



Congressional Earmarks

FY 2009

GUIDELINES FOR PREPARING AN APPLICATION

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Congressional Earmarks

Guidelines for Preparing an Application

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Guidelines for Preparing an Application

Why Prepare an Application

Entities named as potential earmark recipients in appropriation acts often ask, “Our organization received grant money in the appropriations act. When do we get the check?” Before the U.S. Department of Education (Department) can respond fully to a request for funds, and before your organization can gain access to funds that have been “earmarked” for your organization, you must submit an official application, as required by the awarding program’s statute and the regulations in 34 C.F.R. § 75.104(a), that meets applicable requirements and otherwise is approvable. The application:

- provides a means for your organization to demonstrate to the Department that its proposed grant activities are consistent with the language in the Department’s appropriations act. By law, the Department cannot award your organization these grant funds for any other purpose and must ensure that the application meets all applicable requirements;
- allows both your organization and the Department to determine that your plan to spend the funds is in accordance with applicable Federal laws and regulations;
- establishes clear objectives, which are based on scientifically based research, for the proposed program; and
- describes the activities the applicant will carry out in order to meet the objectives, and applicable requirements.

We hope, too, that preparing an approvable application will help you focus the goals and objectives of the project on allowable activities, and will allow us to gain information needed to award the grant. Based on questions that grantees have raised in the past, we are providing extensive information on the following topics:

- proposed project dates, which clarify limitations on one-time no-cost extensions for those few projects that may be designed for a 60-month project period;
- human subjects
- Protection of Pupil Rights Amendment
- Family Educational Rights and Privacy Act
- requirements for the project narrative; and
- indirect costs.

In addition, we have included a sample budget justification in Attachment C to help applicants provide sufficient details on the planned use of the grant funds in the application. Also, the post award section includes information so that applicants will know at the beginning of the process what is expected by the Department during the post-award phase.

Completing the application will be easier if you first read these instructions carefully.

Following these guidelines should help your organization shorten the time that it will take to prepare an approvable application, and thus, the time before your organization can gain access to the funds and begin its activities. **If the Department determines that your organization’s application meets all applicable requirements and is approved, your organization will receive instructions on opening an electronic account through which your organization can begin to draw down the grant funds.**

General Information

Law, regulations, and guidance. No costs can be covered by the grant unless they are directly related to the purposes set forth by Congress in the appropriations act language for your grant. In addition, the program legislation, the U.S. Department of Education General Administrative Regulations (EDGAR), and government-wide requirements, including applicable cost principles, also serve to limit the uses to which a Congressionally-directed grant can be used. The government-wide cost principles may be found in pertinent Office of Management and Budget (OMB) circulars, which are identified in EDGAR at 34 C.F.R. § 74.27. The web addresses for EDGAR and the various OMB circulars are set out in the table below:

Document	Parts/Title	Web Address
EDGAR	34 C.F.R. Parts 74, 75, 77, 80, 81, 82, 84, 85, 86, 97, 98, and 99	http://www.access.gpo.gov/nara/cfr/waisidx_08/34cfrv1_08.html
OMB Circulars:		
A-21	Cost Principles for Educational Institutions, 2 C.F.R. Part 220	http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=503f32727d8841c159c6a9af98b5bd83&rgn=div5&view=text&node=2:1.1.2.3.4&idno=2
A-87	Cost Principles for State, Local, and Indian Tribal Governments, 2 C.F.R. Part 225	http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=a2a54db79d0ab645ea71cd8a1dd8dfe1&rgn=div5&view=text&node=2:1.1.2.3.6&idno=2
A-110	Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations, 34 C.F.R. Part 74	http://www.access.gpo.gov/nara/cfr/waisidx_08/34cfr74_08.html
A-122	Cost Principles for Nonprofit Organizations, 2 C.F.R. Part 230	http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=a2a54db79d0ab645ea71cd8a1dd8dfe1&rgn=div5&view=text&node=2:1.1.2.3.8&idno=2
A-133	Audits of States, Local Governments, and Non-Profit Organizations	http://www.whitehouse.gov/omb/circulars/a133/a133.pdf

Deadlines. **We strongly urge you to submit your application as soon as possible, preferably by close of business, May 1, 2009.** Once the application is completed, before your organization submits it, it is important that your organization checks to be sure it adequately addresses all of the requirements. Use of the attached checklist in Attachment B should help with this crucial

step. The sooner the application is submitted, the sooner we will be able to review it and, if approvable, provide your organization with access to your funds. Grant money that is not formally awarded by the Department by the end of the Department's fiscal year on September 30, 2009, will lapse and will not be awarded to your organization, and ultimately it will be returned to the U.S. Treasury. **Thus, the latest your organization should submit its application is June 30, 2009, to help ensure that your organization will be able to receive the grant.**

Technical details.

You may submit your organization's application either electronically to the Department's e-grants web site or in hard copy.

If the application is submitted in hard copy, please number the pages, as this will make reviewing the application easier. Use 8 ½ by 11-inch paper, and print on one side only.

If the application is submitted electronically, please follow the instructions provided below for electronic submission.

Forms. All the required forms are provided within this package of information and they are also available on the e-Applications website at the following Internet address: <http://e-grants.ed.gov>. Additional copies of the application forms are available at the following Internet address: <http://www.ed.gov/fund/grant/apply/appforms/appforms.html>.

Narrative. This is the major part of the application. Depending on the nature of the project, the narrative should be approximately 5 to 20 double-spaced pages.

Assembly. If you plan to send the completed application via an overnight delivery service, please do not bind the original application or submit it in a notebook.

Two copies needed. If the application is submitted in hard copy format, please send the Department two copies—the original plus one other.

Signatures. We need the original signatures of your organization's authorized representative on one copy of the application. This applies to every form that requires a signature. If the application is submitted electronically, the organization also must mail us an original of the signature page for each form that has a signature. (See addresses below.)

Submitting your application. Please select only *one* of the following options for submitting the completed application.

- *Deliver the application by a courier.* The address to send a package is:

U.S. Department of Education
LBJ Basement Level 1
400 Maryland Avenue, S.W.
Washington, D.C. 20202-5930

You may submit your organization's application through the US Postal Service, FedEx, UPS or other common carrier, or by courier. Please include the name of your organization's contact person, mail stop and the phone number, which is provided in the transmittal letter for the guidance that will be mailed to your organization.

- *Electronically submit* the application. If your organization chooses this option:
 1. Access the Department's e-Grants website at: <http://e-grants.ed.gov>.
 2. From this e-grants page, select the e-Application tab page.
 3. On the left side of the e-Application homepage, review the demo site, which directs users through the process of registering for a user ID and password, as well as completing and submitting a basic application package. Please note that after receiving an ID and password and initiating the funding program's earmarked application package you will be prompted to enter a PIN, which gives you access to the correct application package. The PIN for your organization's application package is included in the transmittal letter accompanying these guidelines.
 4. Refer to the e-Applications User Guide link for additional information and answers to most general questions regarding use of the system.
 5. Fax a copy of the SF 424 form (the cover document providing basic information about your organization and grant) to the grants office as directed in the on-line instructions to (202) 245-6272.
 6. The Department needs "hard copies" with original signatures of the SF 424 and all forms that require signatures. Send them to your program contact person as soon as possible.

Special Note: Because of disruptions in normal mail delivery at the Department due to security precautions, the Department encourages your organization to consider submitting its application through the e-grants website. Alternatively, we recommend using an alternative delivery method for hard copy submissions (for example, a commercial carrier, such as Federal Express or United Parcel Service; or U. S. Postal Service Express Mail) to transmit the application to the Department. If your organization uses an alternative delivery method, please obtain and maintain an appropriate proof of mailing.

Declining a Congressionally-directed Grant: Institutions identified in an appropriations act as potential recipients of Congressionally-directed grants may choose to decline the award. Typically, this occurs for one of three reasons: 1) changes in the entity's priorities since the entity originally expressed interest in the grant; 2) the entity has a policy against acceptance of earmarked awards; or 3) the award is too small to enable the entity to accomplish its intended goal. There may be other reasons for declining an award; however, whatever the reason, please notify the Department's program contact person by letter or by email at the address found in the transmittal letter if your institution is no longer interested in applying for the grant.

What to Include In Your Application

If your institution is interested in receiving the grant, your institution must include all of the following items in its application in order for it to be considered for approval. For your

convenience, at the back of this package in Attachment B is a checklist of required materials that should be helpful in preparing the application.

1. Face page—Application for Federal Assistance (Form SF 424)

This form (Standard Form 424), when completed, provides background information about each grant applicant. Below are answers to the questions we get most often about filling out this form. (More detailed information for filling out this form is included in the instructions accompanying the SF 424.)

