

**U.S. DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES
REHABILITATION SERVICES ADMINISTRATION
WASHINGTON, D.C. 20202-2800**

**FY 2012
APPLICATION FOR GRANTS
UNDER THE
CENTERS FOR
INDEPENDENT LIVING PROGRAM
CFDA NUMBERS: 84.132A**



**FORM APPROVED
OMB No. 1820-0018, EXP. DATE: 3/12/2013**

DATED MATERIAL—OPEN IMMEDIATELY

CLOSING DATE: JUNE 7, 2012

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SECTION A

DEAR APPLICANT LETTER

Dear Applicant:

The Secretary invites new grant applicants for FY 2012 funding under the Centers for Independent Living (CIL) program, authorized by Title VII, Chapter 1, Part C, of the Rehabilitation Act of 1973, as amended (Act). We are sending you an application package containing information necessary to apply for a FY 2012 grant.

The Secretary is authorized to make grants to eligible entities for planning, conducting, administering and evaluating centers. Eligible entities are consumer controlled, community-based, cross-disabilities, nonresidential private nonprofit agencies, in or bordering on States in which the entities plan to establish centers. An entity presently operating a center supported by Part C may apply in this competition to establish another center in a different area. This new center must meet all of the criteria of a center with the exception that it may share a governing board with the original center.

An application must contain information that: (1) satisfactorily demonstrates to the Rehabilitation Services Administration (RSA) that the applicant entity meets the standards described in Section 725(b) of the Act; (2) contains the assurances described in Section 725(c) of the Act; and (3) is consistent with the State Plan for Independent Living (SPIL) in the State in which it plans to provide independent living services.

Consistent with the order of priorities in Section 722(e) of the Act and the respective SPILs, new CIL competitions will be conducted with the Title VII, Chapter 1, Part C funding amounts specified below in the following State and outlying area:

American Samoa ..	\$154,046
California.....	\$263,000
Iowa	\$127,000
New Jersey	\$260,000

Application Procedures

This package contains instructions and forms for preparing an application. Please review these materials carefully. Your application must comply with each requirement and be received by the Department by the application deadline date specified on the front cover of this application package.

Applications for grants under this competition must be submitted electronically using Grants.gov Apply site (www.Grants.gov). Please read carefully the document that we have included immediately following this letter, which includes helpful tips about submitting electronically using the Grants.gov Apply site. Please note that you must follow the Application Procedures as described in the Federal Register notice announcing this grant competition. Information (including dates and times) about how to submit your application electronically, or by mail or hand delivery, can also be found in

Application Transmittal Instructions for Intergovernmental Review of this application package.

In order to receive an exception to the electronic submission requirement, you must explain the reason or reasons that prevent you from using the Internet to submit your application. Address your request to: Timothy Beatty, U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center Plaza, Room 5057, Washington, DC 20202-2800. Please submit your request no later than two weeks before the application deadline date. If you are granted an exception, your paper application must be submitted in accordance with the mail or hand delivery instructions in the Federal Register notice announcing this grant competition.

Regulations for this program are contained in 34 CFR 364 and 366 can be found in Section E of this package. The Secretary will evaluate each application under this program by using the selection criteria in 34 CFR 366.27. See (Section D of this package.)

Grants funded under this program are also subject to the requirements of the Education Department General Administrative Regulations (EDGAR), which set forth all general rules affecting application submittal, review, grant award, and post-award administration for Department of Education grant programs. These regulations were published in the Federal Register at 34 CFR Parts 74, 75, 77, 79, 80, 81, 82, 84, 85, and 97. In addition, the Department requires the applicant to provide a Disclosure of Lobbying Activities form, a Certification Regarding Lobbying Activities form and a Certification Regarding Lobbying for Grants and Cooperative Agreements form.

Thank you for your interest in the centers program. If additional information is needed, contact Timothy Beatty at (202) 245-6156.

Sincerely,

/s/

Sue Rankin-White
State Monitoring and
Program Improvement Division

SECTION B

**NOTICE INVITING APPLICATIONS
FOR NEW AWARDS**

4000-01-U

DEPARTMENT OF EDUCATION

Applications for New Awards; Centers for Independent Living

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

ACTION: Notice.

Overview Information:

Centers for Independent Living

Notice inviting applications for new awards for fiscal year (FY)
2012.

Catalog of Federal Domestic Assistance (CFDA) Numbers: 84.132A.

Dates:

Applications Available: **May 8, 2012.**

Deadline for Transmittal of Applications: **June 7, 2012.**

Deadline for Intergovernmental Review: **August 6, 2012.**

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Centers for Independent Living program provides support for planning, conducting, administering, and evaluating centers for independent living (centers) that comply with the standards and assurances in section 725 of part C of title VII of the Rehabilitation Act of 1973, as amended (Act),

consistent with the design included in the State plan for establishing a statewide network of centers.

Program Authority: 29 U.S.C. 796f-1.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 85, and 97. (b) The regulations for this program in 34 CFR parts 364 and 366.

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

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: \$804,046.

Estimated Number of Awards: 4.

States and Outlying Areas	Estimated Available Funds	Estimated Number of Awards
American Samoa	\$154,046	1
California	\$263,000	1
Iowa	\$127,000	1
New Jersey	\$260,000	1

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

Project Period: Up to 60 months.

III. Eligibility Information

1. Eligible Applicants: To be eligible to apply, an applicant must--

(a) Be a consumer-controlled, community-based, cross-disability, nonresidential, private nonprofit agency;

(b) Have the power and authority to--

(1) Carry out the purpose of part C of title VII of the Act and perform the functions listed in section 725(b) and (c) of the Act and subparts F and G of 34 CFR part 366 within a community located within a State or in a bordering State; and

(2) Receive and administer--

(i) Funds under 34 CFR part 366;

(ii) Funds and contributions from private or public sources that may be used in support of a center; and

(iii) Funds from other public and private programs;

(c) Be able to plan, conduct, administer, and evaluate a center consistent with the standards and assurances in section 725(b) and (c) of the Act and subparts F and G of 34 CFR part 366;

(d) Either--

(1) Not currently be receiving funds under part C of chapter 1 of title VII of the Act; or

(2) Propose the expansion of an existing center through the establishment of a separate and complete center except that the

governing board of the existing center may serve as the governing board of the new center at a different geographical location;

(e) Propose to serve one or more of the geographic areas that are identified as unserved or underserved by the States and Outlying Areas listed under Estimated Number of Awards; and

(f) Submit appropriate documentation demonstrating that the establishment of a new center is consistent with the design for establishing a statewide network of centers in the State plan of the State or Outlying Area whose geographic area or areas the applicant proposes to serve.

2. Cost Sharing or Matching: This program does not require cost sharing or matching.

IV. Application and Submission Information

1. Address to Request Application Package: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1-877-433-7827. FAX: (703) 605-6794. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call, toll free: 1-877-576-7734.

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

If you request an application package from ED Pubs, be sure to identify this program or competition as follows: CFDA number 84.132A.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or computer disc) by contacting the person or team listed under Accessible Format in section VIII of this notice.

2. Content and Form of Application Submission: Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

3. Submission Dates and Times:

Applications Available: [May 8, 2012].

Deadline for Transmittal of Applications: [June 7, 2012].

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 7. Other Submission Requirements of this notice.

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

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under For Further Information Contact in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: [August 6, 2012].

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

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

6. Data Universal Numbering System Number, Taxpayer Identification Number, and Central Contractor Registry: To do business with the Department of Education, you must--

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the Central Contractor Registry (CCR), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application;
and

d. Maintain an active CCR registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one business day.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2-5 weeks for your TIN to become active.

The CCR registration process may take five or more business days to complete. If you are currently registered with the CCR, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: www.grants.gov/applicants/get_registered.jsp.

7. Other Submission Requirements: Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. Electronic Submission of Applications.

Applications for grants under the Centers for Independent Living program, CFDA Number 84.132A, must be submitted electronically using the Governmentwide Grants.gov Apply site at www.Grants.gov. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further

information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under Exception to Electronic Submission Requirement.

You may access the electronic grant application for the Centers for Independent Living competition at www.Grants.gov. You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.132, not 84.132A).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received--that is, date and time stamped by the Grants.gov system--after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your

application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.

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

- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at <http://www.G5.gov>.

- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

- You must submit all documents electronically, including all information you typically provide on the following forms:

the Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information--Non-Construction Programs (ED 524), and all necessary assurances and certifications.

- You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material.

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

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

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

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System:

If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1-800-518-4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under For Further Information Contact in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will

contact you after a determination is made on whether your application will be accepted.

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

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because--

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Grants.gov system;

and

- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Timothy Beatty, U.S. Department of Education, 400 Maryland Avenue, SW., room 5057, Potomac Center Plaza (PCP), Washington, DC 20202-2800. FAX: (202) 245-7593.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. Submission of Paper Applications by Mail.

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address:

U.S. Department of Education
Application Control Center
Attention: (CFDA Number 84.132A)
LBJ Basement Level 1
400 Maryland Avenue, SW.
Washington, DC 20202-4260

You must show proof of mailing consisting of one of the following:

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

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

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

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

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

(1) A private metered postmark.

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

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

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

c. Submission of Paper Applications by Hand Delivery.

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must

deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address:

U.S. Department of Education
Application Control Center
Attention: (CFDA Number 84.132A)
550 12th Street, SW.
Room 7041, Potomac Center Plaza
Washington, DC 20202-4260

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

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

(1) You must indicate on the envelope and--if not provided by the Department--in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

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

V. Application Review Information

1. Selection Criteria: The selection criteria for this competition are from 34 CFR 366.27 and are listed in the application package.

2. Review and Selection Process: We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d) (3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

Additional factors we consider in selecting an application for an award are comments regarding the application, if any, by the Statewide Independent Living Council in the State in which the applicant is located (see 34 CFR 366.25).

3. Special Conditions: Under 34 CFR 74.14, the Secretary may impose special conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 34 CFR parts 74; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

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

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

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

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

3. Reporting: (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to www.ed.gov/fund/grant/apply/appforms/appforms.html.

4. Performance Measures: Pursuant to the Government Performance and Results Act of 1993 (GPRA), the Department measures outcomes in the following three areas to evaluate the overall effectiveness of projects funded under this competition: (1) the effectiveness of individual services in enabling consumers to access previously unavailable transportation, appropriate accommodations to receive health care services, and/or assistive technology resulting in increased independence in at least one significant life area; (2) the effectiveness of

individual services designed to help consumers move out of institutions and into community-based settings; and (3) the extent to which projects are participating in community activities to expand access to transportation, health care, assistive technology, and housing for individuals with disabilities in their communities. Grantees will be required to report annually on the percentage of their consumers who achieve their individual goals in the first two areas and on the percentage of their staff, board members, and consumers involved in community activities related to the third area.

