, and that the period of the project performance would be devoted to implementation and evaluation of the program.

Discussion: Prior to submitting its application, a State must involve multiple stakeholders and convene public meetings to gather input on Federal and State requirements that the State proposes to waive to reduce excessive paperwork and non-instructional time burdens that do not assist in improving educational and functional results for children with disabilities. The State must also provide a summary of public comments and how public comments were addressed in the application. Because a State must meet these minimum requirements for its application to be deemed eligible for review, it follows that the focus of the project period must be on the implementation and evaluation of the program, rather than program design and development activities.

Changes: None.

Comment: Many commenters recommended increasing the annual incentive payment provided to States to support program-related activities, and recommended requiring that the national evaluator provide funds to participating school districts based on the number of participating students in the evaluation.

One commenter asked for clarification on whether the Department will allocate additional dollars to school districts or if the State would use its incentive payments to offset school district costs.

Discussion: Paragraph 4 of the proposed additional requirements provided that each State receiving approval to participate in the Multi-Year IEP Program would be awarded an annual incentive payment of \$10,000 to be used exclusively to support program-related evaluation activities, including one trip to Washington, DC, annually to meet with the project officer and the evaluator.

In addition, paragraph 4 of the proposed additional requirements indicated that each participating State would receive an additional incentive payment of \$15,000 annually from the evaluation contractor to support evaluation activities in the State, and that incentive payments may also be provided to

participating districts to offset the cost of their participation in the evaluation of the Multi-Year IEP Program. Because the total available funds for each award will depend on the number of awards made, we are unable to specify an exact amount over the initially proposed incentive payment amounts. However, the Secretary agrees with the commenters that more funds should be made available if possible and, therefore, the final additional requirements have been revised to clarify that participating States will receive at least \$10,000 to support program-related evaluation activities, and at least \$15,000 annually from the evaluation contractor to support evaluation activities in the State.

Changes: We have revised paragraph 4 of the final additional requirements to clarify that each State receiving approval to participate in the Multi-Year IEP Program will be awarded an annual incentive payment of not less than \$10,000 to support program-related evaluation activities, and not less than \$15,000 annually from the evaluation contractor to support evaluation activities in the State, to offset the cost of participating districts, or to do both. We also have added language to this paragraph to clarify that the total available funds for each award will depend on the number of awards made.

Comment: Many commenters recommended that States not be allowed to authorize LEAs to begin using multi-year IEPs until the beginning of the first school year after the specifics of the study design for the national evaluation and the State's evaluation have been determined and all the background information for the national evaluation has been provided to IES.

Discussion: We believe that the commenters' concerns are addressed because the evaluation design will be determined and all background information will be collected prior to implementation of the Multi-Year IEP Program.

Accordingly, LEAs may not begin using multi-year IEPs until the beginning of

the first school year after the specifics of the study design for the national evaluation and the State's evaluation have been determined and all the background information for the national evaluation has been provided to IES.

Changes: None.

Comment: Some commenters recommended prohibiting an existing annual IEP from being converted into a multi-year IEP before a child's next scheduled annual IEP meeting, unless the child's parent submits a written request to convene an IEP meeting on this issue at an earlier date.

Discussion: In its application, a State may propose to prohibit an existing IEP from being converted into a multi-year IEP before the child's next scheduled annual IEP meeting. However, we do not see a compelling reason to preclude States from proposing to allow participating LEAs to convert an existing IEP into a multi-year IEP that meets the requirements of section 614(d)(5) of the Act and the requirements in this notice. It is important to note, however, that if a participating school proposes to convert an existing IEP into a multi-year IEP before the child's next scheduled annual IEP meeting, it will need to obtain the informed written consent of the parent, and may not implement a multi-year IEP for the child without that informed written parental consent.

Changes: None.

Comment: Several commenters agreed with the language in paragraph 3(d)(ii) of the proposed additional requirements that requires States to provide a list of districts and schools that have been recruited and have agreed to implement the Multi-Year IEP Program. These commenters urged the Department to add a requirement that would prevent districts or schools from participating in the program if they have a demonstrated history of not

complying with the Act or have experienced a disproportionate number of complaints to the SEA or participated in a disproportionate number of dispute resolution processes.

Discussion: We generally agree with the commenters. The State is obligated to ensure that children with disabilities who participate in the program continue to receive services in accordance with the Act and implementing regulations, modified only to the extent consistent with the State's approved application. States therefore should take into consideration the compliance history of LEAs within the State as part of their process for selecting LEAs to participate in the Multi-Year IEP Program, and monitor implementation of the program and take corrective action, if needed.

Changes: Paragraph 3(e) of the additional requirements (paragraph 3(d) of the proposed additional requirements) has been revised to require the State to provide a description of how it will collect and report to the Department and the evaluator evidence that children are not receiving appropriate services because of the State's implementation of the Multi-Year IEP Program, and how the State responded to this information, including the outcome of that response, such as providing technical assistance to the LEA to improve implementation, or suspending or terminating the authority of an LEA to implement multi-year IEPs due to unresolved compliance problems.

Comment: One commenter recommended that the final additional requirements and selection criteria reference the language from the report of the U.S. House of Representatives indicating that the usual rules for annual IEPs must apply to multi-year IEPs.

Discussion: We believe that the Act is clear that except as specifically provided for under section 614(d)(5) of the Act, all of the Act's requirements regarding the provision of FAPE to children with disabilities apply to participants in this Multi-Year IEP Program. We reiterate this information in the Statutory Requirements for Multi-Year IEP Program section

of this notice. The provisions of section 614(d)(5) of the Act, though, do contemplate that States could propose to apply to multi-year IEPs some changes to the normally applicable rules for annual IEPs, such as changes in the process of reviewing multi-year IEPs in some years.

Changes: None.

Comment: Many commenters recommended that the Department prohibit States from participating in both the Multi-Year IEP Program and the Paperwork Waiver Demonstration Program (Paperwork Waiver Program), which is the subject of a separate notice.

Many commenters recommended adding a requirement that any State permitted to participate in both the Multi-Year IEP Program and the Paperwork Waiver Program may not implement both programs in the same district or school.

Discussion: The Act allows States to apply for the Multi-Year IEP Program and the Paperwork Waiver Program. However, we agree with the commenters that a State that receives awards for the Multi-Year IEP Program and the Paperwork Waiver Program should not be permitted to execute both programs in the same school district. We believe that this type of prohibition would allow for a more precise evaluation of each program.

Changes: Paragraph 5 has been added to the final additional requirements to clarify that States must describe how districts were selected and provide an assurance that districts are voluntarily participating along with a description of the circumstances under which district participation may be terminated. States participating in this program and the Paperwork Waiver Program may not select the same LEAs to participate in both programs.

Comment: Many commenters recommended that we approve only those Multi-Year IEP Program proposals that propose a project period of not more than four years.

Discussion: We agree with this comment. A four-year period is sufficient time to allow States to spend one year preparing to implement multi-year IEPs and three years on the actual implementation, which coincides with one full cycle of a multi-year IEP (i.e., three years). In addition, a four-year project period is consistent with the project period established under the Paperwork Waiver Program. (The Department will invite applications for the Paperwork Waiver Program through a separate competition.)

Changes: Paragraph 6 has been added to the final additional requirements to specify that State proposals will be approved for a project period not to exceed four years.

Comment: Many commenters recommended that the proposed additional requirements for this program be revised to prohibit applicants from using the Paperwork Waiver Program (authorized under 609(a) of the Act) as a vehicle for implementing multi-year IEPs that do not comply with the terms of the Multi-Year IEP Program.

Discussion: Sections 609 and 614(d)(5) of the Act do not preclude a State from proposing to waive requirements related to the content, development, review and revision of IEPs, nor does the Act preclude a State from proposing to incorporate elements of the Multi-Year IEP Program in its application for the Paperwork Waiver Program. We decline to make the requested change because we believe that there are sufficient protections in the requirements for the Paperwork Waiver Program to protect a child's right to FAPE as well as to ensure that civil rights and procedural safeguard requirements are not waived.

Changes: None.

Comment: None.

Discussion: As part of our internal review of the proposed additional requirements and selection criteria for this program, we determined that it

was appropriate to revise paragraph 1 of the proposed additional requirements to provide that the Secretary may disapprove a State's application to participate in the program if the Secretary determines that the State currently meets the conditions under section 616(d)(2)(A)(iii) or (iv) of the Act relative to its implementation of part B of the Act. The Act does not require the Secretary to disapprove a State's application to participate in the program under these conditions and we do not believe that it would be appropriate to require the Secretary to deny approvals under these conditions. Instead, we believe that it is important that the Secretary have the authority to take into consideration the compliance history of States as part of the process used for selecting States to participate in the Multi-Year IEP Program. Accordingly, we have determined that the Secretary should retain the discretion to deny or approve a State's application if the Secretary determines that the State currently meets the conditions under section 616(d)(2)(A)(iii) or (iv) of the Act relative to its implementation of part B of the Act.

Changes: Paragraph 1 of the additional requirements has been revised by deleting the words "will not grant" and replacing them with the words "may deny" such that the requirement reads as follows: "The Secretary may deny a State approval to participate in this program if the Secretary determines that the State currently meets the conditions under section 616(d)(2)(A)(iii) or (iv) of the Act relative to its implementation of part B of the Act."

Comment: One commenter recommended revising paragraph 2 of the additional requirements by deleting the words "may terminate" and replacing them with the words "shall terminate," so that there will be no option to allow a State's Multi-Year IEP Program to continue under the circumstances described in that paragraph.

Discussion: We disagree with the commenter that there should be no option to allow a State's Multi-Year IEP Program to continue under the circumstances

identified in paragraph 2 of the additional requirements. The Act does not require the Secretary to terminate a State's application to participate in the program under the circumstances described in paragraph 2 of the proposed additional requirements. However, we believe that it is important that the Secretary have the authority to take into consideration the compliance history of States as part of the process used for monitoring implementation of the program and taking corrective action, if needed.

Changes: None.

Comment: Many commenters asked for additional clarity regarding the implementation of multi-year IEPs. Specifically, the commenters asked for examples, or a clear description, of the process for the development, review and revision of a comprehensive multi-year IEP.

Discussion: Only State applications that meet the requirements of the Act and the additional requirements and selection criteria in this notice will be eligible for approval. We offer the following example as one possible approach that States might propose to follow to develop, review and revise a comprehensive multi-year IEP, not to exceed three years, that coincides with natural transition points for a child. The following example should not be construed as a requirement:

(1) If the parent of a child with a disability provides informed written consent, an IEP team develops for the child a comprehensive IEP that meets all requirements of section 614(d) of the Act and includes longer-range measurable goals coinciding with natural transition points for the child.

(2) The IEP team conducts a comprehensive review of the child's IEP during natural transition points for the child, not to exceed three years from the date the child's initial IEP was developed, consistent with section 614(d)(4) of the Act.

(3) In the intervening years between the child's natural transition points, the child's primary special education teacher or related services

provider (i.e., the educational professional who is primarily responsible for overseeing implementation of the child's IEP) conducts a streamlined annual review of the child's IEP to determine (a) the child's current levels of progress, (b) whether the annual goals for the child have been achieved, and (c) whether the child is on track for meeting the longer-range transition goals. Based on these reviews, the child's primary special education teacher or related services provider amends the IEP, as appropriate, to enable the child to continue to meet the measurable annual goals and natural transition point goals set out in the child's IEP.

(4) The child's parent is regularly informed of the child's progress and the extent to which the child is progressing toward meeting the measurable annual goals in the IEP and is on track for reaching the longer-range transition point goals set out in the IEP.

(5) If the primary special education teacher or related services provider determines that the child has met the measurable annual goals and is on track for meeting the longer-range transition goals, the special education teacher or related services provider submits his or her findings to all members of the IEP team, who have the opportunity to either agree and sign the IEP, or call for a thorough review of the child's IEP in accordance with section 614(d)(4) of the Act within 30 calendar days.

(6) If one or more members of the IEP determine that the child did not make sufficient progress toward the annual goals or is not on track for meeting the longer-range transition point goals described in the multi-year IEP, then the IEP team carries out a comprehensive review of the IEP within 30 calendar days.

(7) If requested by the parent, the IEP team conducts a comprehensive review of the child's multi-year IEP rather than or subsequent to a streamlined annual review.

Changes: None.

Comment: One commenter recommended that States should indicate in their applications whether they would need technical assistance from the Office of Special Education Programs (OSEP) or some other entity.

Discussion: States may choose to indicate in their applications whether they will need technical assistance from OSEP in the implementation of the program. States that are awarded authority to develop multi-year IEPs for students with disabilities consistent with the program requirements may contact OSEP for assistance. OSEP funds a number of national technical assistance centers and regional resource centers that can provide technical assistance to States in the operation of the Multi-Year IEP Program.

Changes: None.

Comment: None.

Discussion: As part of our internal review of the proposed additional requirements and selection criteria, we determined that it is appropriate to revise paragraph 3(d) of the additional requirements by moving the phrase "if selected." The phrase "if selected" was intended to clarify that the requirement only applies to States that are selected to participate in the Multi-Year IEP Program. However, we believe that the phrase might be misconstrued to mean that not all States that participate in the Multi-Year IEP Program will be selected to participate in the national evaluation. Accordingly, we have re-worded this paragraph to read, "Assurances that the State will cooperate fully in a national evaluation of this program, if selected to participate in the Multi-Year IEP Program."

Changes: We have revised paragraph 3(d) to clarify that assurances of cooperation with the national evaluation are required from States selected to participate in the Multi-Year IEP Program.

Selection Criteria

Comment: None.

Discussion: Upon further consideration of the proposed selection criteria, the Department has made the decision to use selection criteria already established in the Education Department General Administrative Regulations (EDGAR) in 34 CFR 75.210 for the review of this program. The proposed selection criteria included many of the measures that would be evaluated as part of the national evaluation of this program. We have determined that it would be inappropriate to include these measures in the selection criteria. We believe that use of the EDGAR selection criteria will enable the Department to sufficiently evaluate State applications for this program.

Changes: Throughout the selection criteria, we have replaced or modified proposed selection criteria to better align with language taken from 34 CFR 75.210 of EDGAR. Specifically, we have deleted or modified proposed selection criteria 1(b), 1(c), 2(a), 2(b), 3(b) and 3(c) and added language from 34 CFR 75.210 of EDGAR.

Comment: One commenter recommended eliminating proposed selection criteria 1(a) (i.e., that the proposed project demonstrate the extent to which it will develop or demonstrate promising new strategies that build on, or are alternatives to, existing strategies).

Discussion: We decline to make the requested change because we believe that selection criterion 1(a) is an important criterion for evaluating the innovativeness of each State application for the Multi-Year IEP Program.

Changes: None.

Comment: Many commenters recommended revising selection criterion 1(b) to emphasize that the potential for improved long-term planning as a result of a State's Multi-Year IEP Program proposal be weighted in light of other important outcomes of a well-written IEP. The commenters recommended inserting a statement that the Secretary will consider the extent to which the proposed project will result in improvements to the IEP without compromising the provision of FAPE, the measurement of progress toward the

achievement of annual and long-term goals, educational outcomes, and family satisfaction.

Discussion: Since publishing the December 2005 notice, we have decided to use certain selection criteria from those found in EDGAR in 34 CFR 75.210 for the review of this program. Proposed selection criterion 1(b), "The likelihood that the proposed project will result in improvements in the IEP process, especially long-term planning for children with disabilities, without compromising the provision of FAPE, satisfaction of parents, and educational outcomes for children with disabilities" has been deleted. Upon internal review of the proposed selection criteria, we have determined that this criterion is inappropriate because it would require panel reviewers to speculate on the impact proposals would have on the variables to be measured by the national evaluation (i.e., long-term planning for children with disabilities, satisfaction of parents and educational outcomes for children with disabilities). If the relationship between changes in multi-year IEPs and outcome variables were known, then there would be no need for the evaluation.

We have replaced proposed selection criterion 1(b) with the following EDGAR criterion, which is from 34 CFR 75.210(b)(2)(iii): "The potential contribution of the proposed project to increased knowledge or understanding of educational problems, issues or effective strategies." This criterion will allow panel reviewers to evaluate the proposal's significance relative to how articulately or persuasively the State can connect current problems or issues with its multi-year IEP proposal. This type of evaluation and subsequent scoring of an application is commonly done in proposal review by standing panel members.

Changes: Proposed selection criterion 1(b) has been deleted and replaced with the selection criterion from section 75.210(b)(2)(iii) of EDGAR.

Comment: Many commenters recommended that we consider the importance or magnitude of the results or outcomes likely to be attained by the project, especially improvements in teaching and student achievement. The commenters suggested that we include a selection criterion to evaluate the extent to which the proposed project will reduce the amount of non-instructional time spent by teachers and related services personnel.

Discussion: As described elsewhere in this notice, since publishing the December 2005 notice, we have decided to adopt certain selection criteria from those found in 34 CFR 75.210 of EDGAR for the review of this program. We believe that including variables, such as non-instructional time or student achievement in selection criteria, would be inappropriate because these are the dependent variables to be examined by the national evaluation. We do not believe it is appropriate for panel reviewers to speculate on the impact specific proposals would have on these variables.

Changes: None.

Comment: Many commenters suggested that we delete the reference to reducing the paperwork burden associated with IEPs in proposed selection criterion 2(b) and to add language clarifying that improvements in long-range planning not compromise the provision of FAPE, the measurement of progress toward the achievement of annual and long-term goals, educational outcomes and family satisfaction.

Discussion: Statutory and additional requirements for this program only permit certain changes to the development, review and revision of IEPs. Other than these changes, the requirements of the Act must be met. The statutory and additional requirements also require LEAs to complete annual reviews of children's progress and to protect parents' rights to remove their child from the Multi-Year IEP Program. Additionally, as noted previously, we have decided to adopt certain selection criteria from those found in 34 CFR

75.210 of EDGAR for the review of this program and the proposed 2(b) criterion referred to in these comments has been deleted.

Changes: Following a decision to adopt certain selection criteria from those found in 34 CFR 75.210 of EDGAR, criterion 2(b) was deleted.

Comment: One commenter recommended striking selection criterion 2(c) (i.e., that the Secretary consider the extent to which the proposed project encourages consumer involvement, including parental involvement) as it seemed vague and duplicative of selection criterion 3(c) (i.e., How the applicant will ensure that a diversity of perspectives are brought to bear in the operation of the proposed project, including those of parents, teachers, related services providers, administrators, or others, as appropriate).

Discussion: We agree that proposed selection criterion 2(c) is duplicative.

Changes: We have deleted proposed selection criterion 2(c) regarding the extent to which the proposed project encourages consumer involvement, including parental involvement.

Comment: Many commenters recommended that we consider the quality of the proposed project design and procedures for documenting project activities and results.

Discussion: We agree with the commenters. The design and procedures for documenting proposed activities and results of the Multi-Year IEP Program must be of high quality for evaluation purposes.

Changes: We have added a new selection criterion 2(c) (as noted elsewhere, we have deleted proposed selection criterion 2(c)) to enable the Secretary to consider the quality of the proposed project design and procedures for documenting project activities and results.