- **Legal name.** This is the name of your organization, the one named in the appropriations act (or accompanying report) as the grant recipient. It is not the name of a person.
- **T-I-N number.** This is the taxpayer's identification number (T-I-N) assigned to your organization by the Internal Revenue Service. Having a valid T-I-N is required before your organization can officially receive its award.
- **D-U-N-S number.** This is an identification number assigned by Dun & Bradstreet to organizations worldwide. The Department needs a valid D-U-N-S number in order to establish the electronic account needed for you to draw down funds. If your organization needs a D-U-N-S number, call 1/800/333-0505. When you call this number, tell them that your organization is applying for a Federal grant, which should expedite the process. A form for getting a D-U-N-S number is also available on the Internet at: <http://www.dnb.com>; click on "Get a D&B D-U-N-S[®] Number" under Customer Resources and then, click "Next" on the right-hand side of the page, under "For U.S. Government Contractors, Vendors and Grant."
- **Proposed project dates.** If your organization's application is approved, the official date on which your organization can start the project must be after the grant is awarded. In order to provide ample time to review the many applications we receive and resolve any issues identified in the application, the planned date of starting should be at least 8 weeks after we receive your organization's application. The end date, if appropriate and practical, should generally be within 12 months after the start date. While it is possible for a project to last longer than 12 months, and for as much as 60 months, if your organization intends to apply to have the project period last longer than 12 months, your organization should provide an appropriate justification for the proposed length of the project.

Special note about projects that will last 60 months: If your organization anticipates that the project will last 60 months (or 5 years), it needs to be aware of the time limit on the availability of Federal funds. By law, Federal funds can only be available for up to 5 years after the end of the fiscal year for which Congress appropriates them. At the end of the 5 year period, the funds not drawn down are returned to the U.S. Treasury.

For funds that were appropriated in fiscal year (FY) 2009, unexpended funds as well as encumbered funds that have not been drawn down from the Department's G5 application,

which is replacing the Grants Administration & Payments System (GAPS), will be returned to the U.S. Treasury by midnight on September 30, 2014. No FY 2009 grant funds appropriated under any program may be extended beyond this date. (See 31 U.S.C. § 1552.) Therefore, if your organization's project lasts for 5 years, its grant funds will expire at the end of the project or shortly thereafter, depending on the end date of the project. Your organization may not be able to obtain a no-cost extension (as described in 34 C.F.R. § 74.25(e)(2)(i) of EDGAR), and, unless your organization's grant ends 90 or more days before the end of the fiscal year (September 30, 2014) your organization will not have the normal 90 additional days to complete drawing down and liquidating its grant funds.

- Pre-award costs. Please note that grantees may, under certain circumstances, charge to their grants some pre-award costs incurred within 90 calendar days before the project start date. However, it may be particularly risky for earmark grantees to incur such costs, since all pre-award costs are incurred at the "recipient's risk" (i.e., the Secretary is under no obligation to reimburse these costs if for any reason the recipient does not receive an award, if the award is less than the anticipated amount and inadequate to cover these costs, if the pre-award costs are for unallowable costs, or if there is some other significant problem with the grant or with the costs). (See 34 C.F.R. § 74.25(e)(1) of EDGAR.) If your organization has any specific or general questions about pre-award costs you may wish to contact the program person, whose name and address are in the transmittal letter, for guidance.

Your organization may also ask permission from our office to use grant money for pre-award costs incurred in excess of 90 days before the project start date (but not earlier than October 1, 2008), but your organization will need to provide a very specific justification for these costs and we only approve them in unusual circumstances. If your organization wants to request reimbursement for such costs, it may submit such a request with its application, explaining the unusual need to be reimbursed for such costs incurred more than 90 days prior to the grant. Please remember that pre-award costs must be documented carefully, be reasonable and necessary to carry out the current grant, and meet all other requirements for allowability under the cost principles applicable to your organization. Claims for pre-award costs cannot be for any costs that may have been incurred under a prior grant even if the new grant is for the same or similar purpose.

- Executive Order 12372. Because your organization may become the recipient of an earmark grant, block c in item 19 has already been checked on your SF-424 form because this requirement pertaining to intergovernmental review of Federal programs does not apply to your organization. If your organization prepares an electronic submission, please remember to check block c in item 19.
- Signatures. The SF 424 form must be signed and dated by the representative of your organization who has the authority to sign a certification on behalf of your organization. This is the person who has the legal authority to commit and bind your organization to contracts, grants, and other legal documents.

2. U.S. Department of Education Supplemental Information for the SF-424

This form, when completed, provides additional background information about each applicant for a grant and potential research activities involving human subjects. More detailed information for filling out this form is included in the instructions accompanying the form, U.S. Department of Education Supplemental Information for the SF-424. Key points include:

- Novice applicant. Your organization is considered a novice applicant if your organization: (a) has never received a grant from the program that would make the earmark award to your organization; (b) has never been a member of a group application submitted in accordance with 34 C.F.R. §§ 75.127-75.129 that received a grant under that program; and (c) has not had an active discretionary grant from the Federal Government in the five years before the deadline date for applications under that program. Knowing that your organization is a novice applicant will help the Department plan for the amount and type of technical assistance your organization might need.
- Human subjects. Many grant recipients conduct research involving people, most often by surveying or interviewing students or using their records. In accordance with 34 C.F.R. § 97.102(d) *“research means a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge. Activities that meet this definition constitute research for purposes of this policy, 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.”* All human subjects research funded or sponsored by the Department is subject to the requirements of 34 C.F.R. Part 97, *Protection of Human Subjects in Research*. No covered human subjects research can be conducted under the grant until it has the Department’s protection of human subjects clearance.

(1) For an applicant that proposes research involving human subjects, the Department will review the proposed research. If research that is not exempt under 34 C.F.R. Part 97 is proposed, the applicant must submit to the Department information demonstrating that the grantee has a Federal Wide Assurance (FWA), and obtain approval of the research by an authorized Institutional Review Board (IRB). If an applicant does not have sufficient time to obtain a FWA and the IRB approval at the time it submits its application, and the application is otherwise approvable, we will award the grant and your organization will have to provide that documentation to the Department before the research begins. Note that these requirements may have implications for the research timeline and budget. (2) If we determine that the applicant will not be conducting research covered by the regulations, you will not be required to provide the FWA or IRB approval.

If a “minimal risk study” is covered by 34 C.F.R. Part 97, written parental consent and child assent are required—unless modified (e.g., recorded oral consent) or waived by the IRB. The regulations on Human Subjects in 34 C.F.R. Part 97 specify the elements of informed consent that must be included. If you believe your organization’s project is

exempt from review and approval under the regulations, the application needs to identify which, if any, exemptions the organization believes apply to the research, and provide a brief narrative explaining why the exemption(s) applies. If nonexempt research is proposed, a research narrative should be included describing the proposed study. This narrative should be inserted in the application immediately following the page titled “Supplemental Information Required for Department of Education.”

IRB approval is good for up to one year. Applicants proposing a project and budget for more than 12 months need to be aware that IRB approval is required on at least an annual basis if the study extends beyond the initial IRB approval period.

Grant recipients collecting data on students also need to be aware of two other laws with which their activities must comply if applicable. These requirements, explained below, may necessitate that your organization include additional information with its application. Please note that the Department will review your organization’s application and, if your organization’s grant is awarded, monitor its activities in accordance with these applicable regulations.

- Protection of Pupil Rights Amendment. The first law is the *Protection of Pupil Rights Amendment* (PPRA) (20 U.S.C. § 1232h; 34 C.F.R. Part 98), which governs the administration to students of a survey, analysis, or evaluation that concerns one or more of the following eight protected areas:
 1. Political affiliations or beliefs of the student or the student’s parent;
 2. Mental and psychological problems of the student or the student’s family;
 3. Sex behavior or attitudes;
 4. Illegal, anti-social, self-incriminating, or demeaning behavior;
 5. Critical appraisals of other individuals with whom respondents have close family relationships;
 6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
 7. Religious practices, affiliations, or beliefs of the student or student’s parent; or
 8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Written parental consent (“active consent”) is needed when students are required to participate in a survey related to any of the 8 protected areas and the survey is funded, in whole or in part, with funds from the Department. Regardless of the source of the funding, however, if a survey is not required but project activities involve any of the 8 protected areas, the student’s school must directly notify parents of students who are to be surveyed, provide them with an opportunity to inspect and review the survey, and provide an opportunity to opt-out their child from participation in the survey (“passive consent”). Please note that whether or not a survey is anonymous is not a determining factor in the applicability of PPRA.

LEAs are also required to adopt policies – in consultation with parents – regarding privacy issues, including the surveying of students, inspection of instructional material, and the administration of physical examinations or screenings.