5. Continuation Awards: In making a continuation award, the Secretary may consider, under 34 CFR 75.253, the extent to which a grantee has made "substantial progress toward meeting the objectives in its approved application." This consideration includes the review of a grantee's progress in meeting the targets and projected outcomes in its approved application, and whether the grantee has expended funds in a manner that is consistent with its approved application and budget. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contact

For Further Information Contact: Timothy Beatty, U.S. Department of Education, 400 Maryland Avenue, SW., room 5057, PCP, Washington, DC 20202-2800. Telephone: (202) 245-6156.

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

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or computer disc) by contacting the Grants and Contracts Service Team, U.S.

Department of Education, 400 Maryland Avenue, SW, room 5075, PCP, Washington, DC 20202-2550. Telephone: (202) 245-7363. If you use a TDD or a TTY, call the FRS, toll free, at 1-800-877-8339.

Electronic Access to This Document: The official version of this document is the document published in the Federal Register. Free Internet access to the official edition of the Federal Register and the Code of Federal Regulations is available via the Federal Digital System at: www.gpo.gov/fdsys. At this site you can view this document, as well as all other documents of this Department published in the Federal Register, in text or Adobe Portable

Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the Federal Register by using the article search feature at: www.federalregister.gov. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated:

/s/

Alexa Posny,
Assistant Secretary for Special
Education and Rehabilitative
Services.

SECTION C

**FUNDING AMOUNTS AND SERVICE
AREAS BY STATE**

FUNDING AMOUNTS AND SERVICE AREAS BY STATE/OUTLYING AREA

Below are the number of new CIL(s) to be established, the geographic area or areas that applicants must propose to serve, and the estimated available funds for each state/outlying area consistent with the respective State Plan for Independent Living:

American Samoa:	1 new center to serve the entire outlying area at	\$154,046
California:	1 new center to serve Eastern Los Angeles City and the Western San Gabriel Valley in Los Angeles County areas at	\$263,000
Iowa:	1 new center to serve Black Hawk, Buchanan, Bremer, Butler, and Grundy Counties areas at	\$127,000
New Jersey:	1 new center to serve Cape May, Cumberland and Salem Counties areas at	\$260,000

SECTION D
SELECTION CRITERIA

SELECTION CRITERIA

34 CFR 366.27

§366.27 What selection criteria does the Secretary use?

In evaluating each application for a new center under this part, the Secretary uses the following selection criteria:

(a) Extent of the need for the project (20 points).

- (1) The Secretary reviews each application for persuasive evidence that shows the extent to which the project meets the specific needs for the program, including considerations of--
 - (i) The needs addressed by the project;
 - (ii) How the applicant identified those needs (e.g., whether from the 1990 census data or other current sources);
 - (iii) How those needs will be met by the project; and
 - (iv) The benefits to be gained by meeting those needs.
- (2) The Secretary looks for information that shows that the need for the center has been established based on an assessment of the ability of existing programs and facilities to meet the need for IL services of individuals with significant disabilities in the geographic area to be served.
- (3) The Secretary looks for information that shows--
 - (i) That the applicant proposes to establish a new center to serve a priority service area that is identified in the current State plan; and
 - (ii) The priority that the State has placed on establishing a new center in this proposed service area.

(b) Past performance (5 points).

The Secretary reviews each application for information that shows the past performance of the applicant in successfully providing services comparable to the IL core services and other IL services listed in section 7(29) and (30) of the Act and 34 CFR 365.21 and 365.22 and other services that empower individuals with significant disabilities.

(c) Meeting the standards and the assurances

(25 points).

The Secretary reviews each application for information that shows--

- (1) Evidence of demonstrated success in satisfying, or a clearly defined plan to satisfy, the standards in section 725(b) of the Act and Subpart G of this part; and
- (2) Convincing evidence of demonstrated success in satisfying, or a clearly defined plan to satisfy, the assurances in section 725(c) of the Act and Subpart F of this part.

(d) Quality of key personnel

(10 points).

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project, including--

- (i) The qualifications of the project director, if one is to be used;
- (ii) The qualifications of each of the other management and decision-making personnel to be used in the project;
- (iii) The time that each person referred to in paragraphs (d)(1)(i) and (ii) of this section will commit to the project;
- (iv) How the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or disability; and
- (v) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally under-represented, including--

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Persons with disabilities; and

(D) Elderly individuals.

(2) To determine personnel qualifications under paragraphs (d)(1)(i) and (ii) of this section, the Secretary considers--

- (i) Experience and training in fields related to the objectives of the project; and
- (ii) Any other qualifications that pertain to the objectives of the project.

(e) Budget and cost effectiveness

(10 points).

The Secretary reviews each application for information that shows the extent to which--

- (1) The budget is adequate to support the project; and
- (2) Costs are reasonable in relation to the objectives of the project.

(f) Evaluation plan

(5 points).

The Secretary reviews each application for information that shows the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation--

- (1) Are appropriate for the project;
- (2) Will determine how successful the project is in meeting its goals and objectives; and
- (3) Are objective and produce data that are quantifiable.

(Cross-reference: See 34 CFR 75.590.)

(g) Plan of operation

(20 points).

The Secretary reviews each application for information that shows the quality of the plan of operation for the project, including--

- (1) The quality of the design of the project;
- (2) The extent to which the plan of management ensures proper and efficient administration of the project;
- (3) How well the objectives of the project relate to the purpose of the program;
- (4) The quality and adequacy of the applicant's plan to use its resources (including funding, facilities, equipment, and supplies) and personnel to achieve each objective;
- (5) How the applicant will ensure that project participants who are otherwise eligible to participate are selected without regard to race, color, national origin, gender, age, or disability; and
- (6) A clear description of how the applicant will provide equal access to services for eligible project participants who are members of groups that have been traditionally under-represented, including--
 - (i) Members of racial or ethnic minority groups;
 - (ii) Women;

(iii) Elderly individuals; and

(iv) Children and youth.

(h) Involvement of individuals with significant disabilities (5 points).

- (1) The Secretary reviews each application for information that shows that individuals with significant disabilities are appropriately involved in the development of the application.
- (2) The Secretary looks for information that shows that individuals with significant disabilities or their parents, guardians, or other legally authorized advocates or representatives, as appropriate, will be substantially involved in planning, policy direction, and management of the center, and, to the greatest extent possible, that individuals with significant disabilities will be employed by the center.

(Authority: 29 U.S.C. 796f-1(d)(2)(B))

SECTION E
PROGRAM STATUTE

REHABILITATION ACT OF 1973, AS AMENDED

Sec. 722. Grants to Centers for Independent Living in States in Which Federal Funding Exceeds State Funding

(a) Establishment

(1) In general

Unless the director of a designated State unit awards grants under section 723 to eligible agencies in a State for a fiscal year, the Commissioner shall award grants under this section to such eligible agencies for such fiscal year from the amount of funds allotted to the State under subsection (c) or (d) of section 721 for such year.

(2) Grants

The Commissioner shall award such grants, from the amount of funds so allotted, to such eligible agencies for the planning, conduct, administration, and evaluation of centers for independent living that comply with the standards and assurances set forth in section 725.

(b) Eligible Agencies

In any State in which the Commissioner has approved the State plan required by section 704, the Commissioner may make a grant under this section to any eligible agency that--

(1) has the power and authority to carry out the purpose of this part and perform the functions set forth in section 725 within a community and to receive and administer funds under this part, funds and contributions from private or public sources that may be used in support of a center for independent living, and funds from other public and private programs;

(2) is determined by the Commissioner to be able to plan, conduct, administer, and evaluate a center for independent living consistent with the standards and assurances set forth in section 725; and

(3) submits an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

(c) Existing Eligible Agencies

In the administration of the provisions of this section, the Commissioner shall award grants to any eligible agency that has been awarded a grant under this part by September 30, 1997, unless the Commissioner makes a finding that the agency involved fails to meet program and fiscal standards and assurances set forth in section 725.

(d) New Centers for Independent Living

(1) In general

If there is no center for independent living serving a region of the State or a region is underserved, and the increase in the allotment of the State is sufficient to support an additional center for independent living in the State, the Commissioner may award a grant under this section to the most qualified applicant proposing to serve such region, consistent with the provisions in the State plan setting forth the design of the State for establishing a statewide network of centers for independent living.

(2) Selection

In selecting from among applicants for a grant under this section for a new center for independent living, the Commissioner--

(A) shall consider comments regarding the application, if any, by the Statewide Independent Living Council in the State in which the applicant is located;

(B) shall consider the ability of each such applicant to operate a center for independent living based on--

(i) evidence of the need for such a center;

(ii) any past performance of such applicant in providing services comparable to independent living services;

(iii) the plan for satisfying or demonstrated success in satisfying the standards and the assurances set forth in section 725;

(iv) the quality of key personnel and the involvement of individuals with significant disabilities;

(v) budgets and cost-effectiveness;

(vi) an evaluation plan; and

(vii) the ability of such applicant to carry out the plans; and

(C) shall give priority to applications from applicants proposing to serve geographic areas within each State that are currently unserved or underserved by independent living programs, consistent with the provisions of the State plan submitted under section 704 regarding establishment of a statewide network of centers for independent living.

(3) Current centers

Notwithstanding paragraphs (1) and (2), a center for independent living that receives assistance under part B for a fiscal year shall be eligible for a grant for the subsequent fiscal year under this subsection.

(e) Order of Priorities

The Commissioner shall be guided by the following order of priorities in allocating funds among centers for independent living within a State, to the extent funds are available:

(1) The Commissioner shall support existing centers for independent living, as described in subsection (c), that comply with the standards and assurances set forth in section 725, at the level of funding for the previous year.

(2) The Commissioner shall provide for a cost-of-living increase for such existing centers for independent living.

(3) The Commissioner shall fund new centers for independent living, as described in subsection (d), that comply with the standards and assurances set forth in section 725.

(f) Nonresidential Agencies

A center that provides or manages residential housing after October 1, 1994, shall not be considered to be an eligible agency under this section.