Comment: One commenter recommended revising selection criterion 3(b) to address resources devoted by the State to implement the project in addition to resources devoted by the State to evaluate the project activities.

Discussion: We do not believe that is necessary to require States to submit a detailed description of the resources they plan to devote to implement the project activities. We believe that the main cost incurred will relate to planned training activities. States certainly could include as part of their application a detailed description of planned training activities to demonstrate how their project will improve long-term planning and address the need to reduce the paperwork burden associated with IEPs, while maintaining the provision of FAPE.

Changes: None.

Comment: Many commenters recommended that the Secretary consider the extent to which the proposed project was designed to involve broad parental input.

Discussion: We believe that the commenters' concerns are addressed by selection criterion 3(c), which ensures that States seek a diversity of perspectives, including parents, in the implementation of their projects. Moreover, we believe that paragraphs 3(b)(ii), 3(c)(i), 3(c)(iii), and 3(d)(v) of the additional requirements ensure involvement by parents in this program.

Changes: None.

Comment: One commenter recommended that the Secretary consider the extent to which the State sufficiently describes how it will recruit school districts to participate in the program.

Discussion: We believe that additional requirement 5 addresses the commenter's concern. Additional requirement 5 requires that States must describe how districts were selected and provide an assurance that districts are voluntarily participating along with a description of the circumstances under which district participation may be terminated.

Changes: None.

Comment: Many commenters recommended that the Secretary consider the extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of children with disabilities.

Discussion: We agree that it is important to consider the extent to which the design of a project is appropriate to, and will successfully address, the needs of children with disabilities. As discussed elsewhere, we have added new selection criterion 1(c) to highlight the importance of improving teaching and student achievement. To place even more emphasis within the selection criteria on this issue, we have also added another selection criterion that would require consideration of the extent to which the project's purpose will address the needs of the target population.

Changes: We have added selection criterion 2(b) to place further emphasis on how well the project will address the needs of the target population as a basis for application review.

Comment: Many commenters recommended revising the selection criteria to incorporate the statutory requirements laid out in section 614(d)(5)(A)(iii)(II) of the Act regarding the content of proposals.

Discussion: As noted in paragraph 2 of the Statutory Requirements for Multi-Year IEP Program section of this notice, all applicants are required to meet the statutory requirements laid out in section 614(d)(5)(A)(iii)(II) of the Act regarding the content of their proposals. All States must meet the statutory requirements of section 614(d)(5) of the Act in order to be deemed eligible to participate in the Multi-Year IEP Program. We do not believe it is necessary or appropriate to repeat the statutory requirements of section 614(d)(5)(A)(iii)(II) in the selection criteria section for this program.

Changes: None.

Comment: Many commenters recommended including the selection criterion found in section 75.210(c)(2)(v) of EDGAR, which requires the Secretary to consider

the extent to which the proposed activities constitute a coherent, sustained program of training in the field.

Discussion: We decline to include the selection criterion from section 75.210(c)(2)(v) of EDGAR in the selection criteria for this program because that selection criterion applies to professional development grants and is not appropriate for the Multi-Year IEP Program.

Changes: None.

Comment: Many commenters recommended that the Secretary consider the extent to which performance feedback and continuous improvement are integral to the design of the proposed project.

Discussion: We believe that the commenters' concerns are addressed under the management plan selection criterion in paragraph 3(a) (i.e., that the Secretary consider the adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project).

Changes: None.

Comment: Many commenters recommended that we consider the adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project, and that we also consider whether such procedures ensured multiple methods for collecting data on parent satisfaction from a broad representative sample throughout the State.

One commenter recommended amending the selection criteria to allow States to modify and revise their original statutory, regulatory, and administrative waiver requests during the course of the pilot project.

One commenter recommended requiring States to include an evaluation of whether the pilot project has a mechanism for reporting adverse events, such as denial of FAPE to a child with disability, and the effectiveness of that mechanism.

Discussion: We believe that final selection criterion 3(c) addresses the concerns of commenters regarding the involvement of multiple stakeholders in

the operation of the Multi-Year IEP Program. In addition, the Secretary is committed to ensuring the objectivity and integrity of the national evaluation conducted by IES. For this reason, we do not support allowing States to pursue changes to waiver activities proposed in their initial applications as this would significantly interfere with the reliability of outcome data gathered as part of the evaluation component for this program. Finally, with respect to the comment regarding FAPE, we believe that the commenter's concerns are addressed by paragraph 3(e) of the additional requirements.

Changes: None.

Comment: Many commenters recommended including a new selection criterion to require that the Secretary consider the extent to which the applicant has devoted sufficient resources to conduct a State evaluation of its project and the training of IEP Team members to ensure proper implementation of the demonstration program.

Discussion: Section 614(d)(5) of the Act does not require a State evaluation component to the Multi-Year IEP Program, rather, States are required to cooperate with the national evaluation conducted by IES. That said, nothing in the Act or the final additional requirements and selection criteria prevents States from including a proposal to conduct a Statewide assessment component of their project as part of their application, if determined appropriate by the State.

Changes: None.

Comment: One commenter recommended revising the selection criteria to require States to address their commitment to cooperate in the national evaluation in their applications, and to clarify that States are not required to document the extent to which they devoted sufficient resources to conduct data collection and analysis as part of the evaluation of the program.

Discussion: We believe that it is not necessary to include a selection criterion that evaluates an applicant's commitment to cooperate with the national evaluation because paragraph 3(d) of the additional requirements already requires applicants to include assurances to this effect in their proposals. Moreover, as noted elsewhere in this preamble, the Department has decided to use only selection criteria from EDGAR; consequently, selection criterion 3(b) has been deleted in its entirety, including references to the sufficiency of resources devoted to the evaluation.

Changes: Criterion 3(b) has been deleted.

Comment: Many commenters recommended that the Secretary consider how the applicant will ensure that the perspectives of children with disabilities are brought to bear in the operation of the proposed project.

One commenter recommended revising selection criterion 3(c) to ensure that the perspectives of family members and advocates for children with disabilities are considered.

Discussion: We believe it is important to involve children with disabilities in their educational programming. We therefore agree with the commenter that it is appropriate to ensure that the perspectives of children with disabilities are brought to bear in the operation of the project. However, we do not agree with the commenter regarding the need to involve family members and child advocates, other than the child's parents or legal guardian. Selection criterion 3(c) addresses how the applicant will ensure that a diversity of perspectives are brought to bear in the operation of the proposed project, including those of parents, teachers, the business community, a variety of disciplinary and professional fields, recipients or beneficiaries of services, or others, as appropriate. While the perspectives of siblings, grandparents, other relatives, and outside advocates can be important in making educational decisions for a child with a disability, we believe that the parents of a child with a disability are in the best

position to represent the interests of their child. Parents may, at their discretion, convey the interests and perspectives of other family members and outside advocates in the operation of the project on behalf of their children.

In addition, outside stakeholder involvement in the development phase of the project is assured under paragraph 3(c) of the additional requirements.

Changes: Selection criterion 3(c) has been amended to adopt selection criteria from section 75.210(g)(2)(v) of EDGAR: "How the applicant will ensure that a diversity of perspectives are brought to bear in the operation of the proposed project, including those of parents, teachers, the business community, a variety of disciplinary and professional fields, recipients or beneficiaries of services, or others, as appropriate."

Comment: Many commenters recommended that the Secretary consider the extent to which the methods of evaluation proposed by the State provide for examining the effectiveness of the project implementation strategies and provide guidance for quality assurance.

Discussion: We believe that the concerns of the commenters are addressed in the Quality of the project design selection criterion (selection criterion 2). Selection criterion 2 provides that we will consider (a) the extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable; (b) 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; and (c) the quality of the proposed project's procedures for documenting project activities and results. Additionally, the responsibility for evaluation of these projects rests with the national evaluation to be conducted by IES in cooperation with the States, not with the States themselves.

Changes: None.

Comment: Many commenters recommended that the Secretary consider the extent to which the methods of evaluation proposed by the State will provide performance feedback and permit periodic assessment toward achieving intended outcomes.

Discussion: We believe that the concerns of the commenters are addressed in selection criteria 2(a) and 3(a). Selection criterion 2(a) provides that the Secretary will consider the extent to which the goals, objectives and outcomes to be achieved by the proposed project are clearly specified, measurable, and address active participation in the program evaluation. Selection criterion 3(a) provides that we will consider the adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project.

Changes: None.

Comment: Many commenters recommended that the Secretary consider the extent to which the methods of evaluation proposed by the State include multiple methods for collecting data on parent satisfaction from a broad representative sample throughout the State with respect to the waivers and the usefulness of the information and training they have received.

Discussion: We believe that the evaluation of these projects is the responsibility of the national evaluation to be designed and conducted by IES in collaboration with the States. There is no requirement for the States to complete an impact evaluation of their projects independent of the national evaluation.

Changes: None.

Note: This notice does not solicit applications. We will invite applications through a separate notice in the Federal Register.

ADDITIONAL REQUIREMENTS AND SELECTION CRITERIA FOR MULTI-YEAR IEP PROGRAM:

Additional Requirements

The Secretary establishes the following additional requirements for the Multi-Year IEP Program:

1. The Secretary may deny a State approval to participate in this program if the Secretary determines that the State currently meets the conditions under section 616(d)(2)(A)(iii) or (iv) of the Act relative to its implementation of part B of the Act.

2. The Secretary may terminate any Multi-Year IEP Program project if the Secretary determines that the State (a) needs assistance under section 616(d)(2)(A)(ii) of the Act and the State's participation in this program has contributed to or caused the need for assistance; (b) needs intervention under 616(d)(2)(A)(iii) of the Act or needs substantial intervention under section 616(d)(2)(A)(iv) of the Act; or (c) failed to appropriately implement its project.

3. States submitting a proposal under the Multi-Year IEP Program must include the following material in their proposal:

(a) Assurances that the multi-year IEP for any child with a disability who takes an alternate assessment based on alternate achievement standards includes a description of benchmarks or short-term objectives in accordance with section 614(d)(1)(A)(i)(I)(cc) of the Act.

(b) Assurances that before an LEA requests a parent's voluntary informed written consent to the development of a multi-year IEP in lieu of an IEP that meets the requirements of section 614(d)(1)(A) of the Act, the LEA will inform the parent in writing (and in the native language of the parent, unless it clearly is not feasible to do so) of:

(i) any differences between the requirements relating to the content, development, review, and revision of IEPs under section 614(d) of the Act and the State's requirements relating to the content, development, review, and

revision of IEPs under the State's approved Multi-Year IEP Program proposal;
and

(ii) the parent's right to revoke consent at any time during the implementation of the Multi-Year IEP Program and the LEA's responsibility to conduct, within 30 calendar days after revocation by the parent, an IEP meeting to develop an IEP that meets the requirements of section 614(d)(1)(A) of the Act.

(c) A description of how the State will meet the public participation requirements of section 612(a)(19) of the Act, including how the State:

(i) involved multiple stakeholders, including parents, children with disabilities, special education and regular education teachers, related services providers, and school and district administrators, in the development of its proposal;

(ii) provided an opportunity for public comment in developing its proposal. This description must include a summary of public comments received by the State as well as a description of how the proposal addresses those public comments; and

(iii) obtained input from school and district personnel and parents in developing the list of required elements for each multi-year IEP and the description of the process for the review and revision of each multi-year IEP.

(d) Assurances that the State will cooperate fully in a national evaluation of this program, if selected to participate in the Multi-Year IEP Program. Cooperation includes devoting a minimum of four months between the State's award and subsequent implementation of this program to conduct joint planning with the evaluator. It also includes participation by the State educational agency (SEA) in the following evaluation activities:

(i) Providing to the evaluator the list of required elements for the multi-year IEP and the description of the process for the review and revision

of the multi-year IEP submitted as part of the State's application for this program. Consistent with the privacy requirements of the Act and The Family Educational Rights and Privacy Act, ensuring that the evaluator will have access to the most recent IEP created (if applicable) before participating in the Multi-Year IEP Program and the multi-year IEP(s) created during the project for each participating child (multi-year IEP participants and matched participants who do not have a multi-year IEP), together with a general description of the process for completing both versions of the IEP.

(ii) Recruiting districts or schools to participate in the evaluation (as established in the evaluation design) and ensuring their continued cooperation with the evaluation. Providing a list of districts and schools that have been recruited and have agreed to implement the proposed Multi-Year IEP Program, allow data collection to occur, and cooperate fully with the evaluation. Providing, for each participating school or district, basic demographic information such as student enrollment, district wealth and ethnicity breakdowns, the number of children with disabilities by category, and the number or type of personnel, as requested by the evaluator.

(iii) Serving in an advisory capacity to assist the evaluator in identifying valid and reliable data sources and improving the design of data collection instruments and methods.

(iv) Providing to the evaluator an inventory of existing State-level data relevant to the evaluation questions or consistent with the identified data sources. Supplying requested State-level data in accordance with the timelines specified in the evaluation design.

(v) Providing assistance to the evaluator on the collection of data from parents, including obtaining written informed consent for parents to participate in interviews and respond to surveys and questionnaires.

(vi) Designating a coordinator for the project who will monitor the implementation of the project and work with the evaluator. This coordinator

also will serve as the primary point of contact for the Office of Special Education Programs (OSEP) project officer.

(e) A description of how the State will collect and report to the Department, as part of the State's annual performance report submission to the Secretary in accordance with section 616(b)(2)(c)(ii)(II) of the Act, and to the national evaluator, that children are not receiving appropriate services because of the State's implementation of Multi-Year IEP Program, and how the State responded to this information, including the outcome of that response such as providing technical assistance to the LEA to improve implementation, or suspending or terminating the authority of an LEA to implement multi-year IEPs due to unresolved compliance problems.

(f) A description of the procedures the State will employ to ensure that diverse stakeholders (including parents, teachers, administrators, related services providers, and other stakeholders, as appropriate) understand the proposed elements of the State's submission for the Multi-Year IEP Program.

4. Each State receiving approval to participate in the Multi-Year IEP Program will be awarded an annual incentive payment of not less than \$10,000 to be used exclusively to support program-related evaluation activities, including one trip to Washington, DC, annually to meet with the project officer and the evaluator. Each participating State will receive an additional incentive payment of not less than \$15,000 annually from the contractor to support evaluation activities in the State. Incentive payments may also be provided to participating districts to offset the costs of their participation in the evaluation of the Multi-Year IEP Program. Total available funds will depend on the number of awards made.

5. States must describe how districts were selected and provide an assurance that districts are voluntarily participating along with a description of the circumstances under which district participation may be

terminated. States participating in this program and the Paperwork Waiver Demonstration Program may not select the same LEAs to participate in both programs.

6. Proposals must be for projects not to exceed a period of four years.

Note: The term "parent" as used in these requirements and selection criteria for the Multi-Year IEP Program has the same meaning given the term in section 300.30 of the final regulations implementing part B of the Act.

Selection Criteria

The following selection criteria will be used to evaluate State proposals submitted under this program. These particular criteria were selected because they address the statutory requirements and program requirements and permit applicants to propose a distinctive approach to addressing these requirements.

Note: We will inform applicants of the points or weights assigned to each criterion and sub-criterion in a notice published in the Federal Register inviting States to submit applications for this program.

1. Significance. The Secretary considers the significance of the proposed project. In determining the significance of the proposed project, the Secretary considers the following factors:

(a) The extent to which the proposed project involves the development or demonstration of promising new strategies that build on, or are alternatives to, existing strategies.

(b) The potential contribution of the proposed project to increased knowledge or understanding of educational problems, issues, or effective strategies.

(c) The importance or magnitude of the results or outcomes likely to be attained by the project, especially improvements in teaching and student outcomes.

2. Quality of the project design. The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(a) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(b) 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.

(c) The quality of the proposed project design and procedures for documenting project activities and results.

3. Quality of the management plan. The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

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

(b) How the applicant will ensure that a diversity of perspectives are brought to bear in the operation of the proposed project, including those of parents, teachers, the business community, a variety of disciplinary and professional fields, recipients or beneficiaries of services, or others, as appropriate.

Executive Order 12866

This notice of final additional requirements and selection criteria 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 this regulatory action are those resulting from statutory requirements and those we have determined as

necessary for administering this program effectively and efficiently. Although there may be costs associated with participating in this pilot, the Department will provide incentive payments to States to help offset these costs. In addition, we expect that States will weigh these costs against the benefits of being able to participate in the pilot and will only opt to participate in this pilot if the potential benefits exceed 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.

Intergovernmental Review

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

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the Federal Register, in text or Adobe Portable Document Format (PDF) on the Internet at the following site:

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.

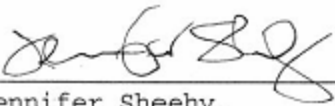
Note: The official version of this document is the document published in the Federal Register. Free Internet access to the official edition of the Federal Register and the Code of Federal Regulations is available on GPO Access at:

www.gpoaccess.gov/nara/index.html

(Catalog of Federal Domestic Assistance Number 84.326Q Individuals with Disabilities Education Act Multi-Year Individualized Education Program Demonstration Program)

PROGRAM AUTHORITY: 20 U.S.C. 1414.

Dated:



Jennifer Sheehy,
Director of Policy and
Planning for Special
Education and Rehabilitative
Services.

4000-01-U

DEPARTMENT OF EDUCATION

CFDA No. 84.326P

The Individuals with Disabilities Education Act Paperwork Waiver
Demonstration Program

AGENCY: Office of Special Education and Rehabilitative Services (OSERS),
Department of Education.

ACTION: Notice announcing application deadline.

SUMMARY: Under the Paperwork Waiver Demonstration Program (Paperwork Waiver Program), the Assistant Secretary for Special Education and Rehabilitative Services will select up to 15 States to participate in a single, one-time only pilot program. State proposals approved under this program will create opportunities for participating States to reduce paperwork burdens and other administrative duties in order to increase time for instruction and other activities, while preserving students' civil rights and promoting improved educational and functional results for children with disabilities. In this notice we establish the deadline for submission of the Paperwork Waiver Program applications.

Applications Available: October 12, 2007.

Deadline for Transmittal of Applications: February 11, 2008.

Applications to participate in the Paperwork Waiver Program may be submitted electronically using the Grants.gov Apply site (Grants.gov), or in paper format by mail or hand delivery. For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery, please refer to section I. 5. Other Submission Requirements in this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under For Further Information Contact.

Deadline for Intergovernmental Review: April 9, 2008.

SUPPLEMENTARY INFORMATION:

Background: The Paperwork Waiver Program is one of two demonstration programs authorized under the Individuals with Disabilities Education Act, as amended by the Individuals with Disabilities Education Improvement Act of 2004 (Act). These demonstration programs are designed to address parents', special educators' and States' desire to reduce excessive and repetitious paperwork, administrative burden, and non-instructional teacher time and, at the same time, increase the resources and time available for classroom instruction and other activities focused on improving educational and functional results of children with disabilities.