A more thorough explanation of PPRA, as well as a model notification, is available on the Department’s Family Policy Compliance Office’s (FPCO) Web site at <http://www.ed.gov/policy/gen/guid/fpc/hottopics/index.html>. You could also email PPRA@ED.Gov and ask for a copy of this guidance and model notification. For guidance about specific circumstances involving the administration of surveys or other requirements in PPRA, you may also contact FPCO by writing to PPRA@ED.Gov.

If applicable, a copy of the parental consent form that your organization intends to use to meet this requirement must be included in the application.

- Family Educational Rights and Privacy Act. The second Federal law that you need to know about if your organization is planning to conduct research on students is the *Family Educational Rights and Privacy Act* (FERPA) (20 U.S.C. § 1232g; 34 C.F.R. Part 99). FERPA provides that an educational agency or institution, such as an LEA, that receives Department funds may not have a policy or practice of denying parents the right to:
 - Inspect and review education records (34 C.F.R. § 99.10).
 - Seek to amend education records (34 C.F.R. §§ 99.20, 99.21, and 99.22).
 - Consent to the disclosure of personally identifiable information from education records except as specified by law (34 C.F.R. §§ 99.30 and 99.31).

Educational agencies and institutions must annually notify parents and eligible students of their rights under FERPA (34 C.F.R. § 99.7). These rights transfer to the student when he or she turns 18 years of age or enters a postsecondary educational institution at any age (“eligible student”).

If the LEA or educational institution under the LEA wishes to disclose directory information from education records, it is required by 34 C.F.R. § 99.37 to notify parents and eligible students of the types of information it has designated as directory information and to provide an opportunity for the parent or eligible student to opt out of the disclosure of directory information. Additionally, an LEA or educational institution may release information from students’ education records without consent from the parent or eligible student after the removal of all personally identifiable information. (See 34 C.F.R. § 99.31(b)(1), “De-identified records and information.”)

As noted above, except for specific exceptions, a parent or eligible student shall provide to the educational agency or institution a signed and dated written consent before an educational agency or institution may disclose education records. The consent must: 1) specify the records that may be disclosed; 2) state the purpose of the disclosure; and 3) identify the party or class of parties to whom the disclosure may be made. FERPA permits LEAs to disclose personally identifiable information from students’ education records, without consent, to:

- School officials with a legitimate educational interest (as defined in annual notification).
- Other schools in which the student seeks or intends to enroll.
- Federal, state, and local *educational* authorities under certain conditions.
- Organizations conducting studies on the school's behalf, which the school has authorized, for certain purposes.
- Comply with lawfully issued subpoenas or court orders.
- Appropriate parties in connection with a health or safety emergency.

This is a partial listing of the disclosures permitted under FERPA without consent. For guidance about specific circumstances involving the disclosure of personally identifiable information from students' education records, or how FERPA might apply to your organization's grant activities, you may contact the Family Policy Compliance Office (FPCO) by writing to FERPA@ED.Gov. FPCO's website is: <http://www.ed.gov/policy/gen/guid/fpc/index.html>.

3. Table of Contents Please include a table of contents that includes the key topic in the application with the page on which the topic begins.

4. Abstract

Provide a one-page summary that includes the name of your organization, the name of your organization's project, and a brief overview that directly addresses the appropriations act language authorizing this project, and how your organization intends to carry out a project consistent with the appropriation act language. For example, what does your organization want to accomplish with the grant money? How does your organization plan to carry out its goals? What are the target number of schools and teachers involved, and students and grade levels to be served? How do you expect your work will contribute to educational research, policy, or practice?

5. Narrative

This is the major part of your organization's application in which you describe in detail what your organization plans to accomplish. The narrative should be approximately 5 to 20 double-spaced pages. **Your organization's application must address and be consistent with the appropriations act language specifying the purpose of your organization's grant, as stated in the cover letter, address the program requirements, and outline a level of expenditures that is consistent with the amount specified in that letter.** The Federal share of the cost for the proposed scope of work may not exceed the amount available under the earmark.

Your organization's narrative needs to include the following:

Project Design

- Clearly state your organization's goals and objectives and the outcomes to be achieved by the project.

- Describe the activities your organization has designed to meet those goals and objectives.
- Include a timeline addressing the goals and objectives.
- Describe how your organization will measure or determine the progress made towards achieving the stated goals and objectives.

Project Personnel

- List the names of the people who will administer and be most involved in your organization's grant activities.
- Describe the responsibilities assigned to each of them with regard to the project.
- Tell us approximately what percentage of each key person's work time will be devoted to grant activities. *This information is mandatory in order to process your organization's application.*
- Describe the qualifications and relevant training and experience of the following project personnel:
 - a) The project director
 - b) Other key project personnel, including those working on fiscal accountability matters
 - c) Project consultants or contractors.
- Enclose brief resumes for each of these persons at the back of your organization's application.
- If a position is not yet filled, please provide a brief description of that position. Further, once the position is filled, please send the person's resume to your program officer for review and approval.

Management Plan

- Describe the management plan that will enable your organization to achieve the objectives of the proposed project on time and within the budget constraints, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.
- Describe the extent to which the time commitments of the key personnel listed above, including the project director, are appropriate and adequate to meet the objectives of the proposed project.

Project Evaluation

- Describe how your organization would evaluate your project.
- Explain how your organization's method of evaluation would be consistent with the goals of your organization's program.
- Indicate how those methods of evaluation provide for examining the effectiveness of project implementation strategies, would use objective measures that are clearly related to the intended outcomes of the project, and would produce quantitative and qualitative data to the extent possible. If applicable, the Department encourages scientifically based evaluations.

6. Budget

Grant money must be spent to carry out the goals and activities presented in your organization's application and consistent with the applicable requirements. **The Federal share of your organization's budget cannot exceed the amount appropriated.** Also, the amount given in

the transmittal letter is the amount that you are applying for and is the amount your budget should be less than or equal to. Please check the math in the budget to ensure its accuracy before submitting it.

Two budget documents are required:

- Form ED 524—Section A Non-Construction Programs. On this form, please enter figures showing how much your organization plans to spend on each line item. On ED 524—Section B Non-Federal Funds, your organization should show how much in non-federal funds it has allocated for each line item. Please note that Section B is not required unless your organization proposes to supplement the Federal award by contributing costs above the amount of Federal funds requested in its application.
- Budget justification. Please provide a detailed “breakdown” of the items in your organization’s budget and a description telling how these costs relate to the proposed grant activities. Use the same budget categories listed on the ED 524 Section A form. If any salaries are to be covered by the grant, indicate the percentage of each person’s time, the base annual salary, and the amount to be charged to the grant. Even if not included in the grant budget, the percentage of time that each key staff will devote to the grant project should also be noted in the budget narrative. This justification needs to provide information about the Federal share of your organization’s budget. We suggest that you use the format in the attached sample budget justification in Attachment C, which gives applicants an idea of the level and type of details that should be provided. Please note that if your organization contributes costs to the project, those must meet the standards for allowability under the cost principles applicable to your organization. Also, if your project period will extend over one year, please provide a breakdown of each year’s budget in the budget justification.

Budget Dos and Don’ts

Applicants often want to know whether they can spend grant money on certain items. Below are some guidelines that address commonly-raised questions.

Allowable Expenses. In addition to the limits set by the specific provision for the earmark in the appropriations act and the program legislation, the Education Department General Administrative Regulations (EDGAR) and government-wide requirements including applicable cost principles are also applicable. Additionally, Federal money may generally be spent according to the categories found on the ED 524 Section A form, except for construction. See the Sample Budget Justification at the end of this guidance. However, as discussed below, some of the budget categories have special issues:

- Travel. The costs of travel to and from conferences and meetings directly related to your organization’s grant activities, and reasonable and necessary for the operation of the project, are allowable. These costs should be economical and not extravagant. In the past, some earmark grantees have had travel expenses disallowed or had to repay funds because of extravagant travel expenses. We advise your organization to ensure that it is

careful to avoid these potential problems. Note that some grantees will be invited to attend major conferences or meetings sponsored or suggested by the Department. In the past, this has included projects focusing primarily on activities that are consistent with the Department's Safe and Drug-Free Schools programs; Teacher Quality programs, including advanced credentialing, transition to teaching, school leadership, and teaching American history; or on technology. If your organization has a project focused primarily in one of these areas, and would like to have a representative or two attend a Department-sponsored or suggested meeting, be sure to allocate enough money in your organization's travel budget to pay for 1 or 2 project staff to attend the meetings. Please note that while such a meeting may provide information that could be helpful in carrying out your organization's grant and be professionally stimulating, attendance is not mandatory. If your organization allocates money for travel to such a conference but does not use it, your organization may transfer the funds to another approved budget line item .