(g) Review

(1) In general

The Commissioner shall periodically review each center receiving funds under this section to determine whether such center is in compliance with the standards and assurances set forth in section 725. If the Commissioner determines that any center receiving funds under this section is not in compliance with the standards and assurances set forth in section 725, the Commissioner shall immediately notify such center that it is out of compliance.

(2) Enforcement

The Commissioner shall terminate all funds under this section to such center 90 days after the date of such notification unless the center submits a plan to achieve compliance within 90 days of such notification and such plan is approved by the Commissioner.

Sec. 725. Standards and Assurances for Centers for Independent Living

(a) In General

Each center for independent living that receives assistance under this part shall comply with the standards set out in subsection (b) and provide and comply with the assurances set out in subsection (c) in order to ensure that all programs and activities under this part are planned, conducted, administered, and evaluated in a manner consistent with the purposes of this chapter and the objective of providing assistance effectively and efficiently.

(b) Standards

(1) Philosophy

The center shall promote and practice the independent living philosophy of--

(A) consumer control of the center regarding decisionmaking, service delivery, management, and establishment of the policy and direction of the center;

(B) self-help and self-advocacy;

(C) development of peer relationships and peer role models; and

(D) equal access of individuals with significant disabilities to society and to all services, programs, activities, resources, and facilities, whether public or private and regardless of the funding source.

(2) Provision of services

The center shall provide services to individuals with a range of significant disabilities. The center shall provide services on a cross-disability basis (for individuals with all different types of significant disabilities, including individuals with significant disabilities who are members of populations that are unserved or underserved by programs under this title). Eligibility for services at any center for independent living shall be determined by the center, and shall not be based on the presence of any one or more specific significant disabilities.

(3) Independent living goals

The center shall facilitate the development and achievement of independent living goals selected by individuals with significant disabilities who seek such assistance by the center.

(4) Community options

The center shall work to increase the availability and improve the quality of community options for independent living in order to facilitate the development and achievement of independent living goals by individuals with significant disabilities.

(5) Independent living core services

The center shall provide independent living core services and, as appropriate, a combination of any other independent living services.

(6) Activities to increase community capacity

The center shall conduct activities to increase the capacity of communities within the service area of the center to meet the needs of individuals with significant disabilities.

(7) Resource development activities

The center shall conduct resource development activities to obtain funding from sources other than this chapter.

(c) Assurances

The eligible agency shall provide at such time and in such manner as the Commissioner may require, such satisfactory assurances as the Commissioner may require, including satisfactory assurances that--

(1) the applicant is an eligible agency;

(2) the center will be designed and operated within local communities by individuals with disabilities, including an assurance that the center will have a Board that is the principal governing body of the center and a majority of which shall be composed of individuals with significant disabilities;

(3) the applicant will comply with the standards set forth in subsection (b);

(4) the applicant will establish clear priorities through annual and 3-year program and financial planning objectives for the center, including overall goals or a mission for the center, a work plan for achieving the goals or mission, specific objectives, service priorities, and types of services to be provided, and a description that shall demonstrate how the proposed activities of the applicant are consistent with the most recent 3-year State plan under section 704;

(5) the applicant will use sound organizational and personnel assignment practices, including taking affirmative action to employ and advance in employment qualified individuals with significant disabilities on the same terms and conditions required with respect to the employment of individuals with disabilities under section 503;

(6) the applicant will ensure that the majority of the staff, and individuals in decisionmaking positions, of the applicant are individuals with disabilities;

(7) the applicant will practice sound fiscal management;

(8) the applicant will conduct annual self-evaluations, prepare an annual report, and maintain records adequate to measure performance with respect to the standards, containing information regarding, at a minimum--

(A) the extent to which the center is in compliance with the standards;

(B) the number and types of individuals with significant disabilities receiving services through the center;

- (C)** the types of services provided through the center and the number of individuals with significant disabilities receiving each type of service;
- (D)** the sources and amounts of funding for the operation of the center;
- (E)** the number of individuals with significant disabilities who are employed by, and the number who are in management and decisionmaking positions in, the center; and
- (F)** a comparison, when appropriate, of the activities of the center in prior years with the activities of the center in the most recent year;
- (9)** individuals with significant disabilities who are seeking or receiving services at the center will be notified by the center of the existence of, the availability of, and how to contact, the client assistance program;
- (10)** aggressive outreach regarding services provided through the center will be conducted in an effort to reach populations of individuals with significant disabilities that are unserved or underserved by programs under this title, especially minority groups and urban and rural populations;
- (11)** staff at centers for independent living will receive training on how to serve such unserved and underserved populations, including minority groups and urban and rural populations;
- (12)** the center will submit to the Statewide Independent Living Council a copy of its approved grant application and the annual report required under paragraph (8);
- (13)** the center will prepare and submit a report to the designated State unit or the Commissioner, as the case may be, at the end of each fiscal year that contains the information described in paragraph (8) and information regarding the extent to which the center is in compliance with the standards set forth in subsection (b); and
- (14)** an independent living plan described in section 704(e) will be developed unless the individual who would receive services under the plan signs a waiver stating that such a plan is unnecessary.

SECTION F

FEDERAL REGULATIONS

(34 CFR PARTS 364 AND 366)

PART 364— State Independent Living Services Program and Centers for Independent Living Program: General Provisions

Subpart A--General

Sec.

- 364.1 What programs are covered?
- 364.2 What is the purpose of the programs authorized by Chapter 1 of Title VII?
- 364.3 What regulations apply?
- 364.4 What definitions apply?
- 364.5 What is program income and how may it be used?
- 364.6 What requirements apply to the obligation of Federal funds and program income?

Subpart B--What Are the Application Requirements?

- 364.10 What are the application requirements?
- 364.11 When must the State plan be submitted for approval?
- 364.12 How does the Secretary approve State plans?
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- 364.20 What are the general requirements for a State plan?
- 364.21 What are the requirements for the statewide Independent Living Council (SILC)?
- 364.22 What is the State's responsibility for administration of the programs authorized by Chapter 1 of Title VII?
- 364.23 What are the staffing requirements?
- 364.24 What assurances are required for staff development?
- 364.25 What are the requirements for a statewide network of centers for independent living?
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- 364.27 What are the requirements for coordinating independent living (IL) services?
- 364.28 What requirements relate to IL services for older individuals who are blind?
- 364.29 What are the requirements for coordinating Federal and State sources of funding?
- 364.30 What notice must be given about the Client Assistance Program (CAP)?
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- 364.38 What methods of evaluation must the State plan include?
- 364.39 What requirements apply to the administration of grants under the Centers for Independent Living program?
- 364.40 Who is eligible to receive IL services?
- 364.41 What assurances must be included regarding eligibility?
- 364.42 What objectives and information must be included in the State plan?
- 364.43 What requirements apply to the provision of State IL services?

Subpart D--What Conditions Must Be Met After an Award?

- 364.50 What requirements apply to the processing of referrals and applications?
- 364.51 What requirements apply to determinations of eligibility or ineligibility?
- 364.52 What are the requirements for an IL plan?
- 364.53 What records must be maintained for the individual?
- 364.54 What are the durational limitations on IL services?
- 364.55 What standards shall service providers meet?
- 364.56 What are the special requirements pertaining to the protection, use, and release of personal information?
- 364.57 What functions and responsibilities may the State delegate?
- 364.58 What appeal procedures must be available to consumers?
- 364.59 May an individual's ability to pay be considered in determining his or her participation in the costs of IL services?

AUTHORITY: 29 U.S.C. 796-796f-5, unless otherwise noted.

SUBPART A--GENERAL

§364.1 What programs are covered?

- (a) This part includes general requirements applicable to the conduct of the following programs authorized under Title VII of the Rehabilitation Act of 1973, as amended:
 - (1) The State Independent Living Services (SILS) program (34 CFR Part 365).
 - (2) The Centers for Independent Living (CIL) program (34 CFR Part 366).
- (b) Some provisions in this part also are made specifically applicable to the Independent Living Services for Older Individuals Who Are Blind (OIB) program (34 CFR Part 367).

(Authority: 29 U.S.C. 711(c) and 796-796f-5)

§364.2 What is the purpose of the programs authorized by Chapter 1 of Title VII?

The purpose of the SILS and CIL programs authorized by Chapter 1 of Title VII of the Act is to promote a philosophy of independent living (IL), including a philosophy of consumer control, peer support, self-help, self-determination, equal access, and individual and system advocacy, to maximize the leadership, empowerment, independence, and productivity of individuals with significant disabilities, and to promote and maximize the integration and full inclusion of individuals with significant disabilities into the mainstream of American society by providing financial assistance to States--

- (a) For providing, expanding, and improving the provision of IL services;
- (b) To develop and support statewide networks of centers for independent living (centers); and
- (c) For improving working relationships among--
 - (1) SILS programs;
 - (2) Centers;
 - (3) Statewide Independent Living Councils (SILCs) established under section 705 of the Act;
 - (4) State vocational rehabilitation (VR) programs receiving assistance under Title I and under Part C of Title VI of the Act;
 - (5) Client assistance programs (CAPs) receiving assistance under section 112 of the Act;
 - (6) Programs funded under other titles of the Act;
 - (7) Programs funded under other Federal laws; and
 - (8) Programs funded through non-Federal sources.

(Authority: 29 U.S.C. 796)

§364.3 What regulations apply?

The following regulations apply to the SILS and CIL programs:

- (a) The Education Department General Administrative Regulations (EDGAR) as follows:
 - (1) 34 CFR Part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations), with respect to grants or subgrants to an eligible agency that is not a State or local government or Indian tribal organization.
 - (2) 34 CFR Part 75 (Direct Grant Programs), with respect to grants under Subparts B and C of 34 CFR Part 366.

- (3) 34 CFR Part 76 (State-Administered Programs), with respect to grants under 34 CFR Part 365 and Subpart D of 34 CFR Part 366.
- (4) 34 CFR Part 77 (Definitions that Apply to Department Regulations).
- (5) 34 CFR Part 79 (Intergovernmental Review of Department of Education Programs and Activities).
- (6) 34 CFR Part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments), with respect to grants to an eligible agency that is a State or local government or Indian tribal organization.
- (7) 34 CFR Part 81 (General Education Provisions Act--Enforcement).
- (8) 34 CFR Part 82 (New Restrictions on Lobbying).
- (9) 34 CFR Part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).
- (10) 34 CFR Part 86 (Drug-Free Schools and Campuses).
- (b) The regulations in this Part 364.
- (c) The regulations in 34 CFR Parts 365 and 366 as applicable.