Through the Paperwork Waiver Program, established under section 609(a) of the Act, the Secretary may grant waivers to States (including Puerto Rico, the District of Columbia and the outlying areas) of certain statutory and regulatory requirements under part B of the Act for up to four years. These waivers may not affect the right of a child with a disability to receive a free appropriate public education (FAPE) and must preserve the basic rights of students with disabilities.

On December 19, 2005, we published a notice of proposed requirements and selection criteria for the Paperwork Waiver Program in the Federal Register (70 FR 75161). After consideration of the public comments received on this notice, we established final additional requirements and selection criteria for this program. On July 6, 2007, we published the notice of final additional requirements and selection criteria for this program in the Federal Register (72 FR 36970).

Who is Eligible for an Award Under the Paperwork Waiver Program?

Eligible applicants under the Paperwork Waiver Program are: State educational agencies (SEAs) in any State, including the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

Funding and Award Information

Estimated Available Funds: \$150,000.

Estimated Average Size of Awards: \$10,000.

Estimated Number of Awards: 15.

Project Period: 48 months.

Note: The Department is not bound by any estimates in this notice.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 80, 81, 82, 84, 85, 97, 98, and 99. (b) The notice of final additional requirements and selection criteria for this program, published in the Federal Register on July 6, 2007 (72 FR 36970).

Program Authority: 20 U.S.C. 1408, 1463, and 1481.

General Requirements: (a) The projects funded under this program must make positive efforts to employ and advance in employment qualified individuals with disabilities (see section 606 of IDEA). (b) Each applicant and grant recipient funded under this program must involve individuals with disabilities or parents of individuals with disabilities ages birth through 26 in planning, implementing, and evaluating the project (see section 682(a)(1)(A) of IDEA).

I. Application and Submission Information

1. Address to Request Application Package: Education Publications Center (ED Pubs), P.O. Box 1398, Jessup, MD 20794-1398. Telephone, toll

free: 1-877-433-7827. FAX: (301) 470-1244. If you use a telecommunications device for the deaf (TDD), call, toll free: 1-877-576-7734.

You can contact ED Pubs at its Web site, also: www.ed.gov/pubs/edpubs.html or you may contact ED Pubs at its e-mail address: edpubs@inet.ed.gov

If you request an application package from ED Pubs, be sure to identify this competition as follows: CFDA Number 84.326P.

Individuals with disabilities can obtain a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the person or team listed under Alternative Format in section IV of this notice.

2. Content and Form of Application Submission:

Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We suggest that you limit Part III to the equivalent of no more than 65 pages, using the following standards:

- A "page" is 8.5" x 11", on one side only, with 1" margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; the one-page abstract, the resumes, the bibliography, the references, or the letters of support. However, the page limit does apply to all of the application narrative section.

3. Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

4. Funding Restrictions: We reference regulations outlining funding restrictions in the Applicable Regulations section in this notice.

5. Other Submission Requirements: Applications under this competition may be submitted electronically or in paper format by mail or hand delivery.

a. Electronic Submission of Applications.

To comply with the President's Management Agenda, we are participating as a partner in the Governmentwide Grants.gov Apply site. Paperwork Waiver Program, CFDA Number 84.326P, is included in this project. We request your participation in Grants.gov.

If you choose to submit your application electronically, you must use the Governmentwide Grants.gov Apply site at <http://www.Grants.gov>. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of an application to us.

You may access the electronic application for the Paperwork Waiver Program competition at <http://www.Grants.gov>. You must search for the downloadable application package for this program or competition by the CFDA

number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.326, not 84.326P).

Please note the following:

- Your participation in Grants.gov is voluntary.
- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not consider your application if it is date and time stamped by the Grants.gov system later than 4:30 p.m., Washington, DC time, on the application deadline date. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov at <http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf>

- To submit your application via Grants.gov, you must complete all steps in the Grants.gov registration process (see http://www.grants.gov/applicants/get_registered.jsp). These steps include (1) registering your organization, a multi-part process that includes registration with the Central Contractor Registry (CCR); (2) registering yourself as an Authorized Organization Representative (AOR); and (3) getting authorized as an AOR by your organization. Details on these steps are outlined in the Grants.gov 3-Step Registration Guide (see <http://www.grants.gov/section910/Grants.govRegistrationBrochure.pdf>). You also must provide on your application the same D-U-N-S Number used with this registration. Please note that the registration process may take five or more business days to complete, and you must have completed all registration steps to allow you to submit successfully an application via Grants.gov. In addition you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.

- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you submit your application in paper format.

- If you submit your application electronically, you must submit all documents electronically, including all information you typically provide on the following forms: Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information--Non-Construction Programs (ED 524), and all necessary assurances and certifications. Please note that two of these forms--the SF 424 and the Department of Education Supplemental Information for SF 424--have replaced the ED 424 (Application for Federal Education Assistance).

- If you submit your application electronically, you must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type

other than the three file types specified in this paragraph or submit a password-protected file, we will not review that material.

- Your electronic application must comply with any page-limit requirements described in this notice.

- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by e-mail. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).

- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk at 1-800-518-4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30 p.m., Washington, DC time, on the application deadline date, please contact the person listed under For Further Information Contact in section III in this notice and provide an

explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

b. Submission of Paper Applications by Mail.

If you submit your application in paper format by mail (through the U.S. Postal Service or a commercial carrier), you must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

By mail through the U.S. Postal Service:

U.S. Department of Education
Application Control Center
Attention: (CFDA Number 84.326P)
400 Maryland Avenue, SW.
Washington, DC 20202-4260

or

By mail through a commercial carrier:

U.S. Department of Education
Application Control Center, Stop 4260
Attention: (CFDA Number 84.326P)
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.
- (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.
- (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 84.326P)
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 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.

II. Application Review Information

Selection Criteria: The selection criteria for this competition are from the notice of final additional requirements and selection criteria for this program, published in the Federal Register (72 FR 36970) on July 6, 2007, and are listed in the application package.

III. Agency Contact

For Further Information Contact: Patricia Gonzalez, U.S. Department of Education, 400 Maryland Avenue, SW., room 4082, Potomac Center Plaza (PCP), Washington, DC 20202-2600. Telephone: (202) 245-7355.

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

IV. Other Information

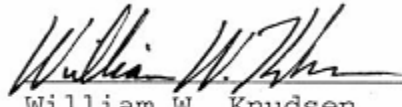
Alternative Format: Individuals with disabilities can obtain this document and a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue, SW., room 5075, PCP, Washington, DC 20202-2550. Telephone: (202) 245-7363. If you use a TDD, call the FRS, toll free, at 1-800-877-8339.

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: 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:



William W. Knudsen,
Acting Deputy Assistant Secretary
for Special Education and
Rehabilitative Services.

4000-01-U

DEPARTMENT OF EDUCATION

CFDA No. 84.326Q

The Individuals with Disabilities Education Act Multi-Year Individualized Education Program Demonstration Program

AGENCY: Office of Special Education and Rehabilitative Services (OSERS), Department of Education.

ACTION: Notice announcing application deadline.

SUMMARY: Under the Multi-Year Individualized Education Program (IEP) Demonstration Program (Multi-Year IEP Program), the Assistant Secretary for Special Education and Rehabilitative Services will select up to 15 States to participate in a single one-time only pilot program. State proposals approved under this program will create opportunities for participating local educational agencies (LEAs) to improve long-term planning for children with disabilities through the development and use of comprehensive multi-year IEPs. Additionally, the pilot program will focus on an identified national need to reduce the paperwork burden associated with IEPs while preserving students' civil rights and promoting academic achievement. In this notice we establish the deadline for submission of the Multi-Year IEP Program applications.

Applications Available: October 12, 2007.

Deadline for Transmittal of Applications: February 11, 2008.

Applications to participate in the Multi-Year IEP Program may be submitted electronically using the Grants.gov Apply site (Grants.gov), or in paper format by mail or hand delivery. For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery, please refer to section I. 5. Other Submission Requirements in this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under For Further Information Contact.

Deadline for Intergovernmental Review: April 9, 2008.

SUPPLEMENTARY INFORMATION:

Background: The Multi-Year IEP Program was established under section 614(d)(5) of the Individuals with Disabilities Education Act, as amended by the Individuals with Disabilities Education Improvement Act of 2004 (Act). The purpose of this program is to provide an opportunity for States (including Puerto Rico, the District of Columbia and the outlying areas) to allow parents and LEAs to engage in long-term planning by offering the option of developing a comprehensive multi-year IEP, not to exceed three years, that is designed to coincide with the natural transition points for the child.

On December 19, 2005, we published a notice of proposed requirements and selection criteria for the Multi-Year IEP Program in the Federal Register (70 FR 75158). After consideration of the public comments received on this notice, we established final additional requirements and selection criteria for this program. On July 6, 2007, we published the notice of final additional requirements and selection criteria for this program in the Federal Register (72 FR 36985).

Who is Eligible for an Award Under the Multi-Year IEP Program?

Eligible applicants under the Multi-Year IEP Program are: State educational agencies (SEAs) in any State, including the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

Funding and Award Information

Estimated Available Funds: \$150,000.

Estimated Average Size of Awards: \$10,000.

Estimated Number of Awards: 15.

Project Period: 48 months.

Note: The Department is not bound by any estimates in this notice.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 80, 81, 82, 84, 85, 97, 98, and 99. (b) The notice of final additional requirements and selection criteria for this program, published the Federal Register on July 6, 2007 (72 FR 36985).

Program Authority: 20 U.S.C. 1414, 1463, and 1481.

General Requirements: (a) The projects funded under this program must make positive efforts to employ and advance in employment qualified individuals with disabilities (see section 606 of IDEA). (b) Each applicant and grant recipient funded under this program must involve individuals with disabilities or parents of individuals with disabilities ages birth through 26 in planning, implementing, and evaluating the project (see section 682(a)(1)(A) of IDEA).

I. Application and Submission Information

1. Address to Request Application Package: Education Publications Center (ED Pubs), P.O. Box 1398, Jessup, MD 20794-1398. Telephone, toll free: 1-877-433-7827. FAX: (301) 470-1244. If you use a telecommunications device for the deaf (TDD), call, toll free: 1-877-576-7734.

You can contact ED Pubs at its Web site, also:
www.ed.gov/pubs/edpubs.html or you may contact ED Pubs at its e-mail address:
edpubs@inet.ed.gov

If you request an application package from ED Pubs, be sure to identify this competition as follows: CFDA Number 84.326Q.

Individuals with disabilities can obtain a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the person or team listed under Alternative Format in section IV of this notice.

2. Content and Form of Application Submission:

Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We suggest that you limit Part III to the equivalent of no more than 65 pages, using the following standards:

- A "page" is 8.5" x 11", on one side only, with 1" margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; the one-page abstract, the resumes, the bibliography, the references, or the letters of support. However, the page limit does apply to all of the application narrative section.

3. Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79.

Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

4. Funding Restrictions: We reference regulations outlining funding restrictions in the Applicable Regulations section in this notice.

5. Other Submission Requirements: Applications under this competition may be submitted electronically or in paper format by mail or hand delivery.

a. Electronic Submission of Applications.

To comply with the President's Management Agenda, we are participating as a partner in the Governmentwide Grants.gov Apply site. Multi-Year IEP Program, CFDA Number 84.326Q, is included in this project. We request your participation in Grants.gov.

If you choose to submit your application electronically, you must use the Governmentwide Grants.gov Apply site at <http://www.Grants.gov>. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of an application to us.

You may access the electronic application for the Multi-Year IEP Program competition at <http://www.Grants.gov>. You must search for the downloadable application package for this program or competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.326, not 84.326Q).

Please note the following:

- Your participation in Grants.gov is voluntary.
- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.

- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not consider your application if it is date and time stamped by the Grants.gov system later than 4:30 p.m., Washington, DC time, on the application deadline date. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30 p.m., Washington, DC time, on the application deadline date.

- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.

- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov at <http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf>

- To submit your application via Grants.gov, you must complete all steps in the Grants.gov registration process (see http://www.grants.gov/applicants/get_registered.jsp). These steps include (1) registering your organization, a multi-part process that includes registration with the Central Contractor Registry (CCR); (2) registering yourself as an Authorized Organization Representative (AOR); and (3) getting authorized as an AOR by your organization. Details on these steps are outlined in the Grants.gov 3-Step Registration Guide (see

<http://www.grants.gov/section910/Grants.govRegistrationBrochure.pdf>). You also must provide on your application the same D-U-N-S Number used with this registration. Please note that the registration process may take five or more business days to complete, and you must have completed all registration steps to allow you to submit successfully an application via Grants.gov. In addition, you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.

- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you submit your application in paper format.

- If you submit your application electronically, you must submit all documents electronically, including all information you typically provide on the following forms: Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information--Non-Construction Programs (ED 524), and all necessary assurances and certifications. Please note that two of these forms--the SF 424 and the Department of Education Supplemental Information for SF 424--have replaced the ED 424 (Application for Federal Education Assistance).

- If you submit your application electronically, you must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified in this paragraph or submit a password-protected file, we will not review that material.

- Your electronic application must comply with any page-limit requirements described in this notice.

- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will

retrieve your application from Grants.gov and send a second notification to you by e-mail. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).

- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1-800-518-4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30 p.m., Washington, DC time, on the application deadline date, please contact the person listed under For Further Information Contact in section III in this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

b. Submission of Paper Applications by Mail.

If you submit your application in paper format by mail (through the U.S. Postal Service or a commercial carrier), you must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

By mail through the U.S. Postal Service:

U.S. Department of Education
Application Control Center
Attention: (CFDA Number 84.326Q)
400 Maryland Avenue, SW.
Washington, DC 20202-4260

or

By mail through a commercial carrier:

U.S. Department of Education
Application Control Center, Stop 4260
Attention: (CFDA Number 84.326Q)
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.
- (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.
- (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 84.326Q)
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 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.

II. Application Review Information

Selection Criteria: The selection criteria for this competition are from the notice of final additional requirements and selection criteria for this program, published in the Federal Register (72 FR 36970) on July 6, 2007, and are listed in the application package.

III. Agency Contact

For Further Information Contact: Patricia Gonzalez, U.S. Department of Education, 400 Maryland Avenue, SW., room 4082, Potomac Center Plaza (PCP), Washington, DC 20202-2600. Telephone: (202) 245-7355.

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

IV. Other Information

Alternative Format: Individuals with disabilities can obtain this document and a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue, SW., room 5075, PCP, Washington, DC 20202-2550. Telephone: (202) 245-7363. If you use a TDD, call the FRS, toll free, at 1-800-877-8339.


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: 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:



William W. Knudsen,
Acting Deputy Assistant Secretary
for Special Education and
Rehabilitative Services.

IMPORTANT – PLEASE READ FIRST
U.S. Department of Education
Grants.gov Submission Procedures and Tips for Applicants

To facilitate your use of Grants.gov, this document includes important submission procedures you need to be aware of to ensure your application is received in a timely manner and accepted by the Department of Education.

- 1) **REGISTER EARLY** – Grants.gov registration may take five or more business days to complete. You may begin working on your application while completing the registration process, but you cannot submit an application until all of the Registration steps are complete. For detailed information on the Registration Steps, please go to: http://www.grants.gov/applicants/get_registered.jsp. [Note: Your organization will need to update its Central Contractor Registry (CCR) registration annually.]
- 2) **SUBMIT EARLY** – **We strongly recommend that you do not wait until the last day to submit your application. Grants.gov will put a date/time stamp on your application and then process it after it is fully uploaded.** The time it takes to upload an application will vary depending on a number of factors including the size of the application and the speed of your Internet connection, and the time it takes Grants.gov to process the application will vary as well. If Grants.gov rejects your application (see step three below), you will need to resubmit successfully before 4:30 pm on the deadline date.

Note: To submit successfully, you must provide the DUNS number on your application that was used when your organization registered with the CCR (Central Contractor Registry).

- 3) **VERIFY SUBMISSION IS OK** – You will want to verify that Grants.gov and the Department of Education receive your Grants.gov submission timely and that it was validated successfully. To see the date/time your application was received, login to Grants.gov and click on the Track My Application link. For a successful submission, the date/time received should be earlier than 4:30 p.m. on the deadline date, AND the application status should be: Validated, Received by Agency, or Agency Tracking Number Assigned.

If the date/time received is later than 4:30 p.m. Washington, D.C. time, on the closing date, your application is late. If your application has a status of “Received” it is still awaiting validation by Grants.gov. Once validation is complete, the status will either change to “Validated” or “Rejected with Errors.” If the status is “Rejected with Errors,” your application has not been received successfully. Some of the reasons Grants.gov may reject an application can be found on the Grants.gov site: http://www.grants.gov/help/submit_application_faqs.jsp#10. For more detailed information on why an application may be rejected, you can review Application Error Tips <http://www.grants.gov/section910/ApplicationErrorTips.pdf>. If you discover your application is late or has been rejected, please see the instructions below. Note: You will receive a series of confirmations both online and via e-mail about the status of your application. Please do not rely solely on e-mail to confirm whether your application has been received timely and validated successfully.

Submission Problems – What should you do?

If you have problems submitting to Grants.gov before the closing date, please contact Grants.gov Customer Support at 1-800-518-4726 or use the customer support available on the Web site: http://www.grants.gov/applicants/applicant_help.jsp.

If electronic submission is optional and you have problems that you are unable to resolve before the deadline date and time for electronic applications, please follow the transmittal instructions for hard copy applications in the Federal Register notice and get a hard copy application postmarked by midnight on the deadline date.

If electronic submission is required, you must submit an electronic application before 4:30 p.m., unless you follow the procedures in the Federal Register notice and qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. (See the Federal Register notice for detailed instructions.)

Helpful Hints When Working with Grants.gov

Please note, once you download an application from Grants.gov, you will be working offline and saving data on your computer. Please be sure to note where you are saving the Grants.gov file on your computer. You will need to logon to Grants.gov to upload and submit the application. **You must provide on your application the DUNS number that was used when your organization registered with the CCR.**

Please go to http://www.grants.gov/applicants/applicant_help.jsp for help with Grants.gov. For additional tips related to submitting grant applications, please refer to the Grants.gov Submit Application FAQs found on the Grants.gov http://www.grants.gov/help/submit_application_faqs.jsp.

Dial-Up Internet Connections

When using a dial up connection to upload and submit your application, it can take significantly longer than when you are connected to the Internet with a high-speed connection, e.g. cable modem/DSL/T1. While times will vary depending upon the size of your application, it can take a few minutes to a few hours to complete your grant submission using a dial up connection. **If you do not have access to a high-speed connection and electronic submission is required, you may want to consider following the instructions in the Federal Register notice to obtain an exception to the electronic submission requirement no later than two weeks before the application deadline date.** (See the Federal Register notice for detailed instructions.)

MAC Users

If you do not have a Windows operating System, you will need to use the Citrix solution discussed on Grants.gov or a Windows Emulation program to submit an application using Grants.gov. For additional information, review the FAQs for non-windows users http://www.grants.gov/resources/download_software.jsp#non_window. Also, to view white paper for Macintosh users published by Pure Edge go to the following link: <http://www.grants.gov/section678/PureEdgeSupportforMacintosh.pdf>, and/or contact Grants.gov Customer Support (<http://www.grants.gov/contactus/contactus.jsp>) for more information. **If electronic submission is required and you are concerned about your ability to submit electronically as a non-windows user, please follow instructions in the Federal Register notice to obtain an exception to the electronic submission requirement no later than two weeks before the application deadline date.** (See the Federal Register notice for detailed instructions.)