- Equipment and Supplies. Equipment is defined in 34 C.F.R. §§ 74.2 and 80.3 of EDGAR as any one item having a useful life of more than one year and a cost of \$5,000 or more. Also, if your organization uses a threshold dollar level that is less than \$5,000, which applies generally to equipment purchased by your organization, you must use that threshold for equipment you plan to use under the earmark grant for which you are applying. Every other item should be listed under supplies. If equipment is to be purchased for the purpose of the grant, grantees must comply with the requirements governing the purchase and use of equipment found in EDGAR at 34 C.F.R. §§ 74.34 and 80.32. The equipment requirements require grantees to comply with certain disposition instructions from ED, unless the equipment is purchased by an IHE for research purposes. However, if your activities require a large piece of equipment that will not be used when the grant ends and your entity is not an institution of higher education, we will not permit you to purchase the equipment. Instead, we will require you to lease, and not purchase the equipment.
- Contracts. Grantees planning to use grant funds to contract for services must be cognizant of the EDGAR requirements found in 34 C.F.R. §§ 74.40-74.48 and the provisions in Appendix A to Part 74—Contract Provisions or 34 C.F.R. § 80.36, whichever is applicable. EDGAR contains detailed specifications for procurement actions that grantees undertake with grant funds, including requirements for codes of conduct for grantee staff, competition, cost and price analysis, record-keeping, contractor compliance with certain Federal laws and regulations, and various mandatory provisions that must be included in contracts and subcontracts. Under 34 C.F.R. §80.36, States are required to follow the procurement rules the State has established for purchases funded by non-Federal sources, however other grantees must comply with the requirements in 34 C.F.R. §§ 74.40-74.48 (for non-governmental organizations) or 34 C.F.R. § 80.36 (if they are governmental entities). Please note that the requirements in 34 C.F.R. §§ 74.40-74.48 and 80.36 are virtually identical.
- Indirect Costs. If your organization prefers to use all of its grant funds for direct project activities, your organization is not required to charge the grant for indirect costs. However, costs normally recovered through the application of the indirect cost rate may

not be “shifted” to direct cost claims. If your organization wishes to charge indirect costs, please follow the instructions located in Attachment A to assist with the calculation of the indirect cost portion of your organization’s budget. *(Please read these instructions carefully as more applicants make mistakes in this area than in any other.)*

- Dues. Costs of membership in business, professional, and technical organizations directly related to the purposes of this grant, and that are reasonable and necessary for the operation of the project, are allowable as direct costs unless your organization recovers these costs through its indirect cost rate agreement or already pays for them to support its other operations. However, if the membership organization is involved in lobbying, certain additional restrictions apply. If these costs are recoverable as direct costs, they are limited as follows: the amount of grant funds that can be used to pay for membership fees depends on the percentage of the membership organization’s effort that is involved in lobbying. In other words, if the organization spends 10 percent of its time lobbying, grant funds can only cover 90 percent of the membership cost. The same limitation applies if those costs are paid through your indirect cost rate agreement. Also, the cost must be prorated if other activities of the organization are benefited by the membership.

Unallowable Expenses. Federal money generally cannot be spent on:

- Construction costs. These are generally not allowed unless specified in the appropriations act language for your organization’s particular grant. Similarly, grant funds may not be used for mortgage payments, which like construction costs, are prohibited under 34 C.F.R. § 75.33 of EDGAR. However, some funds may be used for the costs of minor renovations that are reasonable and necessary for the operation of the project. “Minor remodeling means minor alterations in a previously completed building. The term also includes the extension of utility lines, such as water and electricity, from points beyond the confines of the space in which remodeling is undertaken but within the confines of the previously completed building. The term does not include building construction, structural alterations to buildings, building maintenance, or repairs.” (34 C.F.R. § 77.1(c))
- Food and entertainment. Rarely are these expenses allowed. There are some exceptions. For example, it would be appropriate to spend a small amount of money for food if necessary to encourage low-income parents to attend a school event that is needed to reach the goals of your organization’s grant program and is scheduled over the lunch hour.

However, for example, it would not be appropriate to buy balloons and food for a banquet celebrating the one-year anniversary of a new school technology center paid for with grant money. Only in rare instances should grant funds be used to cover the cost of lunches at a conference in which teachers or other professionals are in attendance.

If food and entertainment expenses are planned, the budget narrative must explain your organization's rationale for including them. *Spending grant money on alcoholic beverages is never allowed.*

- Fund-raising. Costs of organized fund-raising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions are not allowed. In addition, no portion of a Congressionally-directed grant may be used to pay anyone for "influencing or attempting to influence" a member of Congress or the Executive Branch to award funds for this project or any other project. Note that this prohibition includes not only paid outside lobbyists but also employees of the recipient organization.
- Lobbying. No Federal appropriated funds may be paid by or on behalf of the applicant to any person for influencing or attempting to influence an officer or employee of an agency of the Federal government, 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. The same restrictions apply to attempts to influence the introduction or amendment of any legislation before Congress, except under specific exceptions described in the cost principles.

Institutions of higher education and non-profit organizations are also limited under the cost principles from using Federal funds to influence the introduction or amendment of State or local legislation. However, there are recognized exceptions to these general requirements, so your organization should consult the cost principles applicable to your organization for more detailed information on these limitations. See OMB Circular A-21, Paragraph J. 28, or OMB circular A-122, Attachment B. paragraph 25, for institutions of higher education and non-profit organizations, respectively.

If any funds other than 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 applicant must complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

- Sub-grants. Sub-grants are not authorized under most program statutes. Therefore, unless a sub-grant is specifically authorized based on the appropriations act language authorizing your organization's project, sub-granting is not allowed. If your organization intends to use another agency or person(s) to work on its grant activities, your organization must establish this arrangement through a contract in accordance with EDGAR requirements in 34 C.F.R. §§ 74.40-74.48 or 80.36(c), which requires open and free competition. Under these regulations, grantees may not include anti-

competitive requirements in their requests for proposals, such as placing unreasonable requirements on firms in order for them to qualify to do business; requiring unnecessary experience and excessive bonding; organizational conflicts of interest; and specifying only a “brand name” product instead of allowing “an equally effective” product to be offered. Generally, grantees should not procure goods and services non-competitively except in situations where small purchase procedures, sealed bids or competitive proposals are infeasible and, after solicitation from a number of sources, your organization determines that competition is inadequate to purchase the goods or services it needs to support the grant or the good or service is available from only one source. In all cases where goods or services are procured non-competitively, your organization needs to document the basis for the determination to use sole source procedures.

- Religious Activities. In accordance with EDGAR, in 34 C.F.R. § 75.532, no grantee may use its grant funds to pay for any of the following: 1) religious worship, instruction, or proselytization; 2) equipment or supplies to be used for any of these activities; 3) construction, remodeling, repair, operation, or maintenance of any facility to be used for any of these activities; or 4) an activity of a school or department of divinity.
- Other. Other costs that may be unallowable using grant funds include such items as the cost of advertising or public relations; international travel; capital expenditures; defense and prosecution of criminal and civil proceedings, claims, appeals and patent infringement; interest; and lobbying.

7. Certifications and Assurances

Applicants are required to include several forms and statements in their applications indicating that they will comply with Federal laws and regulations. All of these forms are provided in this package, although copies are also available on-line at an address provided in the “General Information” section above. The forms and statements that we require your organization to submit include:

- Assurances—Non-Construction Programs. This is standard form 424B. All applicants receiving grants not involving construction (which includes all recipients of earmarked grants) must sign this form indicating their willingness to comply with a number of laws that are listed, applicable regulations, and other requirements. For example, applicants must agree to arrange for the conduct of any required audits in accordance with applicable accounting and auditing standards. Applicants must also indicate their willingness and capacity to complete the grant work within the applicable time frame. A number of applicable requirements for which an assurance is required involve, among other things, the applicant certifying that it has the appropriate accounting systems in place to ensure there is the appropriate accountability for the Federal funds, and that the applicant maintains the proper records that are capable of being audited. These are very important matters, and if the applicant has any concern or hesitancy about signing the assurances with regard to

these or any other items, please contact our office, so that we can try to assist you. More details are provided on the form itself.

In addition to the assurances on SF-424B, applicants must attest to the quality and accuracy of all financial, programmatic, and evaluation data reported to the Department in the application as well as in the annual and/or final report. Please see the sections beginning on page 19 of this guidance for some helpful information regarding the administrative, fiscal and record keeping requirements of grantees and see the important information in the data quality section on page 20.