(Authority: 29 U.S.C. 711(c))

§364.4 What definitions apply?

- (a) Definitions in EDGAR. The following terms used in this part and in 34 CFR Parts 365, 366, and 367 are defined in 34 CFR 77.1:

- Applicant
- Application
- Award
- Department
- EDGAR
- Fiscal year
- Nonprofit
- Private
- Project
- Public
- Secretary

- (b) Other definitions. The following definitions also apply to this part and to 34 CFR Parts 365, 366, and 367:

Act means the Rehabilitation Act of 1973, as amended.

Administrative support services mean assistance to support IL programs and the activities of centers and may include financial and technical assistance in planning, budget development, and evaluation of center activities, and support for financial management (including audits), personnel development, and record keeping activities.

(Authority: 29 U.S.C. 796c(c)(2))

Advocacy means pleading an individual's cause or speaking or writing in support of an individual. To the extent permitted by State law or the rules of the agency before which an individual is appearing, a non-lawyer may engage in advocacy on behalf of another individual. Advocacy may--

- (1) Involve representing an individual--
 - (i) Before private entities or organizations, government agencies (whether State, local, or Federal), or in a court of law (whether State or Federal); or
 - (ii) In negotiations or mediation, in formal or informal administrative proceedings before government agencies (whether State, local, or Federal), or in legal proceedings in a court of law; and
- (2) Be on behalf of--
 - (i) A single individual, in which case it is individual advocacy;
 - (ii) A group or class of individuals, in which case it is systems (or systemic) advocacy; or
 - (iii) Oneself, in which case it is self advocacy.

Attendant care means a personal assistance service provided to an individual with significant disabilities in performing a variety of tasks required to meet essential personal needs in areas such as bathing, communicating, cooking, dressing, eating, homemaking, toileting, and transportation.

(Authority: 20 U.S.C. 706(30)(B)(vi))

Center for independent living means a consumer-controlled, community-based, cross-disability, nonresidential, private nonprofit agency that--

- (1) Is designed and operated within a local community by individuals with disabilities; and
- (2) Provides an array of IL services.

(Authority: 29 U.S.C. 796a(1))

Consumer control means, with respect to a center or eligible agency, that the center or eligible agency vests power and authority in individuals with disabilities, including individuals who are or have been recipients of IL services.

(Authority: 29 U.S.C. 796a(2))

Cross-disability means, with respect to a center, that a center provides IL services to individuals representing a range of significant disabilities and does not require the presence of one or more specific significant disabilities before determining that an individual is eligible for IL services.

(Authority: 29 U.S.C. 796a(1))

Designated State agency or State agency means the sole State agency designated to administer (or supervise local administration of) the State plan for VR services. The term includes the State agency for individuals who are blind, if that agency has been designated as the sole State agency with respect to that part of the State VR plan relating to the vocational rehabilitation of individuals who are blind.

(Authority: 29 U.S.C. 706(3) and 721(a)(1)(A))

Designated State unit means either--

- (1) The State agency or the bureau, division, or other organizational unit within a State agency that is primarily concerned with the vocational rehabilitation, or vocational and other rehabilitation, of individuals with disabilities and that is responsible for the administration of the VR program of the State agency; or
- (2) The independent State commission, board, or other agency that has the vocational rehabilitation, or vocational and other rehabilitation, of individuals with disabilities as its primary function.

(Authority: 29 U.S.C. 706(3) and 721(a)(2)(A))

Eligible agency means a consumer-controlled, community-based, cross-disability, nonresidential, private, nonprofit agency.

(Authority: 29 U.S.C. 796f-5)

Independent living core services mean, for purposes of services that are supported under the SILS or CIL programs--

- (1) Information and referral services;
- (2) IL skills training;
- (3) Peer counseling, including cross-disability peer counseling; and
- (4) Individual and systems advocacy.

(Authority: 29 U.S.C. 706(29))

Independent living services includes the independent living core services and--

- (1) Counseling services, including psychological, psychotherapeutic, and related services;
- (2) Services related to securing housing or shelter, including services related to community group living, that are supportive of the purposes of the Act, and adaptive housing services, including appropriate accommodations to and modifications of any space used to serve, or to be occupied by, individuals with significant disabilities;
- (3) Rehabilitation technology;
- (4) Mobility training;
- (5) Services and training for individuals with cognitive and sensory disabilities, including life skills training and interpreter and reader services;
- (6) Personal assistance services, including attendant care and the training of personnel providing these services;
- (7) Surveys, directories, and other activities to identify appropriate housing, recreation opportunities, and accessible transportation, and other support services;
- (8) Consumer information programs on rehabilitation and IL services available under the Act, especially for minorities and other individuals with significant disabilities who have traditionally been unserved or underserved by programs under the Act;
- (9) Education and training necessary for living in a community and participating in community activities;
- (10) Supported living;
- (11) Transportation, including referral and assistance for transportation;
- (12) Physical rehabilitation;
- (13) Therapeutic treatment;
- (14) Provision of needed prostheses and other appliances and devices;
- (15) Individual and group social and recreational services;
- (16) Training to develop skills specifically designed for youths who are individuals with significant disabilities to promote self-awareness and esteem, develop advocacy and self-empowerment skills, and explore career options;
- (17) Services for children;
- (18) Services under other Federal, State, or local programs designed to provide resources, training, counseling, or other assistance of substantial benefit in enhancing the independence, productivity, and quality of life of individuals with significant disabilities;

- (19) Appropriate preventive services to decrease the need of individuals with significant disabilities assisted under the Act for similar services in the future;
- (20) Community awareness programs to enhance the understanding and integration into society of individuals with significant disabilities; and
- (21) Any other services that may be necessary to improve the ability of an individual with a significant disability to function, continue functioning, or move toward functioning independently in the family or community or to continue in employment and that are not inconsistent with any other provisions of the Act.

(Authority: 29 U.S.C. 796e-2(1))

Individual with a disability means an individual who--

- (1) Has a physical, mental, cognitive, or sensory impairment that substantially limits one or more of the individual's major life activities;
- (2) Has a record of such an impairment; or
- (3) Is regarded as having such an impairment.

(Authority: 29 U.S.C. 706(8)(B))

Individual with a significant disability means an individual with a severe physical, mental, cognitive, or sensory impairment whose ability to function independently in the family or community or whose ability to obtain, maintain, or advance in employment is substantially limited and for whom the delivery of IL services will improve the ability to function, continue functioning, or move toward functioning independently in the family or community or to continue in employment.

(Authority: 29 U.S.C. 706(15)(B))

Legally authorized advocate or representative means an individual who is authorized under State law to act or advocate on behalf of another individual. Under certain circumstances, State law permits only an attorney, legal guardian, or individual with a power of attorney to act or advocate on behalf of another individual. In other circumstances, State law may permit other individuals to act or advocate on behalf of another individual.

(Authority: 29 U.S.C. 711(c))

Minority group means Alaskan Natives, American Indians, Asian Americans, Blacks (African Americans), Hispanic Americans, Native Hawaiians, and Pacific Islanders.

Nonresidential means, with respect to a center, that the center, as of October 1, 1994, does not operate or manage housing or shelter for individuals as an IL service on either a temporary or long-term basis unless the housing or shelter is--

- (1) Incidental to the overall operation of the center;
- (2) Necessary so that the individual may receive an IL service; and
- (3) Limited to a period not to exceed eight weeks during any six-month period.

(Authority: 29 U.S.C. 796a, 796f-1(f) and 706f-2(f))

Peer relationships mean relationships involving mutual support and assistance among individuals with significant disabilities who are actively pursuing IL goals.

Peer role models mean individuals with significant disabilities whose achievements can serve as a positive example for other individuals with significant disabilities.

Personal assistance services mean a range of IL services, provided by one or more persons, designed to assist an individual with a significant disability to perform daily living activities on or off the job that the individual would typically perform if the individual did not have a disability. These IL services must be designed to increase the individual's control in life and ability to perform everyday activities on or off the job.

(Authority: 29 U.S.C. 706(11))

Service provider means--

- (1) A DSU that directly provides IL services to individuals with significant disabilities;
- (2) A center that receives financial assistance under Parts B or C of Chapter 1 of Title VII of the Act; or
- (3) Any other entity or individual that meets the requirements of §364.43(e) and provides IL services under a grant or contract from the DSU pursuant to §364.43(b).

(Authority: 29 U.S.C. 711(c) and 796(e))

Significant disability means a severe physical, mental, cognitive, or sensory impairment that substantially limits an individual's ability to function independently in the family or community or to obtain, maintain, or advance in employment.

State means, except for sections 711(a)(2)(A) and 721(c)(2)(A) and where otherwise specified in the Act, in addition to each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau (until the Compact of Free Association with Palau takes effect).

(Authority: 29 U.S.C. 706(16))

State plan means the State IL plan required under section 704 of Title VII of the Act.

Transportation means travel and related expenses that are necessary to enable an individual with a significant disability to benefit from another IL service and travel and related expenses for an attendant or aide if the services of that attendant or aide are necessary to enable an individual with a significant disability to benefit from that IL service.

(Authority: 29 U.S.C. 706(30)(B)(xi) and 711(c))

Unserved and underserved groups or populations, with respect to groups or populations of individuals with significant disabilities in a State, include, but are not limited to, groups or populations of individuals with significant disabilities who--

- (1) Have cognitive and sensory impairments;
- (2) Are members of racial and ethnic minority groups;
- (3) Live in rural areas; or
- (4) Have been identified by the eligible agency as unserved or underserved within a center's project area.

(Authority: 29 U.S.C. 706, 711(c), and 796f-796f-5)

§364.5 What is program income and how may it be used?

- (a) Definition. Program income means gross income received by a grantee under Title VII of the Act that is directly generated by an activity supported under 34 CFR Part 365, 366, or 367.
- (b) Sources. Sources of program income include, but are not limited to, payments received from workers' compensation funds or fees for services to defray part or all of the costs of services provided to particular consumers.

(c) Use of program income.

- (1) Program income, whenever earned, must be used for the provision of IL services or the administration of the State plan, as appropriate.
- (2) A service provider is authorized to treat program income as--
 - (i) A deduction from total allowable costs charged to a Federal grant, in accordance with 34 CFR 80.25(g)(1); or
 - (ii) An addition to the grant funds to be used for additional allowable program expenditures, in accordance with 34 CFR 80.25(g)(2).
- (3) Program income may not be used to meet the non-Federal share requirement under 34 CFR 365.12(b).