ATTENTION – Microsoft Vista and Word Users

Please note that Grants.gov does not currently support the new Microsoft Vista Operating system. The PureEdge software used by Grants.gov for forms is not compatible with Vista.

In addition, the new version of Microsoft Word saves documents with the extension .DOCX. The Grants.gov system does not process Microsoft Word documents with the extension .DOCX. When submitting Microsoft Word attachments to Grants.gov, please use the version of Microsoft Word that ends in .DOC. If you have any

questions regarding this matter please email the Grants.gov Contact Center at support@grants.gov or call 1-800-518-4726.)

PRIORITY DESCRIPTION

AND

SELECTION CRITERIA

FOR THE

TECHNICAL ASSISTANCE AND DISSEMINATION
TO IMPROVE SERVICES AND RESULTS FOR
CHILDREN WITH DISABILITIES

THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT
PAPERWORK WAIVER DEMONSTRATION PROGRAM
(CFDA 84.326P)

DEADLINE: 02/11/08

ABSOLUTE PRIORITY:

Background:

We published a notice of proposed requirements and selection criteria for the Paperwork Waiver Program in the Federal Register on December 19, 2005 (70 FR 75161) (December 2005 Notice).

On December 3, 2004, President Bush signed into law Public Law 108-446, 118 Stat. 2647, the Individuals with Disabilities Education Improvement Act of 2004, reauthorizing and amending the Individuals with Disabilities Education Act (Act). This new law reflects the importance of strengthening our Nation's efforts to ensure every child with a disability has available a free appropriate public education (FAPE) that is (1) of high quality and (2) designed to achieve the high standards established in the No Child Left Behind Act of 2001 (NCLB).

The Paperwork Waiver Program is one of two demonstration programs authorized under the new law that is designed to address parents', special educators' and States' desire to reduce excessive and repetitious paperwork, administrative burden, and non-instructional teacher time and, at the same time, to increase the resources and time available for classroom instruction and other activities focused on improving educational and functional results of children with disabilities.

Paperwork burden in special education affects (1) the time school staff can devote to instruction or service provision and (2) retention of staff, particularly special education teachers. In 2002, the Office of Special Education Programs (OSEP) funded a nationally representative study of teachers' perceptions of sources of paperwork burden, the hours devoted to these activities, and possible explanations for variations among teachers in the hours devoted to these tasks. Among the findings related to the Individualized Education Program (IEP), student evaluations, progress reporting, and case management was that teachers whose administrative duties and paperwork exceeded four hours per week were more likely to perceive these responsibilities as interfering with their job of teaching. Moreover, the study found that the mean number of hours reported by teachers to be devoted to these tasks was 6.3 hours per week. However, data from the study also suggested that there was considerable variation in the amount of time special education teachers devoted to paperwork. For example, the average hours spent on administrative duties and paperwork varied significantly by geographic region, with the Northeast having the lowest paperwork burden.

Through the Paperwork Waiver Program, established under section 609(a) of the Act, the Secretary may grant waivers of certain statutory and regulatory requirements under part B of the Act to not more than 15 States, including Puerto Rico, the District of Columbia, and the outlying areas (States) based on State proposals to reduce excessive paperwork and non-instructional time burdens that do not assist in improving educational and functional results for children with disabilities. The Secretary is authorized to grant these waivers for a period of up to four years.

Although the purpose of the Paperwork Waiver Program is to reduce the paperwork burden associated with the Act, not all statutory and regulatory requirements under part B of the Act may be waived. Specifically, the Secretary may not waive any statutory or regulatory provisions relating to applicable civil rights requirements or procedural safeguards. Furthermore, waivers may not affect the right of a child with a disability to receive FAPE. In short, State proposals must preserve the basic rights of students with disabilities.

Statutory Requirements for Paperwork Waiver Program

As outlined in the December 2005 Notice, the Act establishes the following requirements to govern the Paperwork Waiver Program proposals:

1. States applying for approval under this program must submit a proposal to reduce excessive paperwork and non-instructional time burdens that do not assist in improving educational and functional results for children with disabilities.
2. A State submitting a proposal for the Paperwork Waiver Program must include in its proposal a list of any statutory requirements of, or regulatory requirements relating to, part B of the Act that the State desires the Secretary to waive, in whole or in part (not including civil rights requirements and procedural safeguards as noted elsewhere in this notice); and a list of any State requirements that the State proposes to waive or change, in whole or in part, to carry out the waiver granted to the State by the Secretary. Waivers may be granted for a period of up to four years.
3. The Secretary is prohibited from waiving any statutory requirements of, or regulatory requirements relating to procedural requirements under section 615 of the Act or applicable civil rights requirements. A waiver may not affect the right of a child with a disability to receive FAPE (as defined in section 602(9) of the Act).
4. The Secretary will not grant any waiver to a State if the Secretary has determined that the State currently meets the conditions under section 616(d)(2)(A)(iii) or (iv) of the Act relative to its implementation of part B of the Act.
5. The Secretary will terminate a State's waiver granted as part of this program if the Secretary determines that the State (a) needs assistance under section 616(d)(2)(A)(ii) of the Act and that the waiver has contributed to or caused the need for assistance; (b) needs intervention under section 616(d)(2)(A)(iii) of the Act or needs substantial intervention under section 616(d)(2)(A)(iv) of the Act; or (c) fails to appropriately implement its waiver.

Background for Additional Requirements

While the Act establishes the foregoing requirements, it does not provide for other requirements that are necessary for the implementation of this program. Accordingly, in the December 2005 Notice, we proposed additional Paperwork Waiver Program requirements to address program implementation issues as well as selection criteria that we will use to evaluate State proposals for this program.

In this notice, we also establish requirements with which States must comply that will allow the Department to evaluate the effectiveness of the Paperwork Waiver Program. Under section 609(b) of the Act, the Department is required to report to Congress on the effectiveness of this program. To accomplish this, the Institute of Education Sciences (IES) will conduct an evaluation using a quasi-experimental design that collects data on the following outcomes: (a) educational and functional results (including academic achievement) for students with disabilities, (b) allocation and engagement of instructional time for students with disabilities, (c) time and resources spent on administrative duties and paperwork requirements by teaching and related services personnel, (d) quality of special education services and plans incorporated in IEPs, (e) teacher, parent, and administrator satisfaction, (f) the promotion of collaboration of IEP team members, and (g) enhanced long-term educational planning for students. These outcomes will be compared between students who participate in the Paperwork Waiver Program, and students who are matched on disability, age, socioeconomic status, race/ethnicity, language spoken in the home, prior educational outcomes, and to the extent feasible, the nature of special education, who do not participate in the paperwork waiver program. Specifics of the design will be confirmed during discussion with the evaluator, a technical workgroup, and the participating States during the first several months of the study.

Participating States will play a crucial supportive role in this evaluation. They will, at a minimum, assist in developing the evaluation plan, assure that districts participating in the Paperwork Waiver Program will collaborate with the evaluation, provide background information on relevant State policies and practices, supply data relevant to the outcomes from State data sources (e.g., student achievement and functional performance data, complaint numbers), provide access to current student IEPs (if appropriate and paperwork waiver affects an IEP) during Year 1 of the evaluation (consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. §1232g (FERPA) and the privacy requirements under the Act), complete questionnaires and surveys, and participate in interviews. Data collection and analysis will be the responsibility of IES through its contractor. States can expect to allocate resources for this purpose at a minimum during Year 1 to assist with planning the details of the evaluation, ensuring participation of involved districts, providing access to relevant State records, and completing questionnaires or participating in interviews. Over the course of the evaluation, participating States will receive an annual incentive payment (described in the Additional Requirements section of this notice) that will offset the cost of participating in the evaluation.

Additional Requirements:

The Secretary establishes the following additional requirements for the Paperwork Waiver Program.

(1) A State applying for approval under this program must submit a proposal to reduce excessive paperwork and non-instructional time burdens that do not assist in improving educational and functional results for children with disabilities. A State submitting a proposal under the Paperwork Waiver Program must include the following material in its proposal:

(a) A description of how the State met the public participation requirements of section 612(a)(19) of the Act, including how the State (1) involved multiple stakeholders, including parents, children with disabilities, special education and regular education teachers, related services providers, and school and district administrators, in selecting the requirements proposed for the waiver and any specific proposals for changing those requirements to reduce paperwork, and (2) provided an opportunity for public comment in selecting the requirements proposed for the waiver.

(b) A summary of public comments received in accordance with paragraph 1(a) of these additional requirements and how the public comments were addressed in the proposal.

(c) A description of the procedures the State will employ to ensure that, if the waiver is granted, it will not result in a denial of the right to FAPE to any child with a disability, a waiver of any applicable civil rights requirements, or a waiver of any procedural safeguards under section 615 of the Act. This description also must include an assurance that the State will collect and report to the Department, as part of the State's annual performance report submission to the Secretary in accordance with section 616(b)(2)(c)(ii)(II) of the Act, and to the national evaluator, all State complaints related to the denial of FAPE to any student with a disability and how the State responded to this information, including the outcome of that response such as providing technical assistance to the LEA to improve implementation, or suspending or terminating the authority of an LEA to waive paperwork requirements due to unresolved compliance problems.

(d) A description of the procedures the State will employ to ensure that diverse stakeholders (including parents, teachers, administrators, related services providers, and other stakeholders, as appropriate) understand the proposed elements of the State's submission for the Paperwork Waiver Program.

(e) Assurances that each parent of a child with a disability in participating LEAs will be given written notice (in the native language of the parent, unless it clearly is not feasible to do so) of any statutory, regulatory, or State requirements that will be waived and notice of the procedures that State will employ under paragraph 1(c) in easily understandable language.

(f) Assurances that the State will require any participating LEA to obtain voluntary informed written consent from parents for a waiver of any paperwork requirements related to the provision of FAPE, such as changes related to IEPs.

(g) Assurances that the State will require any participating LEA to inform parents in writing (and in the native language of the parents, unless it clearly is not feasible to do so) of (i) any differences between the paperwork requirements of the Act related to the provision of FAPE, such as changes related to IEPs, (ii) the parent's right to revoke consent to waive any paperwork

requirements related to the provision of FAPE at any time, (iii) the LEA's responsibility to meet all paperwork requirements related to the provision of FAPE if the parent does not provide voluntary written informed consent or revokes consent, and (iv) the LEA's responsibility to conduct an IEP meeting to develop an IEP that meets all requirements of section 614(d) of the Act within 30 calendar days if the parent revokes consent to waiving paperwork requirements related to the content, development, review and revision of IEPs.

(h) Assurances that the State will cooperate fully in a national evaluation of this program, if selected to participate in the Paperwork Waiver Program. Cooperation includes devoting a minimum of 4 months between the award and the implementation of the State's waiver to conduct joint planning with the evaluator. It also includes participation by the State educational agency (SEA) in the following evaluation activities:

(i) Ensuring that, for each item in the list of statutory, regulatory, or State requirements submitted pursuant to paragraph 2 in the Statutory Requirements for Paperwork Waiver Program section of this notice, and consistent with the privacy requirements of the Act and The Family Educational Rights and Privacy Act, the evaluator will have access to the original and all subsequent new versions of the associated documents for each child involved in the evaluation, together with a general description of the process for completing each of the documents. For example, if elements of the IEP process are waived, the evaluator shall have access to the most recent IEP created under previous guidelines for each participating child (if a previous IEP was created), as well as all of the new IEPs created under the waiver, along with a description of the process for completing both types of IEPs.

(ii) Recruiting districts or schools to participate in the evaluation (as established in the evaluation design) and ensuring their continued cooperation with the evaluation. Providing a list of districts and schools that have been recruited and have agreed to implement the proposed Paperwork Waiver Program, along with a description of the circumstances under which district participation may be terminated, allow data collection to occur, and cooperate fully with the evaluation. For each participating school or district, providing basic demographic information such as student enrollment, district wealth and ethnicity breakdowns, the number of children with disabilities by category, and the number or type of personnel, as requested by the evaluator.

(iii) Serving in an advisory capacity to assist the evaluator in identifying valid and reliable data sources and improving the design of data collection instruments and methods.

(iv) Providing to the evaluator an inventory of existing State-level data relevant to the evaluation questions or consistent with the identified data sources. Supplying requested State-level data in accordance with the timeline specified in the evaluation design.

(v) Providing assistance to the evaluator with the collection of data from parents, including obtaining informed consent, for parent interviews and responses to surveys and questionnaires, if necessary to the final design of the evaluation.

(vi) Designating a coordinator for the project who will monitor the implementation of the project and work with the evaluator. This coordinator also will serve as the primary point of contact for the OSEP project officer.

(2) For purposes of the statutory requirement prohibiting the Secretary from waiving any statutory requirements of, or regulatory requirements relating to, but not limited to, applicable civil rights, the term "applicable civil rights requirements," as used in this notice, includes all civil rights requirements in: (a) Section 504 of the Rehabilitation Act of 1973, as amended; (b) Title VI of the Civil Rights Act of 1964; (c) Title IX of the Education Amendments of 1972; (d) Title II of the Americans with Disabilities Act of 1990; and (e) Age Discrimination Act of 1975 and their implementing regulations. The term does not include other requirements under the Act.

(3) Each State receiving approval to participate in the Paperwork Waiver Program will be awarded an annual incentive payment of not less than \$10,000 to be used exclusively to support program-related evaluation activities, including one trip to Washington, DC, annually to meet with the project officer and the evaluator. Each participating State will receive an additional incentive payment of not less than \$15,000 annually from the evaluation contractor to support evaluation activities in the State. Incentive payments may also be provided to participating districts to offset the cost of their participation in the evaluation of the Paperwork Waiver Program. Total available funds will depend on the number of awards made.

Note: Receipt of an award for the Paperwork Waiver Program does not preclude an applicant from applying for and receiving an award for the Department's Multi-Year IEP Program. However, a State that receives an award for both programs may not execute both programs within the same local school district.

Note: The term "parent" as used in these requirements and selection criteria for the Paperwork Waiver Program has the same meaning given the term in section 300.30 of the final regulations implementing part B of the Act.

Program Authority: 20 U.S.C. 1408, 1463 and 1481.

APPLICATIONS AVAILABLE: October 12, 2007.

DEADLINE FOR TRANSMITTAL OF APPLICATIONS: February 11, 2008.

DEADLINE FOR INTERGOVERNMENTAL REVIEW: April 9, 2008.

ESTIMATED AVAILABLE FUNDS: \$150,000.

ESTIMATED AVERAGE SIZE OF AWARD: \$10,000.

MAXIMUM AWARDS: We will reject any application that proposes a budget that does not equal \$10,000 for a single budget period of 12 months.

NUMBER OF AWARDS: 15.

Note: The Department is not bound by any estimates in this notice.

PROJECT PERIOD: Up to 48 months.

PAGE LIMITS: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We suggest that you limit Part III to the equivalent of no more than 65 pages, using the following standards:

- A "page" is 8.5" x 11", on one side only, with 1" margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; the one-page abstract, the resumes, the bibliography, the references, or the letters of support. However, the page limit does apply to all of the application narrative section.

GENERAL REQUIREMENTS:

(a) Projects funded under this notice must make positive efforts to employ and advance in employment qualified individuals with disabilities in project activities (see section 606 of IDEA); and

(b) Applicants and grant recipients funded under this notice must involve individuals with disabilities or parents of individuals with disabilities in planning, implementing, and evaluating the projects (see section 682(a)(1)(A) of IDEA).

APPLICABLE REGULATIONS:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 80, 81, 82, 84, 85, 97, 98, and 99; and (b) The selection criteria for this program are drawn from EDGAR in 34 CFR 75.210.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

ELIGIBLE APPLICANTS: State educational agencies (SEAs) in any State, including the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

For further information about this priority contact:

Patricia Gonzalez, Competition Manager
Research to Practice Division
Office of Special Education Programs

Telephone: (202) 245-7355
FAX: (202) 245-7617
TTY: 202-260-8875

Internet: Patricia.Gonzalez@ed.gov

THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT MULTI-YEAR INDIVIDUALIZED EDUCATION PROGRAM DEMONSTRATION PROGRAM (CFDA 84.326Q)

DEADLINE: 02/11/08

ABSOLUTE PRIORITY:

Background:

We published a notice of proposed requirements and selection criteria for the Multi-Year IEP Program in the Federal Register on December 19, 2005 (70 FR 75158) (December 2005 Notice).

The purpose of the Multi-Year IEP Program established under section 614(d)(5) of the Individuals with Disabilities Education Act, as amended by the Individuals with Disabilities Education Improvement Act (Act), is to provide an opportunity for States (including Puerto Rico, the District of Columbia and the outlying areas) to allow parents and LEAs the opportunity for long-term planning by offering the option of developing a comprehensive multi-year IEP, not to exceed three years, that is designed to coincide with the natural transition points for the child. Under section 614(d)(5)(C) of the Act, the term "natural transition points" means those periods that are close in time to the transition of a child with a disability from preschool to elementary grades, from elementary grades to middle or junior high school grades, from middle or junior high school grades to secondary school grades, and from secondary school grades to post-secondary activities, but in no case a period longer than three years (for the full text of section 614(d)(5) of the Act, go to: <http://www.gpoaccess.gov/plaws/index.html>).
Statutory Requirements for Multi-Year IEP Program

As outlined in the December 2005 Notice, the Act establishes the following requirements that States must follow in developing and implementing their Multi-Year IEP Program proposals:

1. A State applying for approval under this program must propose to conduct demonstrations using a comprehensive multi-year IEP (not to exceed three years) that coincides with natural transition points for each participating child.
2. Except as specifically provided for under this program, all of the Act's requirements regarding provision of a free appropriate public education (FAPE) to children with disabilities (including requirements related to the content, development, review, and revision of the IEP under section 614(d) of the Act and procedural safeguards under section 615 of the Act) apply to participants in this Multi-Year IEP Program.
3. A State submitting a proposal under the Multi-Year IEP Program must include the following material in its proposal:

(a) Assurances that if an LEA offers parents the option of a multi-year IEP, development of the multi-year IEP is voluntary.

(b) Assurances that the LEA will obtain informed consent from parents before a comprehensive multi-year IEP is developed for their child.

(c) A list of all required elements for a comprehensive multi-year IEP, including:

(i) Measurable long-term goals not to exceed three years, coinciding with natural transition points for the child, that will enable the child to be involved in and make progress in the general education curriculum and that will meet the child's other needs that result from the child's disability.

(ii) Measurable annual goals for determining progress toward meeting the long-term goals, coinciding with natural transition points for the child, that will enable the child to be involved in and make progress in the general education curriculum and that will meet the child's other needs that result from the child's disability.