- Certification Regarding Lobbying. This is form ED 80-0013. It must be signed, dated, and returned with your organization's application. By doing so your organization is certifying that it will not spend Federal grant money for lobbying, and we expect that you and your organization will not violate the certification.
- Lobbying. Form SF-LLL should be submitted if your organization pays an individual or another organization to lobby for you. Instructions on the form define "lobbying." Note that according to the ED 80-0013 cited above, grant funds cannot be used to pay for lobbying activities.
- Statement under Section 427 of GEPA. To comply with Section 427 of the General Education Provisions Act (GEPA), applicants are required to include a statement in which they do two things:
 1. First, they must *identify at least one barrier* that would prevent students, teachers, and other program beneficiaries from participating in grant activities. The statute highlights six types of barriers that can impede access or participation: gender, race, national origin, color, disability, or age. However, applicants can take a fairly broad view of what constitutes a barrier and may address a barrier that is not among these six. Nor does the barrier have to be related to an applicant's own operation or way of conducting business. The barrier could be an attitude or perception held by people that the grant project is intended to serve. For example, an organization could be free of any discriminatory policies but still have trouble getting immigrant parents involved because these parents are reluctant to work with any official group or agency.
 2. Second, applicants must *explain what they will do to overcome the barrier.*

It is not sufficient to meet this requirement by providing a statement indicating that the applicant does not discriminate. The complete GEPA instructions are in attachment D.

Here are two examples identifying a barrier and its solution:

1. *Barrier*--Low-income parents cannot participate in grant activities held in the evening at a local school because they lack babysitting and transportation.

Solution--Grant money will be spent to carry out a detailed plan (explained within the applicant's GEPA statement) to help the parents overcome their babysitting and transportation difficulties by offering such items as ride-sharing and babysitting services.

2. *Barrier*--Sight-impaired students cannot benefit from reading tutors paid for with grant money because the students are unable to use the books available during tutoring sessions. *Solution*--Grant money will pay for materials in Braille.

Still Need Help?

If you have questions, don't be shy about contacting us—preferably sooner, rather than later. The sooner we receive your application, and the sooner we can review it, and if it is approvable, the sooner your organization can gain access to the grant money. We have a staff of people who have worked with grants for a long time. If we can't answer your question(s), we'll find the person who can. You may call or email the contact person listed in the transmittal letter. If you don't immediately reach a real person, leave a message and someone will get back to you as soon as possible.

All Done with the Application—Now What?

You've finished your application. Now what?

- Review. After your organization's application is received by the Department, it will be reviewed by Department staff to determine whether your organization's project plans meet the provisions of the Congressional earmark language. The Department will also determine if your organization's application is complete and adheres to the guidelines provided in this booklet. Your organization will be contacted by the Department prior to the awarding of your organization's grant, or if any questions or problems with the application arise or revisions are needed.
- Grant Awarded. Grant recipients usually are notified by the Department by mail within two weeks after their grant is awarded. The notification package includes the grant award notification (GAN) as well as information about how to set up the electronic account through which your organization draws down its funds.
- Special Conditions and "High-Risk" Designations. In accordance with 34 C.F.R. §§ 74.14, 75.217(d)(3)(ii) and (iii), and 80.12 of EDGAR, a grant award may contain special conditions if an applicant's performance or use of funds under a previous award under any Department program was not satisfactory, or if other issues or problems exist that need special attention. Special conditions also may be applied if an applicant failed to submit a performance report or its submission of a performance report was of unacceptable quality under any Department program. Additionally, in accordance with the provisions of 34 C.F.R. § 80.12, your organization may be designated a "high-risk" grantee at any time during the grant period.

- Post-Award Telephone Call. After the grant is awarded, the Department program contact assigned to your organization will be in contact with your organization to conduct a post-award conference by telephone. The conference’s main purpose is to begin building a constructive relationship between your organization and the Department, and learning of any special problems or concerns that you or your organization may have, or any assistance that you or your organization might need.
- Administrative Requirements. Grantees are required to comply with the terms of the appropriations act, the program legislation, the requirements in EDGAR, any other applicable requirements, and its approved application. Grant funds are to be used in accordance with these documents. Other administrative responsibilities of grantees are:
 - Directly administering or supervising the administration of the project;
 - Using sufficient fiscal control and fund accounting procedures that insure proper disbursement of and accounting for Federal funds;
 - Using grant funds only for allowable expenditures; and
 - Using grant funds only for appropriate obligations made during the grant period.
- Fiscal Requirements. Grantees must “use fiscal control and fund accounting procedures that insure proper disbursement of and accounting for Federal funds.” In general, grantees are required to have financial management systems that:
 1. Provide for accurate, current, and complete disclosure of results regarding the use of funds under grant projects;
 2. Provide adequate source documentation for Federal and non-Federal funds used under grant projects;
 3. Enable the grantee to maintain effective internal control and fund accountability procedures, e.g., requiring separation of functions so that the person who makes obligations for the grantee is not the same person who signs the checks to disburse the funds for those obligations;
 4. Provide for a comparison of outlays with budget amounts;
 5. Contain written procedures to minimize the time elapsing between the transfer of funds to the recipient from the U.S. Treasury and the issuance or redemption of checks, warrants or payments by other means for program purposes;
 6. Contain written procedures to determine the allowability, allocability, and reasonableness of obligations and expenditures made by the grantee; and
 7. Have accounting records including cost accounting records that are supported by source documentation. (34 C.F.R. §§ 74.21 and 75.702)

State systems must account for funds in accordance with State laws and procedures that apply to the expenditure of and the accounting for a State’s own funds. A State’s procedures, as well as those of its subrecipients and cost-type contractors, must be sufficient to permit the preparation of reports that may be required under the award as well as provide for the tracing of expenditures to a level adequate to establish that

award funds have not been used in violation of any applicable statutory restrictions or prohibitions.

- Accounting and Grant Records Requirements. Grantees need to keep and maintain records regarding use of grant funds, compliance with program requirements, and records demonstrating the effectiveness of the grant in meeting its objectives. The financial records need to show the amount and source of all funds used to run the grant, including any matching funds that were promised in the initial application. The records also must document how those funds were used. These records are used to demonstrate to program staff and independent auditors that all funds have been used for allowable costs.

In addition, grantees are required, under the record retention provisions of the General Education Provisions Act (GEPA) and the provisions in 34 C.F.R. § 80.42, to maintain grant records for three years after the completion of the activities for which grant funds were used, and until any audits are completed and resolved.

- Data Quality. To ensure successful implementation and positive outcomes as a result of the project, grantees should use the information collected through the required evaluation to monitor progress of the funded project and to provide accountability information both about success at the initial site and, if appropriate, effective strategies for replication in other settings. In addition, applicants are encouraged to devote an appropriate level of resources to project evaluation, the results of which should be included in the annual and/or the final report. Grantees should ensure that all data, both programmatic and fiscal, reported to the Department are timely and accurate.
- Monitoring and Auditing by the Department. After a grant award is issued, your organization should expect to be contacted on a regular basis by Department program staff or other Department representatives, and the Department representatives may conduct an on-site visit to your organization's project. You and your organization must maintain adequate documentation and records to demonstrate that the project is operating in a manner that is fully consistent with all applicable laws. The Department expects that you and your organization will be fully cooperative with the Department representatives and fully responsive to the requests that they make for relevant information, and will provide access to project personnel and others connected to the project. The project may also be audited by the Department's Office of Inspector General (OIG), and you and your organization must ensure that it is fully cooperative with the OIG, and other independent auditors.
- Single Audit. If your organization is a governmental or not-for-profit organization that expends \$500,000 in federal funds in your organization's fiscal year, whether from this grant alone or in conjunction with other federal funds, you are subject to the audit requirements of OMB Circular A-133, and must arrange for an organization-wide audit that meets certain requirements and be conducted by an independent auditor; this audit is known as a "single audit."

OMB Circular A-133 includes a Compliance Supplement that covers specific compliance requirements the auditor must cover in a single audit. Parts II, IV and V of this Compliance Supplement identify compliance requirements for selected federal programs when they are covered in single audits as “major programs”. If funding under your grant is not included in programs included in Parts II, IV or V of the Compliance Supplement, a single audit is still required and the auditor must cover the grant using instructions in Part VII of the Compliance Supplement. A current OMB Circular A-133 and recent annual editions of the Compliance Supplement can be accessed at the following Internet address:
<http://www.whitehouse.gov/omb/circulars/a133/a133.pdf>.

In the absence of specific legislative authorizing language, you may not make subgrants to other entities (subrecipients). Subrecipients that are governmental or not-for-profit entities are subject to the requirements of OMB Circular A-133 if they expend \$500,000 of Federal funds whether from your organization’s subgrant alone, or in conjunction with other federal funds. Your organization may enter into contracts with outside entities (vendors) to provide services related to your organization’s grant, however, your organization must be sure to retain responsibility for making all substantive decisions with respect to implementation of its grant. Expenditures related to vendors must be covered in your organization’s single audit. If your organization delegates substantive decision responsibilities (e.g., individual recipient eligibility determinations) to an outside entity, your organization runs the risk of making an unauthorized subgrant, which, in the absence of specific legislative authorizing language, is not legal under Federal appropriations law. Any funds expended under such a subgrant are subject to administrative action by the Department, including the potential recovery from your organization of the funds spent.