(Authority: 29 U.S.C. 711(c); 34 CFR 80.25)

§364.6 What requirements apply to the obligation of Federal funds and program income?

- (a) Except as provided in paragraph (b) of this section, any Federal funds, including reallocated funds, that are appropriated for a fiscal year to carry out a program under 34 CFR Part 365, 366, or 367 that are not obligated or expended by the DSU or center prior to the beginning of the succeeding fiscal year, and any program income received during a fiscal year that is not obligated or expended by the DSU or center prior to the beginning of the succeeding fiscal year in which the program income was received, remain available for obligation and expenditure by the DSU or center during that succeeding fiscal year.
- (b) Federal funds appropriated for a fiscal year under Part B of Chapter 1 and under Chapter 2 of Title VII of the Act remain available for obligation in the succeeding fiscal year only to the extent that the DSU complied with any matching requirement by obligating, in accordance with 34 CFR 76.707, the non-Federal share in the fiscal year for which the funds were appropriated.

(Authority: 29 U.S.C. 718)

SUBPART B--WHAT ARE THE APPLICATION REQUIREMENTS?

§364.10 What are the application requirements?

To receive a grant from a State's allotment of funds under Parts B and C of Chapter 1 of Title VII of the Act and 34 CFR Parts 365 and 366, a State shall submit to the Secretary, and obtain approval of, a three-year State plan meeting the requirements in Subpart C of this part.

(Authority: 29 U.S.C. 796c(a)(1))

§364.11 When must the State plan be submitted for approval?

The designated State unit (DSU) shall submit to the Secretary for approval the three-year State plan no later than July 1 of the year preceding the first fiscal year of the three-year period for which the State plan is submitted.

(Authority: 29 U.S.C. 796c(a)(4))

§364.12 How does the Secretary approve State plans?

- (a) General. The Secretary approves a State plan that the Secretary determines meets the requirements of section 704 of the Act and Subparts B through D of this part and disapproves a plan that does not meet these requirements.
- (b) Informal resolution. If the Secretary intends to disapprove the State plan, the Secretary attempts to resolve disputed issues informally with State officials.
- (c) Notice of formal hearing. If, after reasonable effort has been made to resolve the dispute informally, no resolution has been reached, the Secretary provides written notice to the DSU and the SILC of the intention to disapprove the State plan and of the opportunity for a hearing.
- (d) Hearing.
 - (1) If the DSU requests a hearing, the Secretary designates one or more individuals, either from the Department or elsewhere, not responsible for or connected with the Department's administration of the programs authorized by Title VII of the Act, to conduct a hearing.
 - (2) If more than one individual is designated, the Secretary designates one of those individuals as the Chief Hearing Official of the Hearing Panel. If one individual is designated, that individual is the Hearing Official.
- (e) Judicial review. A State may appeal the Secretary's decision to disapprove its State plan by filing a petition for review with the U.S. Court of Appeals for the circuit in which the State is located, in accordance with section 107(d) of the Act.

(Authority: 29 U.S.C. 711(c) and 796d-1(a))

§364.13 Under what circumstances may funds be withheld, reduced, limited, or terminated?

- (a) When withheld, reduced, limited, or terminated. Payments to a State under Chapter 1 of Title VII of the Act may be withheld, reduced, limited, or terminated as provided by section 107(c) of the Act if the Secretary finds that--
 - (1) The State plan has been so changed that it no longer conforms with the requirements of section 704 of the Act; or

- (2) In the administration of the State plan, there is a failure to comply substantially with any provision of the plan.
- (b) Informal resolution. If the Secretary intends to withhold, reduce, limit, or terminate payment of funds to a State under Title VII of the Act as provided by section 107(c) of the Act, the Secretary attempts to resolve disputed issues informally with State officials.
- (c) Notice of formal hearing. If, after reasonable effort has been made to resolve the dispute informally, no resolution has been reached, the Secretary provides written notice to the DSU and SILC of the intention to withhold, reduce, limit, or terminate payment of funds under Title VII of the Act and of the opportunity for a hearing.
- (d) Hearing. If the DSU requests a hearing, the Secretary designates an administrative law judge (ALJ) in the Office of Administrative Law Judges to conduct a hearing in accordance with the provisions of 34 CFR Part 81, Subpart A.
- (e) Initial decision. The ALJ issues an initial decision in accordance with 34 CFR 81.41.
- (f) Petition for review of an initial decision. The DSU may seek the Secretary's review of an ALJ's initial decision in accordance with 34 CFR 81.42.
- (g) Review by the Secretary. The Secretary reviews an ALJ's initial decision in accordance with 34 CFR 81.43.
- (h) Final decision of the Department. The ALJ's initial decision becomes the final decision of the Department in accordance with 34 CFR 81.44.
- (i) Judicial review. A State may appeal the Secretary's final decision to withhold, reduce, limit, or terminate payment of funds to a State under Title VII of the Act by filing a petition for review with the U.S. Court of Appeals for the circuit in which the State is located, in accordance with section 107(d) of the Act.

(Authority: 29 U.S.C. 727(c)-(d) and 796d-1(a))

SUBPART C--WHAT ARE THE STATE PLAN REQUIREMENTS?

§364.20 What are the general requirements for a State plan?

- (a) Form and content. The State plan must contain, in the form prescribed by the Secretary, the information required by this part and any other information requested by the Secretary.
 - (b) Duration.
 - (1) The State plan must cover a three-year period and must be amended whenever necessary to reflect any material change in State law, organization, policy, or agency operations that affects the administration of the State plan.
 - (2) The Secretary may require a State to submit an interim State plan for a period of less than three years following a reauthorization of the Act and prior to the effective date of final regulations.
 - (c) Joint development-single agency. The State plan must be jointly--
 - (1) Developed by the DSU and the SILC; and
 - (2) Signed by the--
 - (i) Director of the DSU (Director); and
 - (ii) Chairperson of the SILC, acting on behalf of and at the direction of the SILC.
 - (d) Joint development-separate agency for individuals who are blind. If a separate State agency is authorized by State law as the sole State agency with authority to administer or supervise the administration of that part of the State plan relating to the vocational rehabilitation of individuals who are blind, the State plan must be jointly--
 - (1) Developed by the DSU, the SILC, and the separate State agency authorized to provide VR services for individuals who are blind; and
 - (2) Signed by the--
 - (i) Director;
 - (ii) Director of the separate State agency authorized to provide VR services for individuals who are blind; and
 - (iii) Chairperson of the SILC, acting on behalf of and at the direction of the SILC.
- (Cross-reference: See §364.22(c).)
- (e) The State plan must assure that, as appropriate, the DSU and SILC actively consult in the development of the State plan with the Director of the CAP authorized under section 112 of the Act.
 - (f) Periodic review and revision. The State plan must provide for the review and revision of the plan, at least once every three years, to ensure the existence of appropriate planning, financial support and coordination, and other assistance to appropriately address, on a statewide and comprehensive basis, the needs in the State for--
 - (1) Providing State IL services;
 - (2) Developing and supporting a statewide network of centers; and
 - (3) Working relationships between--
 - (i) Programs providing IL services and supporting or establishing centers; and
 - (ii) The VR program established under Title I of the Act, and other programs providing services for individuals with disabilities.

(g) Public hearings.

- (1) The State plan must assure that the DSU and SILC conduct public meetings to provide all segments of the public, including interested groups, organizations, and individuals, an opportunity to comment on the State plan prior to its submission to the Secretary and on any revisions to the approved State plan. The DSU and SILC may meet the public participation requirement by holding the public meetings before a preliminary draft State plan is prepared or by providing a preliminary draft State plan for comment at the public meetings.
- (2) The State plan must assure that the DSU and SILC establish and maintain a written description of procedures for conducting public meetings in accordance with the following requirements:
 - (i) The DSU and SILC shall provide appropriate and sufficient notice of the public meetings. Appropriate and sufficient notice means notice provided at least 30 days prior to the public meeting through various media available to the general public, such as newspapers and public service announcements, and through specific contacts with appropriate constituency groups and organizations identified by the DSU and SILC.
 - (ii) The DSU and SILC shall make reasonable accommodation to individuals with disabilities who rely on alternative modes of communication in the conduct of the public meetings, including providing sign language interpreters and audio-loops.
 - (iii) The DSU and SILC shall provide the notices of the public meetings, any written material provided prior to or at the public meetings, and the approved State plan in accessible formats for individuals who rely on alternative modes of communication.
- (h) The State plan must assure that, at the public meetings to develop the State plan, the DSU and SILC identify those provisions in the State plan that are State-imposed requirements. For purposes of this section, a State-imposed requirement includes any State law, regulation, rule, or policy relating to the DSU's administration or operation of IL programs under Title VII of the Act, including any rule or policy implementing any Federal law, regulation, or guideline, that is beyond what would be required to comply with the regulations in 34 CFR Parts 364, 365, 366, and 367.
- (i) The State plan also must address how the specific requirements in §§364.21 through 364.43 and in §§364.56 and 364.59 will be met.

(Authority: 29 U.S.C. 711(c) and 796c(a) and (m)(6))

§364.21 What are the requirements for the Statewide Independent Living Council (SILC)?

(a) Establishment.

- (1) To be eligible to receive assistance under Chapter 1 of Title VII of the Act, each State shall establish a SILC that meets the requirements of section 705 of the Act.
- (2) The SILC may not be established as an entity within a State agency, including the designated State agency or DSU. The SILC shall be independent of the DSU and all other State agencies.

(b) Appointment and composition.

- (1) Appointment. Members of the SILC must be appointed by the Governor or the appropriate entity within the State responsible, in accordance with State law, for making appointments.
- (2) Composition.
 - (I) The SILC must include--
 - (A) At least one director of a center chosen by the directors of centers within the State; and
 - (B) As ex officio, nonvoting members, a representative from the DSU and representatives from other State agencies that provide services to individuals with disabilities.