(d) A description of the process for the review and revision of a multi-year IEP, including:

(i) A review by the IEP team of the child's multi-year IEP at each of the child's natural transition points.

(ii) In years other than a child's natural transition points, an annual review of the child's IEP to determine the child's current levels of progress and whether the annual goals for the child are being achieved, and a requirement to amend the IEP, as appropriate, to enable the child to continue to meet the measurable goals set forth in the IEP.

(iii) If the IEP team determines, on the basis of a review, that the child is not making sufficient progress toward the goals described in the multi-year IEP, a requirement that within 30 calendar days of the IEP team's determination, the LEA shall ensure that the IEP team carries out a more thorough review of the IEP in accordance with section 614(d)(4) of the Act.

(iv) A requirement that, at the request of the parent, the IEP team will conduct an immediate review of the child's multi-year IEP, rather than at the child's next transition point or annual review.

Background for Additional Requirements

While the Act establishes the foregoing requirements, it does not provide for other requirements that are necessary for the implementation of this program. Accordingly, in the December 2005 Notice, we proposed additional Multi-Year IEP Program requirements to address program implementation issues as well as selection criteria that we will use to evaluate State proposals for this program.

In the December 2005 Notice, we also proposed requirements with which States would need to comply to allow the Department to evaluate the effectiveness of the Multi-Year IEP Program. Under section 614(d)(5)(B) of the Act, the Department is required to report to Congress on the effectiveness of this program. To accomplish this, the Institute of Education Sciences (IES) will conduct an evaluation of the program using a quasi-experimental design that collects data on the following outcomes:

- (i) Educational and functional results (including academic achievement) for students with disabilities.
- (ii) Time and resource expenditures by IEP team members and teachers.
- (iii) Quality of long-term education plans incorporated in IEPs.
- (iv) Degree of collaboration among IEP members.
- (v) Degree of parent satisfaction.

These outcomes will be compared for students whose parents consent to their child's participation in a multi-year IEP and students who are matched on type of disability, age, socioeconomic status, race/ethnicity, language spoken in the home, prior educational outcomes, and to the extent feasible, the nature of special education, who do not participate in the multi-year IEP. Specifics of the design will be confirmed during discussions with the evaluator, a technical workgroup, and the participating States during the first several months of the study. Participating States will play a crucial supportive role in this evaluation. They will, at a minimum--

- (i) Assist in developing the specifics of the evaluation plan;
- (ii) Assure that districts participating in the multi-year IEP will participate in the evaluation;
- (iii) Supply data relevant to the outcomes being measured from State data sources (e.g., student achievement and functional outcome data, complaint numbers); and
- (iv) Provide background information on relevant State policies and practices, provide access to current student IEPs (consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. §1232g (FERPA) and the privacy requirements under the Act) during Year 1 of the evaluation, and complete questionnaires and participate in interviews.

Additional Requirements

The Secretary establishes the following additional requirements for the Multi-Year IEP Program:

1. The Secretary may deny a State approval to participate in this program if the Secretary determines that the State currently meets the conditions under section 616(d)(2)(A)(iii) or (iv) of the Act relative to its implementation of part B of the Act.

2. The Secretary may terminate any Multi-Year IEP Program project if the Secretary determines that the State (a) needs assistance under section 616(d)(2)(A)(ii) of the Act and the State's participation in this program has contributed to or caused the need for assistance; (b) needs intervention under 616(d)(2)(A)(iii) of the Act or needs substantial intervention under section 616(d)(2)(A)(iv) of the Act; or (c) failed to appropriately implement its project.

3. States submitting a proposal under the Multi-Year IEP Program must include the following material in their proposal:

(a) Assurances that the multi-year IEP for any child with a disability who takes an alternate assessment based on alternate achievement standards includes a description of benchmarks or short-term objectives in accordance with section 614(d)(1)(A)(i)(I)(cc) of the Act.

(b) Assurances that before an LEA requests a parent's voluntary informed written consent to the development of a multi-year IEP in lieu of an IEP that meets the requirements of section 614(d)(1)(A) of the Act, the LEA will inform the parent in writing (and in the native language of the parent, unless it clearly is not feasible to do so) of:

(i) any differences between the requirements relating to the content, development, review, and revision of IEPs under section 614(d) of the Act and the State's requirements relating to the content, development, review, and revision of IEPs under the State's approved Multi-Year IEP Program proposal; and

(ii) the parent's right to revoke consent at any time during the implementation of the Multi-Year IEP Program and the LEA's responsibility to conduct, within 30 calendar days after revocation by the parent, an IEP meeting to develop an IEP that meets the requirements of section 614(d)(1)(A) of the Act.

(c) A description of how the State will meet the public participation requirements of section 612(a)(19) of the Act, including how the State:

(i) involved multiple stakeholders, including parents, children with disabilities, special education and regular education teachers, related services providers, and school and district administrators, in the development of its proposal;

(ii) provided an opportunity for public comment in developing its proposal. This description must include a summary of public comments received by the State as well as a description of how the proposal addresses those public comments; and

(iii) obtained input from school and district personnel and parents in developing the list of required elements for each multi-year IEP and the description of the process for the review and revision of each multi-year IEP.

(d) Assurances that the State will cooperate fully in a national evaluation of this program, if selected to participate in the Multi-Year IEP Program. Cooperation includes devoting a minimum of four months between the State's award and subsequent implementation of this program to conduct joint planning with the evaluator. It also includes participation by the State educational agency (SEA) in the following evaluation activities:

(i) Providing to the evaluator the list of required elements for the multi-year IEP and the description of the process for the review and revision of the multi-year IEP submitted as part of the State's application for this program. Consistent with the privacy requirements of the Act and The Family Educational Rights and Privacy Act, ensuring that the evaluator will have access to the most recent IEP created (if applicable) before participating in the Multi-Year IEP Program and the multi-year IEP(s) created during the project for each participating child (multi-year IEP participants and matched participants who do not have a multi-year IEP), together with a general description of the process for completing both versions of the IEP.

(ii) Recruiting districts or schools to participate in the evaluation (as established in the evaluation design) and ensuring their continued cooperation with the evaluation. Providing a list of districts and schools that have been recruited and have agreed to implement the proposed Multi-Year IEP Program, allow data collection to occur, and cooperate fully with the evaluation. Providing, for each participating school or district, basic demographic information such as student enrollment, district wealth and ethnicity breakdowns, the number of children with disabilities by category, and the number or type of personnel, as requested by the evaluator.

(iii) Serving in an advisory capacity to assist the evaluator in identifying valid and reliable data sources and improving the design of data collection instruments and methods.

(iv) Providing to the evaluator an inventory of existing State-level data relevant to the evaluation questions or consistent with the identified data sources. Supplying requested State-level data in accordance with the timelines specified in the evaluation design.

(v) Providing assistance to the evaluator on the collection of data from parents, including obtaining written informed consent for parents to participate in interviews and respond to surveys and questionnaires.

(vi) Designating a coordinator for the project who will monitor the implementation of the project and work with the evaluator. This coordinator also will serve as the primary point of contact for the Office of Special Education Programs (OSEP) project officer.

(e) A description of how the State will collect and report to the Department, as part of the State's annual performance report submission to the Secretary in accordance with section 616(b)(2)(c)(ii)(II) of the Act, and to the national evaluator, that children are not receiving appropriate services because of the State's implementation of Multi-Year IEP Program, and how the State responded to this information, including the outcome of that response such as providing technical assistance to the LEA to improve implementation, or suspending or terminating the authority of an LEA to implement multi-year IEPs due to unresolved compliance problems.

(f) A description of the procedures the State will employ to ensure that diverse stakeholders (including parents, teachers, administrators, related services providers, and other stakeholders, as appropriate) understand the proposed elements of the State's submission for the Multi-Year IEP Program.

4. Each State receiving approval to participate in the Multi-Year IEP Program will be awarded an annual incentive payment of not less than \$10,000 to be used exclusively to support program-related evaluation activities, including one trip to Washington, DC, annually to meet with the project officer and the evaluator. Each participating State will receive an additional

incentive payment of not less than \$15,000 annually from the contractor to support evaluation activities in the State. Incentive payments may also be provided to participating districts to offset the costs of their participation in the evaluation of the Multi-Year IEP Program. Total available funds will depend on the number of awards made.

5. States must describe how districts were selected and provide an assurance that districts are voluntarily participating along with a description of the circumstances under which district participation may be terminated. States participating in this program and the Paperwork Waiver Demonstration Program may not select the same LEAs to participate in both programs.

6. Proposals must be for projects not to exceed a period of four years.

Note: The term "parent" as used in these requirements and selection criteria for the Multi-Year IEP Program has the same meaning given the term in section 300.30 of the final regulations implementing part B of the Act.

Program Authority: 20 U.S.C. 1414, 1463 and 1481.

APPLICATIONS AVAILABLE: October 12, 2007.

DEADLINE FOR TRANSMITTAL OF APPLICATIONS: February 11, 2008.

DEADLINE FOR INTERGOVERNMENTAL REVIEW: April 9, 2008.

ESTIMATED AVAILABLE FUNDS: \$150,000.

ESTIMATED AVERAGE SIZE OF AWARD: \$10,000.

MAXIMUM AWARDS: We will reject any application that proposes a budget that does not equal \$10,000 for a single budget period of 12 months.

NUMBER OF AWARDS: 15.

Note: The Department is not bound by any estimates in this notice.

PROJECT PERIOD: Up to 48 months.

PAGE LIMITS: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We suggest that you limit Part III to the equivalent of no more than 65 pages, using the following standards:

- A "page" is 8.5" x 11", on one side only, with 1" margins at the top, bottom, and both sides.

- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; the one-page abstract, the resumes, the bibliography, the references, or the letters of support. However, the page limit does apply to all of the application narrative section.

GENERAL REQUIREMENTS:

(a) Projects funded under this notice must make positive efforts to employ and advance in employment qualified individuals with disabilities in project activities (see section 606 of IDEA); and

(b) Applicants and grant recipients funded under this notice must involve individuals with disabilities or parents of individuals with disabilities in planning, implementing, and evaluating the projects (see section 682(a)(1)(A) of IDEA).

APPLICABLE REGULATIONS:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 80, 81, 82, 84, 85, 97, 98, and 99; and (b) The selection criteria for this program are drawn from EDGAR in 34 CFR 75.210.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

ELIGIBLE APPLICANTS: State educational agencies (SEAs) in any State, including the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

For further information about this priority contact:

*Patricia Gonzalez, Competition Manager
Research to Practice Division
Office of Special Education Programs
Telephone: (202) 245-7355
FAX: (202) 245-7617
Internet: Patricia.Gonzalez@ed.gov
TTY: 202-260-8875*

SELECTION CRITERIA AND FORMAT FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT PAPERWORK WAIVER DEMONSTRATION PROGRAM (CFDA NO. 84.326P) AND THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT MULTI-YEAR INDIVIDUALIZED EDUCATION PROGRAM DEMONSTRATION PROGRAM (CFDA NO. 84.326Q) COMPETITIONS

Part III of the application form requires a narrative that addresses the selection criteria that will be used by reviewers in evaluating individual proposals. Applications are more likely to receive favorable reviews by panels when they are organized according to the format suggested below. This format was published in the FEDERAL REGISTER as an appendix to the program regulations, and it addresses all the selection criteria used to evaluate applications required by regulations. If you prefer to use a different format, you may wish to cross-reference the sections of your application to the selection criteria to be sure that reviewers are able to find all relevant information.

The selection criteria that will be used to evaluate applications submitted to the **Individuals with Disabilities Education Act Paperwork Waiver Demonstration Program (CFDA No. 84.326P)** and the **Individuals with Disabilities Education Act Multi-Year Individualized Education Program Demonstration Program (CFDA No. 84.326Q)** competitions are the selection criteria for new grants required by the EDGAR general selection criteria menu. The maximum score for all of the criteria is 100 points.

An **abstract**, not to exceed two pages, should precede the application narrative of all applications and it would be helpful if it included the following information: the title of the program; the name of the Absolute Priority; the CFDA Number (e.g., 84.326P); purpose of the project; proposed design and outcomes; and names/affiliations of key collaborators.

The application narrative should include the following sections in this order:

(a) Significance (35 points)

(1) The Secretary considers the significance of the proposed project. In determining the significance of the proposed project, the Secretary considers the following factors:

(i) The extent to which the proposed project involves the development or demonstration of promising new strategies that build on, or are alternatives to, existing strategies.

(ii) The potential contribution of the proposed project to increased knowledge or understanding of educational problems, issues or effective strategies.

(iii) The importance or magnitude of the results or outcomes likely to be attained by the project, especially improvements in teaching and student achievement.

(b) Quality of the project design (45 points)

(1) The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(i) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(ii) 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.

(iii) The quality of the proposed project's procedures for documenting project activities and results.

(c) Quality of the management plan (20 points)

(1) The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

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

(ii) How the applicant will ensure that a diversity of perspectives are brought to bear in the operation of the proposed project, including those of parents, teachers, the business community, a variety of disciplinary and professional fields, recipients or beneficiaries of services, or others, as appropriate.

GENERAL INFORMATION
ON COMPLETING
AN APPLICATION

GENERAL INFORMATION ON COMPLETING AN APPLICATION

Potential applicants frequently direct questions to officials of the Department regarding application notices and programmatic and administrative regulations governing various direct grant programs. To assist potential applicants, the Office of Special Education Programs staff have assembled the following most commonly raised issues. In general, this information applies to the grant competitions covered by this application package.

- **EXTENSION OF DEADLINES**

Waivers for individual applications are not granted, regardless of the circumstances. Under very extraordinary circumstances a closing date may be changed. Such changes are announced in the Federal Register.

- **COPIES OF THE APPLICATION**

Current Government-wide policy is that only an original and two copies need to be submitted. OSEP would appreciate receiving three additional copies to facilitate the peer review process. This would mean an original and two copies need to be submitted and we would appreciate your voluntarily submitting an additional three copies (six applications in all). Copies of the application may be bound, but it is not necessary or required. If bound, one copy should be left unbound to facilitate electronic scanning and any necessary reproduction. Applicants should not use colored paper, foldouts, photographs, or other materials that are hard to duplicate.

Please Note: If an application is recommended for funding and a grant award is issued, we will contact the applicant to request a copy of the application on a diskette or CD. The Department is moving toward an electronic grant filing system and an electronic copy of all applications that are being funded will facilitate this effort.

- **MAKING APPLICATIONS MORE ACCESSIBLE TO REVIEWERS WHO ARE BLIND OR HAVE LOW VISION**

The Department will accept one copy of the application in an accessible format (i.e., IBM PC compatible WordPerfect or ASCII code diskette) along with the original and two print copies of the application. The accessible format copy can be used with available software to convert the text of the application into Braille, or with text to voice applications. If there are any differences in the print original provided on the disk and in print, the print original is assumed to be the correct version. Please note that it is not a requirement that one copy of the application be in an accessible format.

- **MISSED DEADLINES AND SUBMISSION UNDER OTHER COMPETITIONS**

Should an application miss the deadline for a particular competition, it may be submitted to another competition. However, if an application is properly prepared to meet the specifications of one competition, it is extremely unlikely that it would be favorably evaluated under a different competition.

- **SUBMISSION TO MORE THAN ONE PROGRAM**

Applications may be submitted to more than one Federal program if you are unsure of the most appropriate program. Each application should be prepared following the instructions for that particular program as closely as possible (which may require some reformulation). It is very helpful if each program is notified that an identical or similar application is being submitted to another program.

- **HELP PREPARING APPLICATIONS**

We are happy to provide general program information. Clearly it would not be appropriate for staff to participate in the actual writing of an application, but we can respond to specific questions about our application requirements and evaluation criteria, or about the announced priorities. Applicants should understand that such previous contact is not required, nor does it guarantee the success of an application.

- **NOTIFICATION OF FUNDING**

The time required to complete the evaluation of applications is variable. Once applications have been received staff must determine the areas of expertise needed to appropriately evaluate the applications, identify and contact potential reviewers, convene peer review panels, and summarize and review the recommendations of the review panels. You can expect to receive notification within 3 to 6 months of the application closing date, depending on the number of applications received and the number of competitions with closing dates at about the same time. The requested start date can be no later than January 1 of the year following the closing date of the competition.

- **POSSIBILITY OF LEARNING THE OUTCOME OF REVIEW PANELS PRIOR TO OFFICIAL NOTIFICATION**

Every year we are called by a number of applicants who have legitimate reasons for needing to know the outcome of the review prior to official notification. Some applicants need to make job decisions, some need to notify a local school district, etc. Regardless of the reason, we cannot share information about the review with anyone until the Assistant Secretary has approved a slate of projects recommended for funding. You will be notified as quickly as possible either by telephone (if your application is recommended for funding), or through a letter (if your application is not successful).

- **FORMAT FOR APPLICATIONS**

The application narrative (Part III of the application form) should be organized to follow the exact sequence of the components in the selection criteria used to evaluate applications. (The selection criteria for the competitions covered by this packet are listed following the specific competition information in section “B” of this packet.) A table of contents, list of priority requirements, and an abstract (see page B-18) should precede the application narrative. If you prefer to use a different format, you may wish to cross-reference the sections of your application to the selection criteria to be sure that reviewers are able to find all relevant information.

To aid in screening and reviewing the application, applicants should list in Part II and prior to the abstract, all general, special, and other requirements for the priority and corresponding page number (s) where requirements are addressed within the application. Page limits do not apply to this list. (All requirements are found in each priority description included in this application package.) The format included below is an example of how you might provide this information in your application.

Page #	Requirements
_____	(a) Projects funded under this notice must make positive efforts to employ and advance in employment qualified individuals with disabilities in project activities. (See Section 606 of IDEA)
_____	(b) Applicants and grant recipients funded under this notice must involve individuals with disabilities or parents of individuals with disabilities ages birth through 26 in planning, implementing, and evaluating the projects. (See Section 682(a)(1)(A) of IDEA)
_____	(c) Applicant must describe steps to ensure equitable access to, and participation in, its program for students, teachers, and other program beneficiaries with special needs. (See Section 427, GEPA)
_____	(d) Projects funded under these priorities must budget for a three-day Project’s Directors’ meeting in Washington, D.C. during each year of the project.

- PAGE LIMITS

Please note that all applications submitted under the competition in this application package must adhere to the Part III - Application Narrative page limit requirements that are specified under each priority/competition description. Your application should provide enough information to allow the review panel to evaluate the importance and impact of the project as well as to make knowledgeable judgments about the methods you propose to use (design, subjects, sampling procedures, measures, instruments, data analysis strategies, etc.). It is often helpful to have:

- (1) Staff Vitae--They should include each person's title and role in the proposed project and contain only information that is relevant to this proposed project's activities and/or publications. Vitae for consultants and Advisory Council members should be similarly brief.
- (2) Instruments--except in the case of generally available and well known instruments.
- (3) Agreements--when the participation of an agency other than the applicant is critical to the project. This is particularly critical when an intervention will be implemented within an agency, or when subjects will be drawn from particular agencies. Letters of cooperation should be specific, indicating agreement to implement a particular intervention or to provide access to a particular group of students.