- Performance Reporting and Other Related Information. 34 C.F.R. §§ 74.50 and 80.40 of EDGAR require all grantees to provide information to the Department that describes the extent to which the funded project has achieved its goals and objectives. Annual progress reports are required for earmark projects that exceed 12 months and are due on a date that will be specified in your organization’s grant award document. Also, your organization will be required to submit a final report to the Department 90 days after the end of its grant. If a performance report or other sources of information, including program monitoring, shows problems with the grant, the grant award may be amended to include special conditions or other administrative actions, such as the withholding of funds or the termination of the grant, may be taken by the Department. The assigned Department program officer will send the grant recipient projects a reminder when reports are due. For specific guidance on reporting for both annual and final reports, please review the information on the Internet at the following web address: <http://www.ed.gov/fund/grant/apply/appforms/appforms.html>.

Thank you for your and your organization’s diligence in completing the application and being prepared to properly implement a grant. We look forward to working with you and your organization.

ATTACHMENTS

- A. Instructions for Charging Indirect Costs
- B. Checklist
- C. Sample Budget Justification
- D. Required Forms and Instructions

Attachment A

Instructions for Charging Indirect Costs

What are indirect costs and what is an indirect cost rate (ICR)? Unlike direct costs, indirect costs cannot be readily identified with a particular final cost objective. Indirect costs are those costs that are incurred for common or joint objectives and are often classified as “management and general expenses”. Examples of common items charged as indirect costs, when the organization has multiple sources of funding, include:

1. The costs of operating and maintaining facilities, equipment, and grounds (part of “facilities costs”).
2. Depreciation of equipment that supports indirect activities, bought by the grantee using its own funds.
3. Salaries of executive and administrative personnel and services such as payroll, accounting, auditing, human resources, etc.

An ICR is the ratio, expressed as a percentage, of accumulated or “pooled” indirect costs divided by a direct cost base. An ICR and its supporting documentation serve as the financial blueprint (for organizations charging costs to Federal awards) in the following ways:

1. Provide management information.
2. Establish compliance with Office of Management and Budget (OMB) Circulars.
3. Furnish documentation for auditors.

The Department reimburses grantees for its portion of the indirect costs that a grantee incurs on projects funded by the grant program. In order to charge indirect costs to a grant, a grantee must have a currently approved ICR agreement. Any grantee charging indirect costs to a grant under this program must use the ICR negotiated with and approved by its *cognizant agency*, i.e., either (1) the Federal agency from which it has received the most direct funding, subject to indirect cost support; (2) the particular agency specifically assigned cognizance by OMB; or (3) the State agency that provides the most subgrant funds to the grantee.

You and your organization should pay special attention to specific questions, on the application budget form (ED 524), about your organization’s cognizant agency and the ICR that your organization is using in its budget.

If your organization does not have an ICR already established and approved, step one is to establish a rate that it can use to charge indirect costs, and propose that rate to your organization’s cognizant agency. In order to establish a rate, your organization should determine which of the following categories apply to your organization and then follow the guidance associated with that category.

Category I - Earmark recipient’s Federal funding includes the Department earmark and direct assistance, that is not an earmark, from another Federal agency.

Guidance - Your organization must obtain an ICR from the Federal agency that provides the majority of direct assistance or the agency that is designated as your organization’s cognizant agency.

Category II - The earmark recipient's Federal funding includes only the Department earmark and other direct assistance from the Department that is not an earmark.

Guidance – Your organization must obtain an approved ICR from the Department's Indirect Cost Group (ICG). Review and follow the final regulations published at 34 C.F.R. 75.560. The rules apply to grantees that do not have a current, negotiated and approved ICR agreement at the time the grant is awarded.

Category III - The earmark recipient is a "for profit" commercial firm and the earmark is the sole Federal award to the organization, but the organization has other sources of revenues.

Guidance – Your organization must obtain an approved, ICR from the Department's Indirect Cost Group. Please refer to the guidance given above for Category II.

Category IV- The earmark recipient is a nonprofit organization and the Department earmark represents the organization's only direct Federal assistance.

Guidance – Your organization must use its most recent IRS Form 990. The IRS Form 990 will serve as the basis for the indirect cost rate calculation, in lieu of a formal indirect cost proposal tied to audited financial statements. Generally, the Department's program office will accept the "fixed indirect cost rate" calculated using the IRS 990 financial information for the performance period of each individual earmark.

You may find more detailed information on indirect costs on line at <http://www.ed.gov/about/offices/list/ocfo/fipao/icgindex.html>. To obtain instructions for preparing an indirect cost rate proposal, please send a request to Katrina McDonald's e-mail address: katrina.mcdonald@ed.gov.

Please note the following:

- I. If your organization receives funding under an earmark and does not have a currently approved ICR with your organization's cognizant agency as a result of current or previous funding, the Department will require your organization to obtain an approved ICR within 90 days after the date of the grant award. As noted above, the Department is very often *not* the cognizant agency for its own grantees. Rather, the Department accepts the currently approved ICR established by the appropriate cognizant agency.
- II. Your organization is encouraged to use its accountant (or CPA) to calculate a proposed ICR using information in the IRS Form 990, audited financial statements, or actual cost data. 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 using the IRS 990 financial information or creating a model cost policy statement can be found at <http://www.ed.gov/about/offices/list/ocfo/fipao/abouticg.html>.

If you and your organization have questions about using an ICR under the grant program, please contact the program contact person contained in the transmittal letter.

Please remember, when filing your organization's application, to let us know which of the categories listed above that your organization is using. If your organization is using a previously approved negotiated rate, please enclose a copy of the negotiated rate agreement showing with whom it was established, when it was established, and the rate.

Additional Indirect Cost Information and Example for Training Grants

If you are applying for a discretionary grant that the U.S. Department of Education considers to be a “Training grant,” your indirect cost reimbursement is limited. See the Education Department General Administration Regulations (EDGAR), 34 C.F.R. 75.562, Indirect cost rates for educational training projects at: http://edocket.access.gpo.gov/cfr_2008/julqtr/pdf/34cfr75.562.pdf.

Indirect cost reimbursement on ED training grants is limited to the grantee’s actual indirect costs as determined by the grantee’s negotiated indirect cost rate agreement or 8% of a modified total direct cost base, **whichever is less**. Indirect costs in excess of the 8% limit may not be charged directly, used to satisfy matching or cost-sharing requirements, or charged to another Federal award.

For the purposes of calculating indirect costs for training grants, EDGAR, §75.562(c), defines a modified total direct cost base as:

“total direct costs less stipends, tuition and related fees, and capital expenditures of \$5,000 or more.”

Note: This limitation on indirect cost reimbursement for training grants does not apply to agencies of State or local governments, including federally recognized Indian tribal governments. However, the 8% limit applies to cost-type contracts under grants, if these contracts are for training as defined in EDGAR, §75.562(a).

Below is a simplified example for calculating indirect costs for a training grant using the budget categories from the ED 524 form, Budget Information – Non-construction Programs. The ED 524 and Instructions can be found at: <http://www.ed.gov/fund/grant/apply/appforms/appforms.html>.

For the purposes of this example, 8% of a modified total direct cost base is used to calculate indirect costs.

1. Personnel	174,000
2. Fringe Benefits	50,000
3. Travel	10,000
4. Equipment	8,200
5. Supplies	920
6. Contractual	4,900
7. Construction	-
8. Other (Tuition)	5,400
9. Total Direct Costs	<u>253,420</u>

Calculate Modified Total Direct Cost Base

Total Direct Costs 253,420

Less:

Equipment 8,200

Tuition 5,400

13,600

Modified Total Direct Cost Base:	239,820
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Multiply \$239,820 by 8%: 19,186

10. Indirect Costs	19,186
11. Training Stipends	6,300
12. Total Costs	<u>278,906</u>

Attachment B

What to Include In Your Organization's Application

Check List

- 1. Face Page—Application for Federal Assistance (SF 424)**
Complete entire form, paying special attention to the following critical items:
 - T-I-N** taxpayer's identification number assigned by IRS
 - D-U-N-S** identification number assigned by Dun & Bradstreet
 - Proposed project dates** include start and end dates
 - Signature** signed by certifying representative for the organization

- 2. U.S. Department of Education Supplemental Information for the SF-424**
Complete entire form, paying special attention to:
 - Human Subjects** check appropriate box. Provide additional information as applicable

- 3. Table of Contents**

- 4. Abstract**
 - One page summary**
with name of organization, name of project & brief overview of the project

- 5. Narrative**
 - Project design including goals and objectives**
 - Activities**
 - Management plan and timeline**
 - Personnel**
 - Identify by name or title
 - Describe responsibilities
 - Give percentage of time for key personnel
 - Enclose resumes of key personnel
 - Evaluation**

- 6. Budget**
 - Form ED 524**
 - Budget justification**
 - Special issues** *if applicable*
 - Indirect cost rate agreement
 - Requests for approval of Pre-award costs incurred more than 90 days before the project start date

- 7. Certifications and Assurances**
 - Assurances—Non-Construction Programs** (Form SF 424B)
 - Certification Regarding Lobbying** (ED 80-0013)
 - Lobbying** (SF-LLL) *if applicable*
 - GEPA 427 Statement** identifies barrier(s) and describes solution(s) to overcome barrier(s)

Attachment C Sample Budget Justification

This sample is intended to provide guidance only. Each applicant is expected to follow the format but tailor the budget request and justification to the entity's specific project.