- (ii) The SILC may include--
 - (A) Other representatives from centers;
 - (B) Parents and legal guardians of individuals with disabilities;
 - (C) Advocates of and for individuals with disabilities;
 - (D) Representatives from private businesses;
 - (E) Representatives from organizations that provide services for individuals with disabilities; and
 - (F) Other appropriate individuals.
- (iii) A majority of the members of the SILC must be individuals with disabilities, as defined in §364.4(b), and not employed by any State agency or center.
- (c) Qualifications. The SILC must be composed of members--
 - (1) Who provide statewide representation;
 - (2) Who represent a broad range of individuals with disabilities; and
 - (3) Who are knowledgeable about centers and IL services.
- (d) Voting members. A majority of the voting members of the SILC must be individuals with disabilities, as defined in §364.4(b), and not employed by any State agency or center.
- (e) Chairperson.
 - (1) In general. Except as provided in paragraph (e)(2) of this section, the SILC shall select a chairperson from among the voting membership of the SILC.
 - (2) Designation by Governor. In States in which the Governor does not have veto power pursuant to State law, the Governor shall designate a voting member of the SILC to serve as the chairperson of the SILC or shall require the SILC to so designate a voting member.
- (f) Terms of appointment. Each member of the SILC shall serve for term of three years, except that--
 - (1) A member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed must be appointed for the remainder of that term;
 - (2) The terms of service of the members initially appointed must be (as specified by the appointing authority) for the fewer number of years as will provide for the expiration of terms on a staggered basis; and
 - (3) No member of the SILC may serve for more than two consecutive full terms.
- (g) Duties. The SILC shall--
 - (1) Jointly develop and sign (in conjunction with the DSU) the State plan required by section 704 of the Act and §364.20;
 - (2) Monitor, review, and evaluate the implementation of the State plan;
 - (3) Coordinate activities with the State Rehabilitation Advisory Council established under section 105 of the Act and councils that address the needs of specific disability populations and issues under other Federal law;
 - (4) Ensure that all regularly scheduled meetings of the SILC are open to the public and sufficient advance notice is provided; and
 - (5) Submit to the Secretary all periodic reports as the Secretary may reasonably request and keep all records, and afford access to all records, as the Secretary finds necessary to verify the periodic reports.
- (h) Hearings. The SILC is authorized to hold any hearings and forums that the SILC determines to be necessary to carry out its duties.

- (i) Resource plan.
 - (1) The SILC shall prepare, in conjunction with the DSU, a resource plan for the provision of resources, including staff and personnel, made available under Parts B and C of Chapter 1 of Title VII of the Act, Part C of Title I of the Act, and from other public and private sources that may be necessary to carry out the functions of the SILC under this part.
 - (2) The SILC's resource plan must, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the State plan.
 - (3) No conditions or requirements may be included in the SILC's resource plan that may compromise the independence of the SILC.
 - (4) The SILC is responsible for the proper expenditure of funds and use of resources that it receives under the resource plan.
 - (5) A description of the SILC's resource plan required by paragraph (I)(1) of this section must be included in the State plan.
- (j) Staff.
 - (1) The SILC shall, consistent with State law, supervise and evaluate its staff and other personnel as may be necessary to carry out its functions under this section.
 - (2) While assisting the SILC in carrying out its duties, staff and other personnel made available to the SILC by the DSU may not be assigned duties by the designated State agency or DSU, or any other agency or office of the State, that would create a conflict of interest.
- (k) Reimbursement and compensation. The SILC may use the resources described in paragraph (I) of this section to reimburse members of the SILC for reasonable and necessary expenses of attending SILC meetings and performing SILC duties (including child care and personal assistance services) and to pay compensation to a member of the SILC, if the member is not employed or must forfeit wages from other employment, for each day the member is engaged in performing SILC duties.
- (l) Conflict of interest. The code of conduct provisions in 34 CFR 74.162 and the conflict of interest provisions in 34 CFR 75.524 and 75.525 apply to members of the SILC. For purposes of this paragraph and 34 CFR 74.162, 75.524, and 75.525, a SILC is not considered a government, governmental entity, or governmental recipient.

(Authority: 29 U.S.C. 796d)

§364.22 What is the State's responsibility for administration of the programs authorized by Chapter 1 of Title VII?

- (a) General. The State plan must identify the DSU as the entity that, on behalf of the State, shall--
 - (1) Receive, account for, and disburse funds received by the State under Part B of Chapter 1 and section 723 of Title VII of the Act (and 34 CFR Parts 365 and 366, as applicable) based on the plan;
 - (2) Provide, as applicable, administrative support services for the SILS and CIL programs under Part B of Chapter 1 and section 723 of Title VII of the Act, respectively, and 34 CFR Parts 365 and 366, respectively;
 - (3) Keep records and afford access to these records as the Secretary finds to be necessary with respect to the SILS and CIL programs; and
 - (4) Submit additional information or provide assurances as the Secretary may require with respect to the SILS and CIL programs.
- (b) Provision of administrative support services. The State plan must describe the administrative support services to be provided by the DSU under paragraph (a)(2) of this section.

- (c) Designation of State unit for individuals who are blind. The State plan may designate a State agency or the organizational unit of a State agency that is authorized under State law to provide VR services to individuals who are blind under a State VR plan as the DSU to administer that part of the State IL plan under which IL services are provided to individuals who are blind. However, a State agency designated pursuant to this paragraph may not submit a separate State plan.

(Authority: 29 U.S.C. 796c(c))

§364.23 What are the staffing requirements?

- (a) General staffing requirement. The State plan must assure that the staff of the service provider includes personnel who are specialists in the development and provision of IL services and in the development and support of centers.
- (b) Alternative communication needs staffing. The State plan must also assure that, to the maximum extent feasible, the service provider makes available personnel able to communicate--
- (1) With individuals with significant disabilities who rely on alternative modes of communication, such as manual communication, nonverbal communication devices, Braille, or audio tapes, and who apply for or receive IL services under Title VII of the Act; and
 - (2) In the native languages of individuals with significant disabilities whose English proficiency is limited and who apply for or receive IL services under Title VII of the Act.

(Authority: 29 U.S.C. 711(c) and 796c(a)(1))

§364.24 What assurances are required for staff development?

The State plan must assure that the service provider establishes and maintains a program of staff development for all classes of positions involved in providing IL services and, if appropriate, in administering the CIL program. The staff development program must emphasize improving the skills of staff directly responsible for the provision of IL services, including knowledge of and practice in the IL philosophy.

(Authority: 29 U.S.C. 711(c) and 796c(a)(1))

§364.25 What are the requirements for a statewide network of centers for independent living?

- (a) The State plan must include a design for the establishment of a statewide network of centers that comply with the standards and assurances in section 725(b) and (c) of the Act and Subparts F and G of 34 CFR Part 366.
- (b) The design required by paragraph (a) of this section must identify unserved and underserved areas and must provide an order of priority for serving these areas.

(Authority: 29 U.S.C. 711(c) and 796c(g))

§364.26 What are the requirements for cooperation, coordination, and working relationships?

- (a) The State plan must include steps that will be taken to maximize the cooperation, coordination, and working relationships among--
- (1) The SILS program, the SILC, and centers; and
 - (2) The DSU, other State agencies represented on the SILC, other councils that address the needs of specific disability populations and issues, and other public and private entities determined to be appropriate by the SILC.

- (b) The State plan must identify the entities to which the DSU and the SILC will relate in carrying out the requirements of paragraph (a) of this section.

(Authority: 29 U.S.C. 796c(l))

§364.27 What are the requirements for coordinating independent living (IL) services?

The State plan must describe how IL services funded under Chapter 1 of Title VII of the Act will be coordinated with, and complement, other services, to avoid unnecessary duplication with other Federal, State, and local programs, including the OIB program authorized by Chapter 2 of Title VII of the Act, that provide IL- or VR-related services. This description must include those services provided by State and local agencies administering the special education, vocational education, developmental disabilities services, public health, mental health, housing, transportation, and veterans' programs, and the programs authorized under Titles XVIII through XX of the Social Security Act within the State.

(Authority: 29 U.S.C. 796c(j) and 752(l)(2)(C))

§364.28 What requirements relate to IL services for older individuals who are blind?

The State plan must include an assurance that the DSU will seek to incorporate into and describe in the State plan any new methods or approaches for the provision to older individuals who are blind of IL services that are developed under a project funded under Chapter 2 of Title VII of the Act and that the DSU determines to be effective.

(Authority: 29 U.S.C. 711(c), 796c(j), and 796k(h))

§364.29 What are the requirements for coordinating Federal and State sources of funding?

- (a) The State plan must describe efforts to coordinate Federal and State funding for centers and IL services.
- (b) The State plan must identify the amounts, sources, and purposes of the funding to be coordinated under paragraph (a) of this section, including the amount of State funds earmarked for the general operation of centers.

(Authority: 29 U.S.C. 796c(k))

Cross-reference: See 34 CFR 366.30(a).

§364.30 What notice must be given about the Client Assistance Program (CAP)?

The State plan must include satisfactory assurances that all service providers will use formats that are accessible to notify individuals seeking or receiving IL services under Chapter 1 of Title VII about--

- (a) The availability of the CAP authorized by section 112 of the Act;
- (b) The purposes of the services provided under the CAP; and
- (c) How to contact the CAP.

(Authority: 29 U.S.C. 718a and 796c(m)(1))

§364.31 What are the affirmative action requirements?

The State plan must include satisfactory assurances that all recipients of financial assistance under Parts B and C of Chapter 1 of Title VII of the Act will take affirmative action to employ and advance in employment qualified individuals with significant disabilities on the same terms and conditions required with respect to the employment of individuals with disabilities under section 503 of the Act.

(Authority: 29 U.S.C. 796c(m)(2))

§364.32 What are the requirements for outreach?

- (a) With respect to IL services and centers funded under Chapter 1 of Title VII of the Act, the State plan must include steps to be taken regarding outreach to populations in the State that are unserved or underserved by programs under Title VII, including minority groups and urban and rural populations.
- (b) The State plan must identify the populations to be designated for targeted outreach efforts under paragraph (a) of this section and the geographic areas (i.e., communities) in which they reside.

(Authority: 29 U.S.C. 796c(l))

§364.33 What is required to meet minority needs?

The State plan must demonstrate how the State will address the needs of individuals with significant disabilities from minority group backgrounds.

(Authority: 29 U.S.C. 711(c), 718b(b), and 796c(l))

§364.34 What are the fiscal and accounting requirements?

In addition to complying with applicable EDGAR fiscal and accounting requirements, the State plan must include satisfactory assurances that all recipients of financial assistance under Parts B and C of Chapter 1 of Title VII of the Act will adopt those fiscal control and fund accounting procedures as may be necessary to ensure the proper disbursement of and accounting for those funds.

(Authority: 29 U.S.C. 796c(m)(3))

§364.35 What records must be maintained?