The items listed above are not included under page limits.

- MAKING SURE APPLICATION IS ASSIGNED TO THE CORRECT COMPETITION

Applicants should clearly indicate in Item 11 on the application (SF Form 424) the CFDA number of the program priority (e.g., 84.326Q, etc.) representing the competition in which the application should be considered. If this information is not provided, your application may inadvertently be assigned and reviewed under a different competition from the one you intended.

- RETURN OF NON-FUNDED APPLICATIONS

We do not return original copies of applications. Thus, applicants should retain at least one copy of the application. Copies of reviewer comments will be mailed to all applicants.

- PROPOSED STAFF AVAILABILITY TO PROJECT

For each staff person named in the application, please provide documentation of all internal and external time commitments. In instances where a staff person is committed on a federally supported project, please provide the project name, Federal office, program title, the project Federal award number, and the amount of committed time by each project year. This information (e.g., Staff: Jane Doe; Project Name: Succeeding in the General Curriculum; Federal office: Office of Special Education Programs; Program title: Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities; Award number: H326A030002; Time commitments: Year 1—30%; Year 2—25% and Year 3—40%) can be provided as an Appendix to the application.

In general, we will not reduce time commitments on currently funded grants from the time proposed in the original application. Therefore, we will not consider for funding any application where key staff are bid above a time commitment level that staff have available to bid. Further, the time commitments stated in newly submitted applications will not be negotiated down to permit the applicant to receive a new grant award.

- USE OF PERSON LOADING CHARTS

It is important for applicants to include proposed time commitments for all project personnel. Also, program officials and applicants often find person loading charts useful formats for showing project personnel and their time commitments to individual activities. A person loading chart is a tabular representation of major evaluation activities by number of days spent by each key person involved in each activity, as shown in the following example.

Table
Person Loading Chart - Time in Day(s) by Person*

Activity	Time in Day(s) by Person			
	Person A	Person B	Person C	Person D
Library Research	15	20	0	0
Hire Staff Prepare Materials	05	025	00	50
Train Raters	0	2	0	0
Data Collection	60	60	0	0
Data Analysis	0	0	25	5
Dissemination (manuscripts, etc.)	0	1	0	10

*Note: All figures represent FTE for the grant year.

- **DELIVERING/SENDING APPLICATIONS TO THE COMPETITION MANAGER**

Applications can be mailed or hand delivered, or submitted electronically but in either case must go to the Application Control Center at the address listed in the [Application Transmittal Instructions](#). Delivering or sending the application to the competition manager in the program office may prevent it from being logged in on time to the appropriate competition and may result in the application not being reviewed.

- **ALLOWED TRAVEL UNDER THESE PROJECTS**

Travel is allowed if the travel specifically relates to the expressed goals of the project. Travel by students to further their education under the project's goals is also allowed. Travel to conferences is the travel item that is most likely to be questioned during negotiations. Such travel is sometimes allowed when it is for purposes of dissemination, when there will be results to be disseminated, and when it is clear that a conference presentation or workshop is an effective way of reaching a particular target group.

- **FUNDING OF APPROVED APPLICATIONS**

It is often the case that the number of applications recommended for approval by the reviewers exceeds the dollars available for funding projects under a particular competition. When the panel reviews are completed for a particular competition, the individual reviewer scores and applications are ranked. The higher ranked, approved applications are funded first, and there are often lower ranked, approved applications that do not receive funding. Sometimes, one or two applications that are approved and fall next in rank order (after those projects selected for funding) are placed on hold. If dollars become available as a result of negotiations, or if a higher ranked applicant declines the award, the projects on hold may receive funding. If you receive a letter stating that you will not receive funding, then your project has neither been selected for funding nor placed on hold.

- **INDIRECT COST RATE**

There is no maximum indirect cost for the competitions in this application package. An organization's current effective indirect cost rate is the rate that should be reflected in your proposed budget. The Department of Education (ED) reimburses grantees for its portion of indirect costs that a grantee incurs in projects funded by the Individuals with Disabilities Education Act Paperwork Waiver Demonstration Program (CFDA No. 84.326P) and the Individuals with Disabilities Education Act Multi-Year Individualized Education Program Demonstration Program (CFDA No. 84.326Q) competitions. Any grantee charging indirect costs to a grant from this program must use the indirect cost rate (**ICR**), negotiated with its *cognizant agency*, i.e., either the Federal agency from which it has received the most direct funding, subject to indirect cost support, the particular agency specifically assigned cognizance by the Office of Management and Budget or the State agency that provides the most subgrant funds to the grantee.

Note: Applicants should pay special attention to specific questions on the application budget form (ED 524) about their cognizant agency and the ICR they are using in their budget.

If an applicant selected for funding under this program has not already established a current ICR with its cognizant agency as a result of current or previous funding, ED will require it to do so within 90 days after the date the grant was issued by ED. Applicants should be aware that ED is very often *not* the cognizant agency for its own grantees. Rather, ED accepts, for the purpose of funding its awards, the current ICR established by the appropriate cognizant agency.

An applicant that has not previously established an indirect cost rate with the Federal government or a State agency under a Federal program and that is selected for funding will not be allowed to charge its grant for indirect costs until it has negotiated a current indirect cost rate agreement with its cognizant agency.

Applicants are encouraged to use their accountant (or CPA) to calculate an indirect cost rate using information in the IRS Form 990, audited financial statements, actual cost data or a *cost policy statement* that such applicants are urged to prepare (but NOT submit to ED) during the application process.

Applicants should use this proposed rate in their application materials and indicate which of the above methods was used to calculate the rate. Guidance for creating a cost policy statement can be obtained by sending an e-mail to katrina.mcdonald@ed.gov. Applicants with questions about using indirect cost rates under this program should contact the program contact person shown elsewhere in this application package.

- **ISSUES RAISED DURING DISCUSSIONS PRIOR TO AWARD**

If your application is recommended for funding, discussions may be held prior to award to clarify technical or budget issues. These are issues that have been identified during panel

and staff review. Generally, technical issues are minor issues that require clarification. Alternative approaches may be presented for your consideration, or you may be asked to provide additional information or rationale for something you have proposed to do. Sometimes, concerns are stated as "conditions". These are concerns that have been identified as so critical that the award cannot be made unless those conditions are met. Questions are also raised about the proposed budget during the discussion phase. Generally, budget issues are raised because there is inadequate justification or explanation of the particular budget item, or because the budget item does not seem critical to the successful completion of the project. A Federal project officer will present the issues to you and ask you to respond. If you do not understand the question, you should ask for clarification. In responding to discussion items you should provide any additional information or clarification requested. You may feel that an issue was addressed in the application. It may not, however, have been explained in enough detail to make it understood by reviewers, and more information should be provided. If you are asked to make changes that you feel could seriously affect the project's success, you may provide reasons for not making the changes, or provide alternative suggestions. Similarly, if proposed budget reductions will, in your opinion, seriously affect the proposed activities, you may want to explain why and provide additional justification for the proposed expenses. Your changes, explanations, and alternative suggestions will be carefully evaluated by staff. In some instances, an applicant may again be contacted for additional information. An award cannot be made until all issues have been resolved and conditions met.

- **TREATING A PRIORITY AS TWO SEPARATE COMPETITIONS.** In the past, there have been problems in finding peer reviewers without conflicts of interest where applications are made by many entities throughout the country. The Standing Panel requirements also place additional constraints on the availability of reviewers. Therefore, The Department has determined that, for some discretionary priorities, applications may be ranked and selected for funding in two or more groups, which will ensure the availability of a much larger group of reviewers without conflicts of interest. This procedure will increase the quality, independence and fairness of the review process and will permit panel members to review applications under discretionary priorities to which they have also submitted applications.
- **SUCCESSFUL APPLICATIONS AND ESTIMATED/PROJECTED BUDGET AMOUNTS IN SUBSEQUENT YEARS**

There is a maximum award amount specified for the priority/competitions included in this package. The Department rejects and does not consider an application that proposes a budget exceeding the maximum amount for any single budget period of 12 months for the priorities included in this package. Please refer to the priority description to determine the maximum award for any one particular competition. Since the yearly budgets for multi-year projects will be negotiated at the time of the initial award, applicants must include detailed budgets for each year of their proposed project. Generally, out-year funding levels most likely will not exceed 1st year budgets. However, budget modifications during the

negotiation process, the findings from the previous year, or needed changes in the study design can affect your budget requirements in subsequent years, but in no case will out-year budgets exceed the maximum award amount.

- **REQUIREMENT TO REPORT THE RESULTS OF GRANT ACTIVITIES**

The Department shall, where appropriate, require recipients of all grants, contracts and cooperative agreements under Part D of the Individuals with Disabilities Education Act to prepare reports describing their procedures, findings, and other relevant information. The Department shall require their delivery to the Department of Education and other networks as The Department may determine appropriate. (20 U.S.C. 1482)

- **DIFFERENCE BETWEEN A COOPERATIVE AGREEMENT AND A GRANT**

A cooperative agreement is similar to a grant in that its principal purpose is to accomplish a public purpose of support or stimulation as authorized by a Federal statute. It differs from a grant in the sense that in a cooperative agreement substantial involvement is anticipated between the executive agency (in this case the Department of Education) and the recipient during the performance of the contemplated activity.

- **DIFFERENCE BETWEEN AN ABSOLUTE PRIORITY, AN INVITATIONAL PRIORITY, AND A COMPETITIVE PRIORITY**

An absolute priority is a priority that an applicant must address in order to receive an award. If an applicant does not address an absolute priority, their application will be returned as being non-responsive to the priority.

An invitational priority is a priority that reflects a particular interest of the Department, and an applicant is encouraged to address the invitational priority along with the required absolute priority. However, an applicant choosing to address an invitational priority, will not receive any competitive preference over other applications.

A competitive priority is like an invitational priority in that it reflects a particular interest of the Department, and an applicant is encouraged to address the competitive priority along with the required absolute priority. A competitive priority may be handled in one of two ways: (1) an application may be awarded additional points depending on how effectively it addresses the competitive priority; or (2) an application that meets a competitive priority may be selected over an application of comparable merit that does not address the competitive priority. The type of competitive priority for a particular competition is always included in the FEDERAL REGISTER announcement.

- OBTAINING COPIES OF THE FEDERAL REGISTER, PROGRAM REGULATIONS AND FEDERAL STATUTES

Copies of these materials can usually be found at your local library. If not, they can be obtained by writing to:

Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402
Telephone: (202) 512-1800.

Information about the Department's funding opportunities, including copies of application notices for discretionary grant competitions, can be viewed on the Department's grant information web page which can be accessed on the INTERNET at:

<http://www.ed.gov/fund/grant/apply/grantapps/index.html>

However, the official application notice for a discretionary grant competition is the notice published in the FEDERAL REGISTER.

APPLICATION TRANSMITTAL INSTRUCTIONS

AND

REQUIREMENTS FOR INTERGOVERNMENTAL REVIEW

Application Transmittal Instructions

ATTENTION ELECTRONIC APPLICANTS: Please note that you must follow the Application Procedures as described in the Federal Register notice announcing the grant competition. Some programs may require electronic submission of applications, and those programs will have specific requirements and waiver instructions in the Federal Register notice.

If you want to apply for a grant and be considered for funding, you must meet the following deadline requirements:

Applications Submitted Electronically

You must submit your grant application through the Internet using the software provided on the Grants.gov Web site (<http://www.grants.gov>) by 4:30 p.m. (Washington, DC time) on the application deadline date.

If you submit your application through the Internet via the e-Grants Web site, you will receive an automatic acknowledgment when we receive your application.

For more information on using Grants.gov, please refer to the Notice Inviting Applications that was published in the Federal Register, the Grants.gov Submission Procedures and Tips document found in the application package instructions, and visit <http://www.grants.gov>.

Applications Sent by Mail

You must mail the original and two copies of the application on or before the deadline date to. To help expedite our review of your application, we would appreciate your voluntarily including an additional 3 copies of your application.

Please mail copies to:

U.S. Department of Education
Application Control Center
Attention: CFDA# 84.326P or 84.326Q
400 Maryland Avenue, SW
Washington, DC 20202 - 4260

You must show one of the following as proof of mailing:

- (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.
- (4) Any other proof of mailing acceptable to the Secretary.

If you mail an 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 Services.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

Applications Delivered by Commercial Carrier:

Special Note: Due to recent disruptions to normal mail delivery, the Department encourages you to consider using an alternative delivery method (for example, a commercial carrier, such as Federal Express or United Parcel Service; or U. S. Postal Service Express Mail) to transmit your application for this competition to the Department. If you use an alternative delivery method, please obtain the appropriate proof of mailing under “Applications Sent by Mail,” then follow the mailing instructions under the appropriate delivery method.

Applications that are delivered by commercial carrier, such as Federal Express, United Parcel Service, etc. should be mailed to the:

U.S. Department of Education
Application Control Center – Stop 4260
Attention: CFDA# 84.326P or 84.326Q
7100 Old Landover Road
Landover, MD 20785-1506

Applications Delivered by Hand

You or your courier must hand deliver the original and number of copies requested of the application by 4:30 p.m. (Washington, DC time) on or before the deadline date. To help expedite our review of your application, we would appreciate your voluntarily including an additional 3 copies of your application.

Please hand deliver copies to:

U.S. Department of Education
Application Control Center
Attention: CFDA# 84.326P or 84.326Q
550 12th Street, SW
PCP - Room 7041
Washington, DC 20202 – 4260

The Application Control Center accepts application deliveries daily between 8:00 a.m. and 4:30 p.m. (Washington, DC time), except Saturdays, Sundays and Federal holidays.

Appendix

Intergovernmental Review of Federal Programs

This appendix applies to each program that is subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR part 79.

The objective of the Executive order is to foster an intergovernmental partnership and to strengthen federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more than one State should immediately contact the Single Point of Contact for each of those States and follow the procedure established in each of those States under the Executive order. A listing containing the Single Point of Contact for each State is included in this appendix.

In States that have not established a process or chosen a program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a State Single Point of Contact and any comments from State, areawide, regional, and local entities must be mailed or hand-delivered by the date indicated in the actual application notice to the following address: The Secretary, EO 12372--CFDA# [commenter must insert number--including suffix letter, if any], U.S. Department of Education, room 7W301, 400 Maryland Avenue, SW., Washington, DC 20202.

Proof of mailing will be determined on the same basis as applications (see 34 CFR 75.102). Recommendations or comments may be hand-delivered until 4:30 p.m. (Washington, DC time) on the date indicated in the actual application notice.

PLEASE NOTE THAT THE ABOVE ADDRESS IS NOT THE SAME ADDRESS AS THE ONE TO WHICH THE APPLICANT SUBMITS ITS COMPLETED APPLICATION. DO NOT SEND APPLICATIONS TO THE ABOVE ADDRESS.

STATE SINGLE POINTS OF CONTACT (SPOCs)

It is estimated that in 2004 the Federal Government will outlay \$400 billion in grants to State and local governments. Executive Order 12372, "Intergovernmental Review of Federal Programs," was issued with the desire to foster the intergovernmental partnership and strengthen federalism by relying on State and local processes for the coordination and review of proposed Federal financial assistance and direct Federal development. The Order allows each State to designate an entity to perform this function. Below is the official list of those entities. For those States that have a home page for their designated entity, a direct link has been provided on the official version: <http://www.whitehouse.gov/omb/grants/spoc.html>.

States that are not listed on this page have chosen not to participate in the intergovernmental review process, and therefore do not have a SPOC. If you are located within one of these States, you may still send application materials directly to a Federal awarding agency.

Contact information for Federal agencies that award grants can be found in [The Catalog of Federal Domestic Assistance Catalog Contents Page](#). You can access Appendix IV by Agency [http://12.46.245.173/CFDA/appx4_web.pdf] or by State [http://12.46.245.173/CFDA/appx4_web_state.pdf].

<p>ARKANSAS Tracy L. Copeland Manager, State Clearinghouse Office of Intergovernmental Services Department of Finance and Administration 1515 W. 7th Street, Room 412 Little Rock, Arkansas 72203 Telephone: (501) 682-1074 FAX: (501) 682-5206 tracy.copeland@dfa.state.ar.us</p>	<p>CALIFORNIA Grants Coordination State Clearinghouse Office of Planning and Research P.O. Box 3044, Room 222 Sacramento, California 95812-3044 Telephone: (916) 445-0613 FAX: (916) 323-3018 State.clearinghouse@opr.ca.gov</p>
<p>DELAWARE Jennifer L. Carlson Assoc. Fiscal & Policy Analyst Office of Management and Budget Budget Development, Planning & Admin. Haslet Armory, Third Floor 122 William Penn Street Dover, Delaware 19901 SLC D570E Telephone: (302) 739-4206 FAX: (302) 739-5661 jennifer.carlson@state.de.us</p>	<p>DISTRICT OF COLUMBIA Marlene Jefferson DC Government Office of Partnerships and Grants Development 414 4th Street, NW Washington, DC 20001 Telephone: (202) 727-6518 FAX: (202) 727-1652 marlene.Jefferson@dc.gov</p>

<p>FLORIDA Lauren P. Milligan Florida State Clearinghouse Florida Dept. of Environmental Protection 3900 Commonwealth Boulevard Mall Station 47 Tallahassee, Florida 32399-3000 Telephone: (850) 245-2161 FAX: (850) 245-2190 Lauren.Milligan@dep.state.fl.us</p>	<p>GEORGIA Barbara Jackson Georgia State Clearinghouse 270 Washington Street, SW, 8th Floor Atlanta, Georgia 30334 Telephone: (404) 656-3855 FAX: (404) 656-7901 gach@mail.opb.state.ga.us</p>
<p>ILLINOIS Roukaya McCaffrey Department of Commerce and Economic Opportunities 620 East Adams, 6th Floor Springfield, Illinois, 62701 Telephone: (217) 524-0188 FAX: (217) 558-0473 roukaya_mccaffrey@illinoisbiz.biz</p>	<p>IOWA Kathy Mable Iowa Department of Management State Capitol Building Room G12 1007 E Grand Avenue Des Moines, Iowa 50319 Telephone: (515) 281-8834 FAX: (515) 242-5897 Kathy.Mable@iowa.gov</p>
<p>KENTUCKY Ron Cook The Governor's Office for Local Development 1024 Capital Center Drive, Suite 340 Frankfort, Kentucky 40601 Telephone: (502) 573-2382 / (800) 346- 5606 FAX: (502) 573-2512 Ron.Cook@Ky.Gov</p>	<p>MAINE Joyce Benson State Planning Office 184 State Street 38 State House Station Augusta, Maine 04333 Telephone: (207) 287-3261 (direct): (207) 287-1461 FAX: (207) 287-6489 joyce.benson@state.me.us</p>