Personnel

Robin Doe, Project Director (\$75,000 x .20 FTE)	\$ 15,000
The project director will have oversight of the program and provide supervision, recruitment and training of the program liaisons.	
Chris Que, Project Coordinator (\$48,000 x 1.0 FTE)	\$ 48,000
The Coordinator will be responsible for day-to-day project activities.	
Program Liaisons (2 x \$35,000 x 1.0 FTE)	\$ 70,000
The program liaisons will be responsible for day-to-day school/ community outreach activities.	
1 Support staff (\$24,000 x .40 FTE)	\$ <u>9,600</u>
Total Personnel	\$142,600

Fringe Benefits

100% of medical, dental, vision, life, and disability for full-time employees is covered at 18.25% of annual salary.

Project Director (\$15,000 x 0.1825)	\$ 2,738
Project Coordinator (\$48,000 x 0.1825)	\$ 8,760
2 Program Liaisons (\$70,000 x 0.1825)	\$ 12,775
1 Support staff (\$9,600 x 0.1825)	\$ <u>1,752</u>
Total Fringe Benefits	\$ 26,025

Travel

Funds are requested for travel for the Director and Coordinator to attend a meeting in Washington, DC, and for mileage for staff travel between the office and the local sites.

2 trips to Washington, DC	\$ 1,570
Hotel @ \$125/night x 2 nights x 2 people = \$500	
Round trip airfare = \$230 x 2 people = \$460	
Ground transportation = \$80 x 2 people = \$160	
Per Diem @ \$75/day x 3 days x 2 people = \$450	

Mileage reimbursement for local travel between project sites Estimated 350 miles x \$0.405	\$ <u>142</u>
Total Travel	\$ 1,712
Equipment (Only items with a useful life of more than one year and an Acquisition cost of \$5,000 or more per unit go here. However, if your organization has established a lower equipment threshold for general purposes, you must use that threshold in your budget. Please include a statement about your equipment threshold with your budget.)	-0-
Supplies	
3 Pentium-class computers @ \$1,100 each Each full-time staff person will be assigned a computer. (Note: if your organization has an equipment threshold of \$1,000, for example, then this item would have to be included in the budget for equipment.)	\$ 3,300
1 Laser color printer for training and workshop materials	\$ 800
General office supplies Includes paper, pens, pencils, and other desk supplies.	\$ <u>1,500</u>
Total Supplies	\$ 5,600
Contractual	
External Project Evaluator Shawn Mars has been hired to conduct evaluations of other activities for this agency and will conduct the evaluation for this project and produce the report as discussed in the narrative section.	\$ 20,000
Other	
Photocopier lease at \$300/month x 12 months	\$ 3,600
Telephones @ \$170/month x 12 months (If not covered under your indirect cost rate agreement)	\$ 2,040
Postage @ \$50/month x 12 months	\$ <u>600</u>
Total Other	\$ 6,240
Total Direct Costs	\$202,177
Indirect Cost at 6.95% (see attached negotiated rate agreement)	\$ <u>14,051</u>
Project Total	\$216,228

Attachment D

Required Forms and Instructions:

- *SF-424, Application for Federal Assistance.....D1*
- *U.S. Department of Education Supplemental Information for the SF-424.....D7*
- *Instructions for Department of Education Supplemental Information for SF-42.....D8*
- *ED 524, Budget Information, Non-Construction Programs.....D12*
- *Notice to All Applicants, GEPA.....D15*
- *SF 424B, Assurances – Non-Construction Programs.....D16*
- *ED 80-0013, Certification Regarding Lobbying.....D18*
- *SF LLL, Disclosure of Lobbying Activities.....D19*

Application for Federal Assistance SF-424

Version 02

<p>*1. Type of Submission:</p> <p><input type="checkbox"/> Preapplication</p> <p><input checked="" type="checkbox"/> Application</p> <p><input type="checkbox"/> Changed/Corrected Application</p>	<p>*2. Type of Application * If Revision, select appropriate letter(s)</p> <p><input checked="" type="checkbox"/> New</p> <p><input type="checkbox"/> Continuation *Other (Specify) _____</p> <p><input type="checkbox"/> Revision</p>
--	--

3. Date Received:	4. Applicant Identifier:
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5a. Federal Entity Identifier:	*5b. Federal Award Identifier: N/A
--------------------------------	---------------------------------------

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:
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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:
--------------------	-------------

*Email: _____

Application for Federal Assistance SF-424

Version 02

***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:**

U.S. Department of Education

11. Catalog of Federal Domestic Assistance Number:

84.215 K _____

CFDA Title:

Funds for the Improvement of Education _____

***12 Funding Opportunity Number:**

84.215K _____

*Title:

FIE Earmark _____

13. Competition Identification Number:

N/A _____

Title:

N/A _____

14. Areas Affected by Project (Cities, Counties, States, etc.):

***15. Descriptive Title of Applicant's Project:**

Application for Federal Assistance SF-424		Version 02
16. Congressional Districts Of: *a. Applicant: _____		*b. Program/Project: _____
17. Proposed Project: *a. Start Date: _____		*b. End Date: _____
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?		
<input type="checkbox"/> a. This application was made available to the State under the Executive Order 12372 Process for review on _____ <input type="checkbox"/> b. Program is subject to E.O. 12372 but has not been selected by the State for review. <input checked="" type="checkbox"/> c. Program is not covered by E. O. 12372		
*20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)		
<input type="checkbox"/> Yes <input type="checkbox"/> 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) <input type="checkbox"/> ** I AGREE <small>** 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</small>		
Authorized Representative:		
Prefix: _____	*First Name: _____	
Middle Name: _____		
*Last Name: _____		
Suffix: _____		
*Title: _____		
*Telephone Number: _____		Fax Number: _____
* Email: _____		
*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 60 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 (including the continuation sheet) required for use as a cover sheet for submission of preapplications and applications and related information under discretionary programs. Some of the items are required and some are optional at the discretion of the applicant or the Federal agency (agency). Required items are identified with an asterisk on the form and are specified in the instructions below. In addition to the instructions provided below, applicants must consult agency instructions to determine specific requirements.

Item	Entry:	Item	Entry:
1.	Type of Submission: (Required): Select one type of submission in accordance with agency instructions. <ul style="list-style-type: none"> • Preapplication • Application • Changed/Corrected Application – If requested by the agency, check if this submission is to change or correct a previously submitted application. Unless requested by the agency, applicants may not use this to submit changes after the closing date. 	10.	Name of Federal Agency: (Required) Enter the name of the Federal Agency from which assistance is being requested with this application.
		11.	Catalog Of Federal Domestic Assistance Number/Title: Enter the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested, as found in the program announcement, if applicable.
2.	Type of Application: (Required) Select one type of application in accordance with agency instructions. <ul style="list-style-type: none"> • New – An application that is being submitted to an agency for the first time. • Continuation – An extension for an additional funding/budget period for a project with a projected completion date. This can include renewals. • Revision – Any change in the Federal Government’s financial obligation or contingent liability from an existing obligation. If a revision, enter the appropriate letter(s). More than one may be selected. If “Other” is selected, please specify in text box provided. <ul style="list-style-type: none"> A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration E. Other (specify) 	12.	Funding Opportunity Number/Title: (Required) Enter the Funding Opportunity Number and title of the opportunity under which assistance is requested, as found in the program announcement.
		13.	Competition Identification Number/Title: Enter the Competition Identification Number and title of the competition under which assistance is requested, if applicable.
		14.	Areas Affected By Project: List the areas or entities using the categories (e.g., cities, counties, states, etc.) specified in agency instructions. Use the continuation sheet to enter additional areas, if needed.
3.	Date Received: Leave this field blank. This date will be assigned by the Federal agency.	15.	Descriptive Title of Applicant’s Project: (Required) Enter a brief descriptive title of the project. If appropriate, attach a map showing project location (e.g., construction or real property projects). For preapplications, attach a summary description of the project.
4.	Applicant Identifier: Enter the entity Identifier assigned by the Federal agency, if any, or applicant’s control number, if applicable.		
5a.	Federal Entity Identifier: Enter the number assigned to your organization by the Federal Agency, if any.	16.	Congressional Districts Of: (Required) 16a. Enter the applicant’s Congressional District, and 16b. Enter all District(s) affected by the program or project. Enter in the format: 2 characters State Abbreviation – 3 characters District Number, e.g., CA-005 for California 5 th district, CA-012 for California 12 th district, NC-103 for North Carolina’s 103 rd district. <ul style="list-style-type: none"> • If all congressional districts in a state are affected, enter “all” for the district number, e.g., MD-all for all congressional districts in Maryland. • If nationwide, i.e. all districts within all states are affected, enter US-all. • If the program/project is outside the US, enter 00-000.
5b.	Federal Award Identifier: For new applications leave blank. For a continuation or revision to an existing award, enter the previously assigned Federal award identifier number. If a changed/corrected application, enter the Federal Identifier in accordance with agency instructions.		
6.	Date Received by State: Leave this field blank. This date will be assigned by the State, if applicable.		
7.	State Application Identifier: Leave this field blank. This identifier will be assigned by the State, if applicable.		
8.	Applicant Information: Enter the following in accordance with agency instructions: <ul style="list-style-type: none"> a. Legal Name: (Required): Enter legal name of applicant that will undertake the assistance activity. This is the name that the organization has registered with the Central Contractor Registry. Information on registering with CCR may be obtained by visiting the Grants.gov website. 	17.	Proposed Project Start and End Dates: (Required) Enter the proposed start date and end date of the project.
	<ul style="list-style-type: none"> b. Employer/Taxpayer Number (EIN/TIN): (Required): Enter the Employer or Taxpayer Identification Number (EIN or TIN) as assigned by the Internal Revenue Service. If your organization is not in the US, enter 44-4444444. 	18.	Estimated Funding: (Required) Enter the 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