In addition to complying with applicable EDGAR record-keeping requirements, the State plan must include satisfactory assurances that all recipients of financial assistance under Parts B and C of Chapter 1 of Title VII of the Act will

maintain--

- (a) Records that fully disclose and document--
 - (1) The amount and disposition by the recipient of that financial assistance;
 - (2) The total cost of the project or undertaking in connection with which the financial assistance is given or used;
 - (3) The amount of that portion of the cost of the project or undertaking supplied by other sources; and
 - (4) Compliance with the requirements of Chapter 1 of Title VII of the Act and this part; and
- (b) Other records that the Secretary determines to be appropriate to facilitate an effective audit.

(Authority: 29 U.S.C. 796c(m)(4))

§364.36 What are the reporting requirements?

With respect to the records that are required by §364.35, the State plan must include satisfactory assurances that all recipients of financial assistance under Parts B and C of Chapter 1 of Title VII of the Act will submit reports that the Secretary determines to be appropriate.

(Authority: 29 U.S.C. 796c(m)(4)(D))

§364.37 What access to records must be provided?

For the purpose of conducting audits, examinations, and compliance reviews, the State plan must include satisfactory assurances that all recipients of financial assistance under Parts B and C of Chapter 1 and Chapter 2 of Title VII of the Act will provide access to the Secretary and the Comptroller General, or any of their duly authorized representatives, to--

- (a) The records maintained under §364.35;
- (b) Any other books, documents, papers, and records of the recipients that are pertinent to the financial assistance received under Chapter 1 of Title VII of the Act; and
- (c) All individual case records or files or consumer service records of individuals served under 34 CFR Parts 365, 366, or 367, including names, addresses, photographs, and records of evaluation included in those individual case records or files or consumer service records.

(Authority: 29 U.S.C. 711(c) and 796c(m)(4)(c) and (5))

§364.38 What methods of evaluation must the State plan include?

The State plan must establish a method for the periodic evaluation of the effectiveness of the plan in meeting the objectives established in §364.42, including evaluation of satisfaction by individuals with significant disabilities who have participated in the program.

(Authority: 29 U.S.C. 796c(n))

§364.39 What requirements apply to the administration of grants under the Centers for Independent Living program?

In States in which State funding for centers equals or exceeds the amount of funds allotted to the State under Part C of Title VII of the Act, as determined pursuant to 34 CFR 366.29 and 366.31, and in which the State elects to administer the CIL program as provided in section 723 of the Act, the State plan must include policies, practices, and procedures, including the order of priorities that the State may establish pursuant to 34 CFR 366.34(a), that are consistent with section 723 of the Act to govern the awarding of grants to centers and the oversight of these centers.

(Authority: 29 U.S.C. 796c(g) and (h), 796f-1(d), and 796f-2(d)).

§364.40 Who is eligible to receive IL services?

The State plan must assure that--

- (a) Any individual with a significant disability, as defined in §364.4(b), is eligible for IL services under the SILS and CIL programs authorized under Chapter 1 of Title VII of the Act;
- (b) Any individual may seek information about IL services under these programs and request referral to other services and programs for individuals with significant disabilities, as appropriate; and
- (c) The determination of an individual's eligibility for IL services under the SILS and CIL programs meets the requirements of §364.51.

(Authority: 29 U.S.C. 706(15)(B) and 796b)

§364.41 What assurances must be included regarding eligibility?

- (a) The State plan must assure that the service provider applies eligibility requirements without regard to age, color, creed, gender, national origin, race, religion, or type of significant disability of the individual applying for IL services.
- (b) The State plan must assure that the service provider does not impose any State or local residence requirement that excludes under the plan any individual who is present in the State and who is otherwise eligible for IL services from receiving IL services.

(Authority: 29 U.S.C. 711(c) and 796c(a)(1))

§364.42 What objectives and information must be included in the State plan?

- (a) The State plan must specifically describe--
 - (1) The objectives to be achieved;
 - (2) The financial plan for the use of Federal and non-Federal funds to meet these objectives. The financial plan must identify the source and amounts of other Federal and non-Federal funds to be used to meet these objectives; and
 - (3) How funds received under sections 711, 721, and 752 of the Act will further these objectives.
- (b) The objectives required by paragraph (a) of this section must address--
 - (1) The overall goals and mission of the State's IL programs and services;
 - (2) The various priorities for the types of services and populations to be served; and
 - (3) The types of services to be provided.
- (c) In developing the objectives required by paragraph (a) of this section, the DSU and the SILC shall consider, and incorporate if appropriate, the priorities and objectives established by centers pursuant to section 725(c)(4) of the Act.
- (d) The State plan must establish timeframes for the achievement of the objectives required by paragraph (a) of this section.
- (e) The State plan must explain how the objectives required by paragraph (a) of this section are consistent with and further the purpose of Chapter 1 of Title VII of the Act, as stated in section 701 of the Act and §364.2.

(Authority: 29 U.S.C. 796c(d))

§364.43 What requirements apply to the provision of State IL services?

- (a) The State plan must describe the extent and scope of IL services to be provided under Title VII of the Act to meet the objectives stated in §364.42.
- (b) The State plan must provide that the State directly, or through grants or contracts, will provide IL services with Federal, State, or other funds.
- (c) Unless the individual signs a waiver stating that an IL plan is unnecessary, IL services provided to individuals with significant disabilities must be in accordance with an IL plan that meets the requirements of §364.52 and that is mutually agreed upon by--
 - (1) An appropriate staff member of the service provider; and
 - (2) The individual.
- (d) If the State provides the IL services that it is required to provide by paragraph (b) of this section through grants or contracts with third parties, the State plan must describe these arrangements.

- (e) If the State contracts with or awards a grant to a center for the general operation of the center, the State shall delegate to the center the determination of an individual's eligibility for services from that center. If the State contracts with or awards a grant to a third party to provide specific IL services, the State may choose to delegate to the IL service provider the determination of eligibility for these services and the development of an IL plan for individuals who receive these services.

(Authority: 29 U.S.C. 711(c), 796c(e)-(f), and 796f-4(b)(2))

Cross-reference: See 34 CFR Part 365.

SUBPART D--WHAT CONDITIONS MUST BE MET AFTER AN AWARD?

§364.50 What requirements apply to the processing of referrals and applications?

The service provider shall apply the standards and procedures established by the DSU pursuant to 34 CFR 365.30 to ensure expeditious and equitable handling of referrals and applications for IL services from individuals with significant disabilities.

(Authority: 29 U.S.C. 711(c) and 796-796f-5)

§364.51 What requirements apply to determinations of eligibility or ineligibility?

- (a) Eligibility. (1) Before or at the same time as an applicant for IL services may begin receiving IL services funded under this part, the service provider shall determine the applicant's eligibility and maintain documentation that the applicant has met the basic requirements specified in §364.40.
- (2) The documentation must be dated and signed by an appropriate staff member of the service provider.
- (b) Ineligibility.
- (1) If a determination is made that an applicant for IL services is not an individual with a significant disability, the service provider shall provide documentation of the ineligibility determination that is dated and signed by an appropriate staff member.
- (2)(i) The service provider may determine an applicant to be ineligible for IL services only after full consultation with the applicant or, if the applicant chooses, the applicant's parent, guardian, or other legally authorized advocate or representative, or after providing a clear opportunity for this consultation.
- (ii) The service provider shall notify the applicant in writing of the action taken and inform the applicant or, if the applicant chooses, the applicant's parent, guardian, or other legally authorized advocate or representative, of the applicant's rights and the means by which the applicant may appeal the action taken.

(Cross-reference: See §364.58(a).)

- (iii) The service provider shall provide a detailed explanation of the availability and purposes of the CAP established within the State under section 112 of the Act, including information on how to contact the program.
- (iv) If appropriate, the service provider shall refer the applicant to other agencies and facilities, including the State's VR program under 34 CFR Part 361.
- (c) Review of ineligibility determination.
- (1) If an applicant for IL services has been found ineligible, the service provider shall review the applicant's ineligibility at least once within 12 months after the ineligibility determination has been made and whenever the service provider determines that the applicant's status has materially changed.
- (2) The review need not be conducted in situations where the applicant has refused the review, the applicant is no longer present in the State, or the applicant's whereabouts are unknown.

(Authority: 29 U.S.C. 711(c) and 796c(e))

§364.52 What are the requirements for an IL plan?

(a) General.

- (1) Unless the individual who is to be provided IL services under this part signs a waiver in accordance with paragraph (a)(2) of this section, the service provider, in collaboration with the individual with a significant disability, shall develop and periodically review an IL plan for the individual in accordance with the requirements in §364.43(c) and paragraphs (b) through (e) of this section.
- (2) The requirements of this section with respect to an IL plan do not apply if the individual knowingly and voluntarily signs a waiver stating that an IL plan is unnecessary.
- (3) Subject to paragraph (a)(2) of this section, the service provider shall provide each IL service in accordance with the IL plan.

(b) Initiation and development of an IL plan.

- (1) Development of an individual's IL plan must be initiated after documentation of eligibility under §364.51(a) and must indicate the goals or objectives established, the services to be provided, and the anticipated duration of the service program and each component service.
- (2) The IL plan must be developed jointly and signed by the appropriate staff member of the service provider and the individual with a significant disability or, if consistent with State law and the individual chooses, the individual's guardian, parent, or other legally authorized advocate or representative.
- (3) A copy of the IL plan, and any amendments, must be provided in an accessible format to the individual with a significant disability or, if consistent with State law and the individual chooses, the individual's guardian, parent, or other legally authorized advocate or representative.

(c) Review.

- (1) The IL plan must be reviewed as often as necessary but at least on an annual basis to determine whether services should be continued, modified, or discontinued, or whether the individual should be referred to a program of VR services under 34 CFR Part 361 or to any other program of assistance.
- (2) Each individual with a significant disability or, if consistent with State law and the individual chooses, the individual's guardian, parent, or other legally authorized advocate or representative, must be given an opportunity to review the IL plan and, if necessary, jointly redevelop and agree by signature to its terms.

(d) Coordination with vocational rehabilitation, developmental disabilities, and special education programs. The development of the IL plan and the provision of IL services must be coordinated to the maximum extent possible with any individualized--

- (1) Written rehabilitation program for VR services for that individual;
- (2) Habilitation program for the individual prepared under the Developmental Disabilities Assistance and Bill of Rights Act; and
- (3) Education program for the individual prepared under Part B of the Individuals with Disabilities Education Act.