<p>MARYLAND Linda C. Janey, J.D. Director, Capital Planning and Development Review Maryland Department of Planning 301 West Preston Street, Room 1104 Baltimore, Maryland 21201-2305 Telephone: (410) 767-4490 FAX: (410) 767-4480 linda@mail.op.state.md.us</p>	<p>MICHIGAN William Parkus Southeast Michigan Council of Governments 535 Griswold, Suite 300 Detroit, Michigan 48226 Telephone: (313) 961-4266 FAX: (313) 961-4869 parkus@semcog.org</p>
<p>MISSISSIPPI Janet Riddell Clearinghouse Officer Department of Finance and Administration 1301 Woolfolk Building, Suite E 501 North West Street Jackson, Mississippi 39201 Telephone: (601) 359-6762 Fax: (601) 359-6758 JRiddell@dfa.state.ms.us</p>	<p>MISSOURI Sara VanderFeltz Federal Assistance Clearinghouse Office of Administration Commissioner's Office Capitol Building, Room 125 Jefferson City, Missouri 65102 Telephone: (573) 751-0337 FAX: (573) 751-1212 sara.vanderfeltz@oa.mo.gov</p>
<p>NEVADA Zofia Targosz Department of Administration State Clearinghouse 209 E. Musser Street, Room 200 Carson City, Nevada 89701 Telephone: (775) 684-0209 FAX: (775) 684-0260 clearinghouse@budget.state.nv.us</p>	<p>NEW HAMPSHIRE Jack Ruderman Acting Director, New Hampshire Office of Energy and Planning Attn: Intergovernmental Review Process James P. Taylor 57 Regional Drive Concord, New Hampshire 03301-8519 Telephone: (603) 271-2155 FAX: (603) 271-2615 irp@nh.gov</p>
<p>NEW YORK Linda Shkrell Office of Public Security Homeland Security Grants Coordination 633 3rd Avenue New York, NY 10017 Telephone: (212) 867-1289 FAX: (212) 867-1725</p>	<p>NORTH DAKOTA Jim Boyd ND Department of Commerce 1600 East Century Avenue, Suite 2 P.O. Box 2057 Bismarck, North Dakota 58502-2057 Telephone: (701) 328-2676 FAX: (701) 328-2308 jboyd@state.nd.us</p>

<p>RHODE ISLAND Joyce Karger Department of Administration One Capitol Hill Providence Rhode Island 02908-5870 Telephone: (401) 222-6181 FAX: (401) 222-2083 jkarger@doa.state.ri.us</p>	<p>SOUTH CAROLINA Jean Ricard Office of State Budget 1201 Main Street, Suite 870 Columbia, South Carolina 29201 Telephone: (803) 734-1314 FAX: (803) 734-0645 jricard@budget.sc.us</p>
<p>TEXAS Denise S. Francis Director, State Grants Team Governor's Office of Budget and Planning P.O. Box 12428 Austin, Texas 78711 Telephone: (512) 305-9415 FAX: (512) 936-2681 dfrancis@governor.state.tx.us</p>	<p>UTAH Sophia DiCaro Utah State Clearinghouse Governor's Office of Planning and Budget Utah Capitol Complex Suite E210, P.O. Box 142210 Salt Lake City, Utah 84114-2210 Telephone: (801) 538-1027 FAX: (801) 538-1547 ddicaro@utah.gov</p>
<p>WEST VIRGINIA Bobby Lewis, Director Community Development Division West Virginia Development Office Building #6, Room 553 Charleston, West Virginia 25305 Telephone: (304) 558-4010 FAX: (304) 558-3248 rlewis@wvdo.org</p>	<p>WISCONSIN Division of Intergovernmental Relations Wisconsin Department of Administration 101 East Wilson Street, 10th Floor P.O. Box 8944 Madison, Wisconsin 53708 Telephone: (608) 266-7043 FAX: (608) 267-6917 SPOC@doa.state.wi.us</p>
<p>AMERICAN SAMOA Pat M. Galea'i Federal Grants/Programs Coordinator Office of Federal Programs/Office of the Governor Department of Commerce American Samoa Government Pago Pago, American Samoa 96799 Telephone: (684) 633-5155 Fax: (684) 633-4195 pmgaleai@samoatelco.com</p>	<p>GUAM Director Bureau of Budget and Mgmt. Research Office of the Governor P.O. Box 2950 Agana, Guam 96910 Telephone: 011-671-472-2285 FAX: 011-671-472-2825 jer@ns.gov.gu</p>

<p>NORTH MARIANA ISLANDS Ms. Jacoba T. Seman Federal Programs Coordinator Office of Management and Budget Office of the Governor Saipan, MP 96950 Telephone: (670) 664-2289 FAX: (670) 664-2272 <u>omb.jseman@saipan.com</u></p>	<p>PUERTO RICO Jose Caballero / Mayra Silva Puerto Rico Planning Board Federal Proposals Review Office Minillas Government Center P.O. Box 41119 San Juan, Puerto Rico 00940-1119 Telephone: (787) 723-6190 FAX: (787) 722-6783</p>
<p>VIRGIN ISLANDS Ira Mills Director, Office of Management and Budget # 41 Norre Gade Emancipation Garden Station, Second Floor Saint Thomas, Virgin Islands 00802 Telephone: (340) 774-0750 FAX: (787) 776-0069 <u>Irmills@usvi.org</u></p>	

Changes to this list can be made only after OMB is notified by a State's officially designated representative. E-mail messages can be sent to [Hai M. Tran@omb.eop.gov](mailto:Hai_M._Tran@omb.eop.gov). If you prefer, you may send correspondence to the following postal address:

Attn: Grants Management
Office of Management and Budget
New Executive Office Building, Suite 6025
725 17th Street, NW
Washington, DC 20503

Please note: Inquiries about obtaining a Federal grant should not be sent to the OMB e-mail or postal address shown above. The best source for this information is the Catalog of Federal Domestic Assistance or CFDA <http://www.cfda.gov> and the Grants.gov website (<http://www.grants.gov>).

NOTICE TO ALL APPLICANTS
(ENSURING EQUITABLE ACCESS)
APPLICATION FORMS AND INSTRUCTIONS

NOTICE TO ALL APPLICANTS

The purpose of this enclosure is to inform you about a new provision in the Department of Education's General Education Provisions Act (GEPA) that applies to applicants for new grant awards under Department programs. This provision is Section 427 of GEPA, enacted as part of the Improving America's Schools Act of 1994 (Public Law (P.L.) 103-382).

To Whom Does This Provision Apply?

Section 427 of GEPA affects applicants for new grant awards under this program. **ALL APPLICANTS FOR NEW AWARDS MUST INCLUDE INFORMATION IN THEIR APPLICATIONS TO ADDRESS THIS NEW PROVISION IN ORDER TO RECEIVE FUNDING UNDER THIS PROGRAM.**

(If this program is a State-formula grant program, a State needs to provide this description only for projects or activities that it carries out with funds reserved for State-level uses. In addition, local school districts or other eligible applicants that apply to the State for funding need to provide this description in their applications to the State for funding. The State would be responsible for ensuring that the school district or other local entity has submitted a sufficient section 427 statement as described below.)

What Does This Provision Require?

Section 427 requires each applicant for funds (other than an individual person) to include in its application a description of the steps the applicant proposes to take to ensure equitable access to, and participation in, its Federally-assisted program for students, teachers, and other program beneficiaries with special needs. This provision allows applicants discretion in developing the required description. The statute highlights six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, or age. Based on local circumstances, you should determine whether these or other barriers may prevent your students, teachers, etc. from such access or participation in, the Federally-funded project or activity.

The description in your application of steps to be taken to overcome these barriers need not be lengthy; you may provide a clear and succinct description of how you plan to address those barriers that are applicable to

your circumstances. In addition, the information may be provided in a single narrative, or, if appropriate, may be discussed in connection with related topics in the application.

Section 427 is not intended to duplicate the requirements of civil rights statutes, but rather to ensure that, in designing their projects, applicants for Federal funds address equity concerns that may affect the ability of certain potential beneficiaries to fully participate in the project and to achieve to high standards. Consistent with program requirements and its approved application, an applicant may use the Federal funds awarded to it to eliminate barriers it identifies.

What are Examples of How an Applicant Might Satisfy the Requirement of This Provision?

The following examples may help illustrate how an applicant may comply with Section 427.

(1) An applicant that proposes to carry out an adult literacy project serving, among others, adults with limited English proficiency, might describe in its application how it intends to distribute a brochure about the proposed project to such potential participants in their native language.

(2) An applicant that proposes to develop instructional materials for classroom use might describe how it will make the materials available on audio tape or in braille for students who are blind.

(3) An applicant that proposes to carry out a model science program for secondary students and is concerned that girls may be less likely than boys to enroll in the course, might indicate how it intends to conduct "outreach" efforts to girls, to encourage their enrollment.

We recognize that many applicants may already be implementing effective steps to ensure equity of access and participation in their grant programs, and we appreciate your cooperation in responding to the requirements of this provision.

Estimated Burden Statement for GEPA Requirements

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is **1890-0007**. The time required to complete this information collection is estimated to average 1.5 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** Director, Grants Policy and Oversight Staff, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-4250.

APPLICATION FORMS AND INSTRUCTIONS

The application is divided into four parts. These parts are organized in the same manner that the submitted application should be organized. These parts are as follows:

- Part I: Application for Federal Assistance (SF 424) and Instructions.
- Part II: Budget Information -- Non-Construction Programs (ED Form 524) and Instructions.
- Part III: Application Narrative.
- Part IV: Assurances and Certifications --
 - Assurances -- Non-Construction Programs (Standard Form 424B).
 - Certifications Regarding Lobbying (ED Form 80-0013).
 - Disclosure of Lobbying Activities.

An applicant may submit information on a photostatic copy of the application and budget forms, the assurances, and the certifications. However, the application form, the assurances, and the certifications must each have an original signature. No grant may be awarded unless a completed application form has been received.

Application for Federal Assistance SF-424

*1. Type of Submission: <input type="checkbox"/> Preapplication <input type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	*2. Type of Application <input type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision	* If Revision, select appropriate letter(s) *Other (Specify) _____
---	--	--

3. Date Received: _____	4. Applicant Identifier: _____
--------------------------------	---------------------------------------

5a. Federal Entity Identifier: _____	*5b. Federal Award Identifier: _____
---	---

State Use Only:

6. Date Received by State: _____	7. State Application Identifier: _____
---	---

8. APPLICANT INFORMATION:

***a. Legal Name:** _____

*b. Employer/Taxpayer Identification Number (EIN/TIN): _____	*c. Organizational DUNS: _____
---	---------------------------------------

d. Address:

*Street 1: _____
Street 2: _____
*City: _____
County: _____
*State: _____
Province: _____
*Country: _____
*Zip / Postal Code: _____

e. Organizational Unit:

Department Name: _____	Division Name: _____
-------------------------------	-----------------------------

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: _____ *First Name: _____
Middle Name: _____
*Last Name: _____
Suffix: _____

Title: _____

Organizational Affiliation: _____

*Telephone Number: _____ Fax Number: _____

Application for Federal Assistance SF-424

*Email:

***9. Type of Applicant 1: Select Applicant Type:**

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

*Other (Specify)

***10 Name of Federal Agency:**

11. Catalog of Federal Domestic Assistance Number:

CFDA Title:

***12 Funding Opportunity Number:**

*Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

***15. Descriptive Title of Applicant's Project:**

16. Congressional Districts Of:

*a. Applicant:

*b. Program/Project:

17. Proposed Project:

*a. Start Date:

*b. End Date:

Application for Federal Assistance SF-424

18. Estimated Funding (\$):

*a. Federal _____
*b. Applicant _____
*c. State _____
*d. Local _____
*e. Other _____
*f. Program Income _____
*g. TOTAL _____

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- a. This application was made available to the State under the Executive Order 12372 Process for review on _____
 b. Program is subject to E.O. 12372 but has not been selected by the State for review.
 c. Program is not covered by E. O. 12372

***20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)**

Yes No

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)

** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions

Authorized Representative:

Prefix: _____ *First Name: _____
Middle Name: _____
*Last Name: _____
Suffix: _____

*Title: _____

*Telephone Number: _____ Fax Number: _____

* E-mail: _____

*Signature of Authorized Representative: _____

*Date Signed: _____

***Applicant Federal Debt Delinquency Explanation**

The following should contain an explanation if the Applicant organization is delinquent of any Federal Debt.

INSTRUCTIONS FOR THE SF-424

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

This is a standard form used by applicants as a required face sheet for pre-applications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item:	Entry:	Item:	Entry:
1.	Select Type of Submission.	11.	Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.
2.	Date application submitted to Federal agency (or State if applicable) and applicant's control number (if applicable).	12.	List only the largest political entities affected (e.g., State, counties, cities).
3.	only (if applicable).	13.	Enter the proposed start date and end date of the project.
4.	Enter Date Received by Federal Agency Federal identifier number: If this application is a continuation or revision to an existing award, enter the present Federal Identifier number. If for a new project, leave blank.	14.	List the applicant's Congressional District and any District(s) affected by the program or project
5.	Enter legal name of applicant, name of primary organizational unit (including division, if applicable), which will undertake the assistance activity, enter the organization's DUNS number (received from Dun and Bradstreet), enter the complete address of the applicant (including country), and name, telephone number, e-mail and fax of the person to contact on matters related to this application.	15.	Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
6.	Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.	16.	Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
7.	Select the appropriate letter in the space provided. A. State B. County C. Municipal D. Township E. Interstate F. Intermunicipal G. Special District H. Independent School District I. State Controlled Institution of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Other (Specify) O. Not for Profit Organization	17.	This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.

Item:	Entry:	Item:	Entry:
8.	<p>Select the type from the following list:</p> <ul style="list-style-type: none"> • "New" means a new assistance award. • "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date. • "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation. If a revision enter the appropriate letter: <ul style="list-style-type: none"> A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration 	18	<p>To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)</p>
9.	Name of Federal agency from which assistance is being requested with this application.		
10.	Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.		

SF-424 (Rev. 7-97) Back

**SUPPLEMENTAL INFORMATION
REQUIRED FOR DEPARTMENT OF EDUCATION**

1. Project Director:

Prefix: *First Name: Middle Name: *Last Name: Suffix:

Address:

* Street1:

Street2:

* City:

County:

* State:

* Zip Code:

* Country:

* Phone Number (give area code)
code)

Fax Number (give area
code)

Email Address:

2. Applicant Experience:

Novice Applicant
to this program

Yes

No

Not applicable

3. Human Subjects Research:

Are any research activities involving human subjects planned at any time during the proposed project Period?

Yes

No

Are ALL the research activities proposed designated to be exempt from the regulations?

Yes Provide Exemption(s) #:

No Provide Assurance #, if available:

Please attach an explanation Narrative:

Add Attachment

Delete Attachment

View Attachment

INSTRUCTIONS FOR DEPARTMENT OF EDUCATION SUPPLEMENTAL INFORMATION FOR SF 424

1. **Project Director.** Name, address, telephone and fax numbers, and e-mail address of the person to be contacted on matters involving this application.
2. **Novice Applicant.** Check “Yes” or “No” only if assistance is being requested under a program that gives special consideration to novice applicants. Otherwise, **leave blank.**

Check “Yes” if you meet the requirements for novice applicants specified in the regulations in 34 CFR 75.225 and included on the attached page entitled “Definitions for Department of Education Supplemental Information for SF 424.” By checking “Yes” the applicant certifies that it meets these novice applicant requirements. Check “No” if you do not meet the requirements for novice applicants.

3. **Human Subjects Research.** (See I. A. “Definitions” in attached page entitled “Definitions for Department of Education Supplemental Information For SF 424.”)

If Not Human Subjects Research. Check “No” if research activities involving human subjects are not planned at any time during the proposed project period. The remaining parts of Item 3 are then not applicable.

If Human Subjects Research. Check “Yes” if research activities involving human subjects are planned at any time during the proposed project period, either at the applicant organization or at any other performance site or collaborating institution. Check “Yes” even if the research is exempt from the regulations for the protection of human subjects. (See I. B. “Exemptions” in attached page entitled “Definitions for Department of Education Supplemental Information For SF 424.”)

3a. If Human Subjects Research is Exempt from the Human Subjects Regulations. Check “Yes” if all the research activities proposed are designated to be exempt from the regulations. Insert the exemption number(s) corresponding to one or more of the six exemption categories listed in I. B. “Exemptions.” In addition, follow the instructions in II. A. “Exempt Research Narrative” in the attached page entitled “Definitions for Department of Education Supplemental Information For SF 424.”

3a. If Human Subjects Research is Not Exempt from Human Subjects Regulations. Check “No” if some or all of the planned research activities are covered (not exempt). In addition, follow the instructions in II. B. “Nonexempt Research Narrative” in the page entitled “Definitions for Department of Education Supplemental Information For SF 424

3a. Human Subjects Assurance Number. If the applicant has an approved Federal Wide (FWA) on file with the Office for Human Research Protections (OHRP), U.S. Department of Health and Human Services, that covers the specific activity, insert the number in the space provided. If the applicant does not have an approved assurance on file with OHRP, enter “None.” In this case, the applicant, by signature on the SF-424, is declaring that it will comply with 34 CFR 97 and proceed to obtain the human subjects assurance upon request by the designated ED official. If the application is recommended/selected for funding, the designated ED official will request that the applicant obtain the assurance within 30 days after the specific formal request.

Note about Institutional Review Board Approval. ED does not require certification of Institutional Review Board approval with the application. However, if an application that involves non-exempt human subjects research is recommended/selected for funding, the designated ED official will request that the applicant obtain and send the certification to ED within 30 days after the formal request.

Paperwork Burden Statement.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1890-0017. The time required to complete this information collection is estimated to average between 15 and 45 minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the estimate(s) or suggestions for improving this form, please write to: U.S. Department of Education, Washington, D.C. 20202-4700. If you have comments or concerns regarding the status of your individual submission of this form write directly to: Joyce I. Mays, Application Control Center, U.S. Department of Education, Potomac Center Plaza, 550 12th Street, S.W. Room 7076, Washington, D.C. 20202-4260.

DEFINITIONS FOR DEPARTMENT OF EDUCATION SUPPLEMENTAL INFORMATION FOR SF 424

(Attachment to Instructions for Supplemental Information for SF 424)

Definitions:

Novice Applicant (See 34 CFR 75.225). For discretionary grant programs under which the Secretary gives special consideration to novice applications, a novice applicant means any applicant for a grant from ED that—

- Has never received a grant or subgrant under the program from which it seeks funding;
- Has never been a member of a group application, submitted in accordance with 34 CFR 75.127-75.129, that received a grant under the program from which it seeks funding; and
- Has not had an active discretionary grant from the Federal government in the five years before the deadline date for applications under the program. For the purposes of this requirement, a grant is active until the end of the grant's project or funding period, including any extensions of those periods that extend the grantee's authority to obligate funds.

In the case of a group application submitted in accordance with 34 CFR 75.127-75.129, a group includes only parties that meet the requirements listed above.

PROTECTION OF HUMAN SUBJECTS IN RESEARCH

I. Definitions and Exemptions

A. Definitions.

A research activity involves human subjects if the activity is research, as defined in the Department's regulations, and the research activity will involve use of human subjects, as defined in the regulations.