	c. Organizational DUNS: (Required) Enter the organization's DUNS or DUNS+4 number received from Dun and Bradstreet. Information on obtaining a DUNS number may be obtained by visiting the Grants.gov website.		result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses.
	d. Address: Enter the complete address as follows: Street address (Line 1 required), City (Required), County, State (Required, if country is US), Province, Country (Required), Zip/Postal Code (Required, if country is US).	19.	Is Application Subject to Review by State Under Executive Order 12372 Process? 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. Select the appropriate box. If "a." is selected, enter the date the application was submitted to the State.
	e. Organizational Unit: Enter the name of the primary organizational unit (and department or division, if applicable) that will undertake the assistance activity, if applicable.		
	f. Name and contact information of person to be contacted on matters involving the application: Enter the name (First and last name required), organizational affiliation (if affiliated with an organization other than the applicant organization), telephone number (Required), fax number, and email address (Required) of the person to contact on matters related to this application.	20.	Is the Applicant Delinquent on any Federal Debt? (Required) Select the appropriate box. 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. If yes, include an explanation on the continuation sheet.
9.	Type of Applicant: (Required) Select up to three applicant type(s) in accordance with agency instructions.	21.	Authorized Representative: (Required) To be signed and dated by the authorized representative of the applicant organization. Enter the name (First and last name required), title (Required), telephone number (Required), fax number, and email address (Required) of the person authorized to sign for the applicant. A copy of the governing body's authorization for you to sign this application as the 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.)
	A. State Government B. County Government C. City or Township Government D. Special District Government E. Regional Organization F. U.S. Territory or Possession G. Independent School District H. Public/State Controlled Institution of Higher Education I. Indian/Native American Tribal Government (Federally Recognized) J. Indian/Native American Tribal Government (Other than Federally Recognized) K. Indian/Native American Tribally Designated Organization L. Public/Indian Housing Authority	M. Nonprofit with 501C3 IRS Status (Other than Institution of Higher Education) N. Nonprofit without 501C3 IRS Status (Other than Institution of Higher Education) O. Private Institution of Higher Education P. Individual Q. For-Profit Organization (Other than Small Business) R. Small Business S. Hispanic-serving institution T. Historically Black College And Universities (HBCUs) U. Tribally Controlled Colleges And Universities (TCCUs) V. Alaska Native and Native Hawaiian Serving Institutions W. Non-domestic (non-US) Entity X. Other (specify)	

**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)** **Fax Number (give area code)**

Email Address:

2. Applicant Experience:

Novice Applicant **Yes** **No** **Not applicable to this program**

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:

**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 C.F.R. 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 number(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 U.S. Department of Education, Protection of Human Subjects Coordinator, Office of the Chief Financial Officer, LBJ Building, 400 Maryland Avenue, SW, Washington, D.C. 20202-4250, telephone: (202) 260-3353, 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: 1894-0008
Expiration Date: 02/28/2011

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): _____ The Indirect Cost Rate is _____%

(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)? The Restricted Indirect Cost Rate is _____%

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.
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**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. You may access the Education Department General Administrative Regulations, 34 CFR 74 – 86 and 97-99, on ED’s website at: <http://www.ed.gov/policy/fund/reg/edgarReg/edgar.html>

You must 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 break-down 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.

If you checked “no,” ED generally will authorize grantees to use a temporary rate of 10 percent of budgeted salaries and wages subject to the following limitations:

(a) The grantee must submit an indirect cost proposal to its cognizant agency within 90 days after ED issues a grant award notification; and

(b) If after the 90-day period, the grantee has not submitted an indirect cost proposal to its cognizant agency, the grantee may not charge its grant for indirect costs until it has negotiated an indirect cost rate agreement with its cognizant agency.

(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, another Federal agency (Other) or State agency issued the approved agreement. If you check “Other,” specify the name of the Federal or other 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 cost-sharing or 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. For non-Federal funds or resources listed in Section B that are used to meet a cost-sharing or matching requirement or provided as a voluntary cost-sharing or matching commitment, you must include:

- The specific costs or contributions by budget category;
- The source of the costs or contributions; and
- In the case of third-party in-kind contributions, a description of how the value was determined for the donated or contributed goods or services.

[Please review ED’s general cost sharing and matching regulations, which include specific limitations, in 34 CFR 74.23, applicable to non-governmental entities, and 80.24, applicable to governments,

and the applicable Office of Management and Budget (OMB) cost principles for your entity type regarding donations, capital assets, depreciation and use allowances. OMB cost principle circulars are available on OMB’s website at:

<http://www.whitehouse.gov/omb/circulars/index.html>

- If applicable to this program, provide the rate and base on which fringe benefits are calculated.
- 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 website 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.

- 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 **1894-0008**. 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. 20202-4537. 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

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 **1894-0005**. 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:** U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202-4537.

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

Standard Form 424B (Rev. 7-97) Back

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 an 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 than 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 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 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 <div style="border: 1px solid black; height: 20px; width: 80%; margin: 5px auto;"></div>	
* PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
Prefix: <input style="width: 50px;" type="text"/>	First Name: <input style="width: 150px;" type="text"/>
	Middle Name: <input style="width: 100px;" type="text"/>
* Last Name: <input style="width: 250px;" type="text"/>	Suffix: <input style="width: 80px;" type="text"/>
<div style="border: 1px solid black; height: 20px; width: 80%; margin: 5px auto;"></div>	
* Title:	
* SIGNATURE: <input style="width: 200px;" type="text"/>	* DATE: <input style="width: 100px;" type="text"/>

Disclosure of Lobbying Activities

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure)

<p>1. Type of Federal Action: a. contract __b.__ b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance</p>	<p>2. Status of Federal Action: a. bid/offer/application __b.__ b. initial award c. post-award</p>	<p>3. Report Type: a. initial filing __a.__ b. material change</p> <p>For material change only: Year _____ quarter _____ Date of last report _____</p>
<p>4. Name and Address of Reporting Entity: ___ Prime ___ Subawardee Tier_____, if Known:</p> <p>Congressional District, if known:</p>	<p>5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:</p> <p>Congressional District, if known:</p>	
<p>6. Federal Department/Agency:</p>	<p>7. Federal Program Name/Description: Fund for the Improvement of Education</p> <p>CFDA Number, if applicable: ___84.215K___</p>	
<p>8. Federal Action Number, if known:</p>	<p>9. Award Amount, if known: \$</p>	
<p>10. a. Name and Address of Lobbying Registrant <i>(if individual, last name, first name, MI):</i></p>	<p>b. Individuals Performing Services <i>(including address if different from No. 10a)</i> <i>(last name, first name, MI):</i></p>	
<p>11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.</p>	<p>Signature: _____</p> <p>Print Name: _____</p> <p>Title: _____</p> <p>Telephone No.: _____ Date: _____</p>	
<p>Federal Use Only</p>	<p>Authorized for Local Reproduction Standard Form - LLL (Rev. 7-97)</p>	

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
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

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