—Research

The ED Regulations for the Protection of Human Subjects, Title 34, Code of Federal Regulations, Part 97, define research as “a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable

knowledge.” *If an activity follows a deliberate plan whose purpose is to develop or contribute to generalizable knowledge it is research.* Activities which meet this definition constitute research whether or not they are conducted or supported under a program that is considered research for other purposes. For example, some demonstration and service programs may include research activities.

—Human Subject

The regulations define human subject as “a living individual about whom an investigator (whether professional or student) conducting research obtains (1) data through intervention or interaction with the individual, or (2) identifiable private information.” (1) *If an activity involves obtaining information about a living person by manipulating that person or that person's environment, as might occur when a new instructional technique is tested, or by communicating or interacting with the individual, as occurs with surveys and interviews, the definition of human subject is met.* (2) *If an activity involves obtaining private information about a living person in such a way that the information can be linked to that individual (the identity of the subject is or may be readily determined by the investigator or associated with the information), the definition of human subject is met.* [Private information includes information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information which has been provided for specific purposes by an individual and which the individual can reasonably expect will not be made public (for example, a school health record).]

B. Exemptions.

Research activities in which the **only** involvement of human subjects will be in one or more of the following six categories of **exemptions** are not covered by the regulations:

- (1) Research conducted in established or commonly accepted educational settings, involving normal educational practices, such as (a) research on regular and special education instructional strategies, or (b) research on the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods.

(2) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior, unless: (a) information obtained is recorded in such a manner that human subjects can be identified, directly or through identifiers linked to the subjects; and (b) any disclosure of the human subjects' responses outside the research could reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, or reputation. *If the subjects are children, exemption 2 applies only to research involving educational tests and observations of public behavior when the investigator(s) do not participate in the activities being observed. Exemption 2 does not apply if children are surveyed or interviewed or if the research involves observation of public behavior and the investigator(s) participate in the activities being observed.* [Children are defined as persons who have not attained the legal age for consent to treatments or procedures involved in the research, under the applicable law or jurisdiction in which the research will be conducted.]

(3) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior that is not exempt under section (2) above, if the human subjects are elected or appointed public officials or candidates for public office; or federal statute(s) require(s) without exception that the confidentiality of the personally identifiable information will be maintained throughout the research and thereafter.

(4) Research involving the collection or study of existing data, documents, records, pathological specimens, or diagnostic specimens, if these sources are publicly available or if the information is recorded by the investigator in a manner that subjects cannot be identified, directly or through identifiers linked to the subjects.

(5) Research and demonstration projects which are conducted by or subject to the approval of department or agency heads, and which are designed to study, evaluate, or otherwise examine: (a) public benefit or service programs; (b) procedures for obtaining benefits or services under those programs; (c) possible changes in or alternatives to those programs or procedures; or (d) possible changes in methods or levels of payment for benefits or services under those programs.

(6) Taste and food quality evaluation and consumer acceptance studies, (a) if wholesome foods without

additives are consumed or (b) if a food is consumed that contains a food ingredient at or below the level and for a use found to be safe, or agricultural chemical or environmental contaminant at or below the level found to be safe, by the Food and Drug Administration or approved by the Environmental Protection Agency or the Food Safety and Inspection Service of the U.S. Department of Agriculture.

II. Instructions for Exempt and Nonexempt Human Subjects Research Narratives

If the applicant marked "Yes" for Item 3 of Department of Education Supplemental Information for SF 424, the applicant must provide a human subjects "exempt research" or "nonexempt research" narrative. Insert the narrative(s) in the space provided. If you have multiple projects and need to provide more than one narrative, be sure to label each set of responses as to the project they address.

A. Exempt Research Narrative.

If you marked "Yes" for item 3 a. and designated exemption numbers(s), provide the "exempt research" narrative. The narrative must contain sufficient information about the involvement of human subjects in the proposed research to allow a determination by ED that the designated exemption(s) are appropriate. The narrative must be succinct.

B. Nonexempt Research Narrative.

If you marked "No" for item 3 a. you must provide the "nonexempt research" narrative. The narrative must address the following seven points. Although no specific page limitation applies to this section of the application, be succinct.

(1) Human Subjects Involvement and

Characteristics: Provide a detailed description of the proposed involvement of human subjects. Describe the characteristics of the subject population, including their anticipated number, age range, and health status. Identify the criteria for inclusion or exclusion of any subpopulation. Explain the rationale for the involvement of special classes of subjects, such as children, children with disabilities, adults with disabilities, persons with mental disabilities, pregnant women, prisoners, institutionalized individuals, or others who are likely to be vulnerable

(2) Sources of Materials: Identify the sources of research material obtained from individually identifiable living human subjects in the form of specimens, records, or data. Indicate whether the material or data will be obtained specifically for

research purposes or whether use will be made of existing specimens, records, or data.

(3) **Recruitment and Informed Consent:** Describe plans for the recruitment of subjects and the consent procedures to be followed. Include the circumstances under which consent will be sought and obtained, who will seek it, the nature of the information to be provided to prospective subjects, and the method of documenting consent. State if the Institutional Review Board (IRB) has authorized a modification or waiver of the elements of consent or the requirement for documentation of consent.

(4) **Potential Risks:** Describe potential risks (physical, psychological, social, legal, or other) and assess their likelihood and seriousness. Where appropriate, describe alternative treatments and procedures that might be advantageous to the subjects.

(5) **Protection Against Risk:** Describe the procedures for protecting against or minimizing potential risks, including risks to confidentiality, and assess their likely effectiveness. Where appropriate, discuss provisions for ensuring necessary medical or professional intervention in the event of adverse effects to the subjects. Also, where appropriate, describe the provisions for monitoring the data collected to ensure the safety of the subjects.

(6) **Importance of the Knowledge to be Gained:** Discuss the importance of the knowledge gained or to be gained as a result of the proposed research. Discuss why the risks to subjects are reasonable in relation to the anticipated benefits to subjects and in relation to the importance of the knowledge that may reasonably be expected to result.

(7) **Collaborating Site(s):** If research involving human subjects will take place at collaborating site(s) or other performance site(s), name the sites and briefly describe their involvement or role in the research.

Copies of the Department of Education's Regulations for the Protection of Human Subjects, 34 CFR Part 97 and other pertinent materials on the protection of human subjects in research are available from the Grants Policy and Oversight Staff, Office of the Chief Financial Officer, U.S. Department of Education, Washington, D.C. 20202-4250, telephone: (202) 245-6120, and on the U.S. Department of Education's Protection of Human Subjects in Research Web Site: <http://www.ed.gov/about/offices/list/OCFO/humansub.html>

NOTE: The **State Applicant Identifier** on the SF 424 is for State Use only. Please complete it on the OMB Standard 424 in the upper right corner of the form (if applicable).



**U.S. DEPARTMENT OF EDUCATION
BUDGET INFORMATION
NON-CONSTRUCTION PROGRAMS**

OMB Control Number:
1890-0004
Expiration Date: 10-31-2007

Name of Institution/Organization

Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION A - BUDGET SUMMARY

U.S. DEPARTMENT OF EDUCATION FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs*						
11. Training Stipends						
12. Total Costs (lines 9-11)						

***Indirect Cost Information (To Be Completed by Your Business Office):**

If you are requesting reimbursement for indirect costs on line 10, please answer the following questions:

- (1) Do you have an Indirect Cost Rate Agreement approved by the Federal government? Yes No
- (2) If yes, please provide the following information:

Period Covered by the Indirect Cost Rate Agreement: From: ___/___/_____ To: ___/___/_____ (mm/dd/yyyy)

Approving Federal agency: ED Other (please specify): _____

- (3) For Restricted Rate Programs (check one) -- Are you using a restricted indirect cost rate that:

Is included in your approved Indirect Cost Rate Agreement? or Complies with 34 CFR 76.564(c)(2)?

Name of Institution/Organization	Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.
----------------------------------	---

**SECTION B - BUDGET SUMMARY
NON-FEDERAL FUNDS**

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (Lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (Lines 9-11)						

SECTION C – BUDGET NARRATIVE (see instructions)

Instructions for ED 524

General Instructions

This form is used to apply to individual U.S. Department of Education (ED) discretionary grant programs. Unless directed otherwise, provide the same budget information for each year of the multi-year funding request. Pay attention to applicable program specific instructions, if attached. Please consult with your Business Office prior to submitting this form.

Section A - Budget Summary U.S. Department of Education Funds

All applicants must complete Section A and provide a breakdown by the applicable budget categories shown in lines 1-11.

Lines 1-11, columns (a)-(e): For each project year for which funding is requested, show the total amount requested for each applicable budget category.

Lines 1-11, column (f): Show the multi-year total for each budget category. If funding is requested for only one project year, leave this column blank.

Line 12, columns (a)-(e): Show the total budget request for each project year for which funding is requested.

Line 12, column (f): Show the total amount requested for all project years. If funding is requested for only one year, leave this space blank.

Indirect Cost Information:

If you are requesting reimbursement for indirect costs on line 10, this information is to be completed by your Business Office. (1): Indicate whether or not your organization has an Indirect Cost Rate Agreement that was approved by the Federal government. (2): If you checked "yes" in (1), indicate in (2) the beginning and ending dates covered by the Indirect Cost Rate Agreement. In addition, indicate whether ED or another Federal agency (Other) issued the approved agreement. If you check "Other," specify the name of the Federal agency that issued the approved agreement. (3): If you are applying for a grant under a Restricted Rate Program (34 CFR 75.563 or 76.563), indicate whether you are using a restricted indirect cost rate that is included on your approved Indirect Cost Rate Agreement or whether you are using a restricted indirect cost rate that complies with

34 CFR 76.564(c)(2). Note: State or Local government agencies may not use the provision for a restricted indirect cost rate specified in 34 CFR 76.564(c)(2). Check only one response. Leave blank, if this item is not applicable.

Section B - Budget Summary Non-Federal Funds

If you are required to provide or volunteer to provide matching funds or other non-Federal resources to the project, these should be shown for each applicable budget category on lines 1-11 of Section B.

Lines 1-11, columns (a)-(e): For each project year, for which matching funds or other contributions are provided, show the total contribution for each applicable budget category.

Lines 1-11, column (f): Show the multi-year total for each budget category. If non-Federal contributions are provided for only one year, leave this column blank.

Line 12, columns (a)-(e): Show the total matching or other contribution for each project year.

Line 12, column (f): Show the total amount to be contributed for all years of the multi-year project. If non-Federal contributions are provided for only one year, leave this space blank.

Section C - Budget Narrative [Attach separate sheet(s)] Pay attention to applicable program specific instructions, if attached.

1. Provide an itemized budget breakdown, and justification by project year, for each budget category listed in Sections A and B. For grant projects that will be divided into two or more separately budgeted major activities or sub-projects, show for each budget category of a project year the breakdown of the specific expenses attributable to each sub-project or activity.
2. If applicable to this program, provide the rate and base on which fringe benefits are calculated.
3. If you are requesting reimbursement for indirect costs on line 10, this information is to be completed by your Business Office. Specify the estimated amount of the base to which the indirect cost rate is applied and the total indirect expense. Depending on the grant program to which you are applying and/or your approved Indirect

Cost Rate Agreement, some direct cost budget categories in your grant application budget may not be included in the base and multiplied by your indirect cost rate. For example, you must multiply the indirect cost rates of "Training grants" (34 CFR 75.562) and grants under programs with "Supplement not Supplant" requirements ("Restricted Rate" programs) by a "modified total direct cost" (MTDC) base (34 CFR 75.563 or 76.563). Please indicate which costs are included and which costs are excluded from the base to which the indirect cost rate is applied.

When calculating indirect costs (line 10) for "Training grants" or grants under "Restricted Rate" programs, you must refer to the information and examples on ED's web site at:

<http://www.ed.gov/fund/grant/apply/appforms/appforms.html>.

You may also contact (202) 377-3838 for additional information regarding calculating indirect cost rates or general indirect cost rate information.

4. Provide other explanations or comments you deem necessary.

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is **1890-0004**. The time required to complete this information collection is estimated to vary from 13 to 22 hours per response, with an average of 17.5 hours per response, including the time to review instructions, search existing data sources, gather the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: U.S. Department of Education, Washington, D.C. 20202-4651. If you have comments or concerns regarding the status of your individual submission of this form, write directly to (insert program office), U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

PART III - APPLICATION NARRATIVE

This narrative section of the application requires applicants to address the selection criteria that will be used by reviewers in evaluating individual applications. Please refer to the “Selection Criteria and Format” sections in this package for the competition to which you wish to submit an application.

Also, all of the competitions covered by this package have page limitations for the application narrative. Please refer to the “Page Limits” information for the competition to which you wish to submit an application.

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646)

which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §§874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of

underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1721 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE	
APPLICANT ORGANIZATION		DATE SUBMITTED

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans and Cooperative Agreements.

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal Loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement.

(2) If any funds other Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form – LLL, “Disclosure of Lobbying Activities,” in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance.

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee or any agency, a member of Congress, an officer or employee of Congress or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, “Disclosure of Lobbying Activities,” in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Applicant's Organization	
Printed Name of Authorized Representative	Printed Title of Authorized Representative
Signature	Date

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitations for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Included prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Paperwork Reduction Act

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

Survey on Ensuring Equal Opportunity for Applicants

Purpose:

The Federal government is committed to ensuring that all qualified applicants, small or large, non-religious or faith-based, have an equal opportunity to compete for Federal funding. In order for us to better understand the population of applicants for Federal funds, we are asking nonprofit private organizations (not including private universities) to fill out this survey.

Upon receipt, the survey will be separated from the application. Information provided on the survey will not be considered in any way in making funding decisions and will not be included in the Federal grants database. While your help in this data collection process is greatly appreciated, completion of this survey is voluntary.

Instructions for Submitting the Survey:

If you are applying using a hard copy application, please place the completed survey in an envelope labeled "Applicant Survey." Seal the envelope and include it along with your application package. If you are applying electronically, please submit this survey along with your application.

Applicant's (Organization) Name: _____

Applicant's DUNS Number: _____

Federal Program: _____ **CFDA Number:** _____

- | | |
|---|---|
| <p>1. Has the applicant ever received a grant or contract from the Federal government?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> | <p>6. How many full-time equivalent employees does the applicant have? <i>(Check only one box.)</i></p> <p><input type="checkbox"/> 3 or Fewer
 <input type="checkbox"/> 4-5
 <input type="checkbox"/> 6-14
 <input type="checkbox"/> 15-50
 <input type="checkbox"/> 51-100
 <input type="checkbox"/> Over 100</p> |
| <p>2. Is the applicant a faith-based organization?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> | <p>7. What is the size of the applicant's annual budget? <i>(Check only one box.)</i></p> <p><input type="checkbox"/> Less Than \$150,000
 <input type="checkbox"/> \$150,000 - \$299,999
 <input type="checkbox"/> \$300,000 - \$499,999
 <input type="checkbox"/> \$500,000 - \$999,999
 <input type="checkbox"/> \$1,000,000 - \$4,999,999
 <input type="checkbox"/> \$5,000,000 or more</p> |
| <p>3. Is the applicant a secular organization?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> | |
| <p>4. Does the applicant have 501(c)(3) status?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> | |
| <p>5. Is the applicant a local affiliate of a national organization?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> | |

SURVEY INSTRUCTIONS ON ENSURING EQUAL OPPORTUNITY FOR APPLICANT

Provide the applicant's (organization) name and DUNS number and the grant name and CFDA number.

1. Self-explanatory.
2. Self-identify.
3. Self-identify.
4. 501(c)(3) status is a legal designation provided on application to the Internal Revenue Service by eligible organizations. Some grant programs may require nonprofit applicants to have 501(c)(3) status. Other grant programs do not.
5. Self-explanatory.
6. For example, two part-time employees who each work half-time equal one full-time equivalent employee. If the applicant is a local affiliate of a national organization, the responses to survey questions 2 and 3 should reflect the staff and budget size of the local affiliate.
7. Annual budget means the amount of money your organization spends each year on all of its activities.

PAPERWORK BURDEN STATEMENT

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1890-0014. The time required to complete this information collection is estimated to average five (5) minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** The Agency Contact listed in this grant application package.

**NOTICE TO ALL APPLICANTS:
Program Performance Measures Under
The Government Performance And Results Act (GPRA)**

What is GPRA

The Government Performance and Results Act of 1993 is a straightforward statute that requires all Federal agencies to manage their activities with attention to the consequences of those activities. Each agency is to clearly state what it intends to accomplish, identify the resources required, and periodically report its progress to the Congress. In doing so, it is expected that GPRA will contribute to improvements in accountability for the expenditures of public funds, improve Congressional decision-making through more objective information on the effectiveness of Federal programs, and promote a new government focus on results, service delivery, and customer satisfaction.

How has the United States Department of Education responded to the GPRA Requirements?

As required by GPRA, the United States Department of Education (the Department) has prepared a strategic plan for 2002-2007. This plan reflects the Department's priorities and integrates them with its mission and program authorities and describes how the Department will work to improve education for all children and adults in the United States. The Department's goals, as listed in the plan, are:

- Goal 1:* **Create a Culture of Achievement:** Create a culture of achievement throughout the nation's education system by effectively implementing the new law, the No Child Left Behind Act of 2001, and by basing all federal education programs on its principles: accountability, flexibility, expanded parental options and doing what works.
- Goal 2:* **Improve Student Achievement:** Improve student achievement for all groups of students by putting reading first, expanding high-quality mathematics and science teaching, reforming high schools, and boosting teacher and principal quality, thereby closing the achievement gap.
- Goal 3:* **Develop Safe Schools and Strong Character:** Establish disciplined and drug-free education environments that foster the development of good character and citizenship.
- Goal 4:* **Transform Education into an Evidence-based Field:** Strengthen the quality of education research.
- Goal 5:* **Enhance the Quality of and Access to Postsecondary and Adult Education:** Increase opportunities for students and the effectiveness of institutions.
- Goal 6:* **Establish Management Excellence:** Create a culture of accountability throughout the Department of Education.

DUNS Number Instructions

D-U-N-S No.: Please provide the applicant's D-U-N-S Number. You can obtain your D-U-N-S Number at no charge by calling 1-800-333-0505 or by completing a D-U-N-S Number Request Form. The form can be obtained via the Internet at the following URL:

<http://www.dnb.com/dbis/aboutdb/intlduns.htm>

The D-U-N-S Number is a unique nine-digit number that does not convey any information about the recipient. A built in check digit helps assure the accuracy of the D-U-N-S Number. The ninth digit of each number is the check digit, which is mathematically related to the other digits. It lets computer systems determine if a D-U-N-S Number has been entered correctly.

Dun & Bradstreet, a global information services provider, has assigned D-U-N-S numbers to over 43 million companies worldwide.

GRANT APPLICATION RECEIPT ACKNOWLEDGEMENT

If you fail to receive the notification of application within fifteen (15) days from the closing date, call:

U.S. Department of Education
Application Control Center
(202) 245-6288

GRANT AND CONTRACT FUNDING INFORMATION

The Department of Education provides information about grant and contract opportunities electronically in several ways:

ED Internet Home Page

www.ed.gov

(WWW address)