(e) Termination of services. If the service provider intends to terminate services to an individual receiving IL services under an IL plan, the service provider shall follow the procedures in §364.51(b)(2)(ii) through (iv) and (c).

(Authority: 29 U.S.C. 711(c) and 796c(e) and (j))

§364.53 What records must be maintained for the individual?

For each applicant for IL services and for each individual receiving IL services, the service provider shall maintain a consumer service record that includes--

- (a) Documentation concerning eligibility or ineligibility for services;
- (b) The services requested by the consumer;
- (c) Either the IL plan developed with the consumer or a waiver signed by the consumer stating that an IL plan is unnecessary;
- (d) The services actually provided to the consumer; and
- (e) The IL goals or objectives--
 - (1) Established with the consumer, whether or not in the consumer's IL plan; and
 - (2) Achieved by the consumer.
- (f) A consumer service record may be maintained either electronically or in written form, except that the IL plan and waiver must be in writing.

(Authority: 29 U.S.C. 711(c), 712 and 796c(m)(4)(B))

§364.54 What are the durational limitations on IL services?

The service provider may not impose any uniform durational limitations on the provision of IL services, except as otherwise provided by Federal law or regulation.

(Authority: 29 U.S.C. 711(c) and 796-796f-5)

§364.55 What standards shall service providers meet?

In providing IL services to individuals with significant disabilities, service providers shall comply with--

- (a) The written standards for IL service providers established by the DSU pursuant to 34 CFR 365.31; and
- (b) All applicable State or Federal licensure or certification requirements.

(Authority: 29 U.S.C. 711(c) and 796-796f-5)

§364.56 What are the special requirements pertaining to the protection, use, and release of personal information?

- (a) General provisions. The State plan must assure that each service provider will adopt and implement policies and procedures to safeguard the confidentiality of all personal information, including photographs and lists of names. These policies and procedures must assure that--
 - (1) Specific safeguards protect current and stored personal information;
 - (2) All applicants for, or recipients of, IL services and, as appropriate, those individuals' legally authorized representatives, service providers, cooperating agencies, and interested persons are informed of the confidentiality of personal information and the conditions for gaining access to and releasing this information;
 - (3) All applicants or their legally authorized representatives are informed about the service provider's need to collect personal information and the policies governing its use, including--
 - (I) Identification of the authority under which information is collected;
 - (ii) Explanation of the principal purposes for which the service provider intends to use or release the information;

- (iii) Explanation of whether providing requested information to the service provider is mandatory or voluntary and the effects to the individual of not providing requested information;
 - (iv) Identification of those situations in which the service provider requires or does not require informed written consent of the individual or his or her legally authorized representative before information may be released; and
 - (v) Identification of other agencies to which information is routinely released;
 - (4) Persons who are unable to communicate in English or who rely on alternative modes of communication must be provided an explanation of service provider policies and procedures affecting personal information through methods that can be adequately understood by them;
 - (5) At least the same protections are provided to individuals with significant disabilities as provided by State laws and regulations; and
 - (6) Access to records is governed by rules established by the service provider and any fees charged for copies of records are reasonable and cover only extraordinary costs of duplication or making extensive searches.
- (b) Service provider use. All personal information in the possession of the service provider may be used only for the purposes directly connected with the provision of IL services and the administration of the IL program under which IL services are provided. Information containing identifiable personal information may not be shared with advisory or other bodies that do not have official responsibility for the provision of IL services or the administration of the IL program under which IL services are provided. In the provision of IL services or the administration of the IL program under which IL services are provided, the service provider may obtain personal information from other service providers and cooperating agencies under assurances that the information may not be further divulged, except as provided under paragraphs (c), (d), and (e) of this section.
- (c) Release to recipients of IL services.
- (1) Except as provided in paragraphs (c)(2) and (c)(3) of this section, if requested in writing by a recipient of IL services, the service provider shall release all information in that individual's record of services to the individual or the individual's legally authorized representative in a timely manner.
 - (2) Medical, psychological, or other information that the service provider determines may be harmful to the individual may not be released directly to the individual, but must be provided through a qualified medical or psychological professional or the individual's legally authorized representative.
 - (3) If personal information has been obtained from another agency or organization, it may be released only by, or under the conditions established by, the other agency or organization.
- (d) Release for audit, evaluation, and research. Personal information may be released to an organization, agency, or individual engaged in audit, evaluation, or research activities only for purposes directly connected with the administration of an IL program, or for purposes that would significantly improve the quality of life for individuals with significant disabilities and only if the organization, agency, or individual assures that--
- (1) The information will be used only for the purposes for which it is being provided;
 - (2) The information will be released only to persons officially connected with the audit, evaluation, or research;
 - (3) The information will not be released to the involved individual;
 - (4) The information will be managed in a manner to safeguard confidentiality; and
 - (5) The final product will not reveal any personally identifying information without the informed written consent of the involved individual or the individual's legally authorized representative.
- (e) Release to other programs or authorities.

- (1) Upon receiving the informed written consent of the individual or, if appropriate, the individual's legally authorized representative, the service provider may release personal information to another agency or organization for the latter's program purposes only to the extent that the information may be released to the involved individual and only to the extent that the other agency or organization demonstrates that the information requested is necessary for the proper administration of its program.
- (2) Medical or psychological information may be released pursuant to paragraph (e)(1) of this section if the other agency or organization assures the service provider that the information will be used only for the purpose for which it is being provided and will not be further released to the individual.
- (3) The service provider shall release personal information if required by Federal laws or regulations.
- (4) The service provider shall release personal information in response to investigations in connection with law enforcement, fraud, or abuse, unless expressly prohibited by Federal or State laws or regulations, and in response to judicial order.
- (5) The service provider also may release personal information to protect the individual or others if the individual poses a threat to his or her safety or to the safety of others.

(Authority: 29 U.S.C. 711(c))

§364.57 What functions and responsibilities may the State delegate?

A DSU may carry out the functions and responsibilities described in §§364.50, 364.51 (subject to 364.43(d)), 364.52, 364.53, and 364.56 or, except as otherwise provided, may delegate these functions and responsibilities to the appropriate service provider with which the DSU subgrants or contracts to provide IL services.

(Authority: 29 U.S.C. 711(c), 796c(f) and 796e-2)

§364.58 What appeal procedures must be available to consumers?

Each service provider shall--

- (a) Establish policies and procedures that an individual may use to obtain review of decisions made by the service provider concerning the individual's request for IL services or the provision of IL services to the individual; and
- (b) Use formats that are accessible to inform each individual who seeks or is receiving IL services from the service provider about the procedures required by paragraph (a) of this section.

(Authority: 29 U.S.C. 711(c))

§364.59 May an individual's ability to pay be considered in determining his or her participation in the costs of IL services?

- (a) No Federal requirement or prohibition.
- (1) A State is neither required to allow nor prohibited from allowing service providers to charge consumers for the cost of IL services.
- (2) If a State allows service providers to charge consumers for the cost of IL services, a State is neither required to allow nor prohibited from allowing service providers to consider the ability of individual consumers to pay for the cost of IL services in determining how much a particular consumer must contribute to the costs of a particular IL service.
- (b) State plan requirements. If a State chooses to allow service providers to charge consumers for the cost of IL services or if a State chooses to allow service providers to consider the ability of individual consumers to pay for the cost of IL services, the State plan must--

- (1) Specify the types of IL services for which costs may be charged and for which a financial need test may be applied; and
- (2) Assure that any consideration of financial need is applied uniformly so that all individuals who are eligible for IL services are treated equally.
- (c) Financial need. Consistent with paragraph (b) of this section, a service provider may choose to charge consumers for the cost of IL services or may choose to consider the financial need of an individual who is eligible for IL services.
- (d) Written policies and documentation. If the service provider chooses to consider financial need--
 - (1) It shall maintain written policies covering the specific types of IL services for which a financial need test will be applied; and
 - (2) It shall document the individual's participation in the cost of any IL services, including the individual's financial need.

(Authority: 29 U.S.C. 711(c))

PART 366-- CENTERS FOR INDEPENDENT LIVING

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AUTHORITY: 29 U.S.C. 796f through 796f-5, unless otherwise noted.

SUBPART A - GENERAL

§366.1 What is the Centers for Independent Living (CIL) program?

The CIL program provides financial assistance for planning, conducting, administering, and evaluating centers for independent living (centers) that comply with the standards and assurances in section 725(b) and (c) of the Act, consistent with the design included in the State plan pursuant to 34 CFR 364.25 for establishing a statewide network of centers.

(Authority: 29 U.S.C. 796f, 796f-1(a)(2), and 796f-2(a)(1)(A)(ii))

§366.2 What agencies are eligible for assistance under the CIL program?

- (a) In any State in which the Secretary has approved the State plan required by section 704 of the Act, an applicant may receive a grant under Subparts C or D of this part, as applicable, if the applicant demonstrates in its application submitted pursuant to §366.21, 366.24, 366.33, 366.35, or 366.36 that it--
 - (1) Has the power and authority to--
 - (i) Carry out the purpose of Part C of Title VII of the Act and perform the functions listed in section 725(b) and (c) of the Act and Subparts F and G of this part within a community located within that State or in a bordering State; and
 - (ii) Receive and administer--
 - (A) Funds under this part;
 - (B) Funds and contributions from private or public sources that may be used in support of a center; and
 - (C) Funds from other public and private programs; and
 - (2) Is able to plan, conduct, administer, and evaluate a center consistent with the standards and assurances in section 725(b) and (c) of the Act and Subparts F and G of this part.
- (b) An applicant that meets the requirements of paragraph (a) of this section is eligible to apply as a new center under §§366.24 or 366.36 if it--
 - (1) Is not receiving funds under Part C of Chapter 1 of Title VII of the Act; or
 - (2) Proposes the expansion of an existing center through the establishment of a separate and complete center (except that the governing board of the existing center may serve as the governing board of the new center) at a different geographical location; and
 - (3) Meets the requirements of §366.24;
- (c) A State that received assistance in fiscal year (FY) 1993 to directly operate a center in accordance with section 724(a) of the Act is eligible to continue to receive assistance under this part to directly operate that center for FY 1994 or a succeeding fiscal year if, for the fiscal year for which assistance is sought--
 - (1) No nonprofit private agency submits and obtains approval of an acceptable application under sections 722 or 723 of the Act or §366.21 or §366.24 to operate a center for that fiscal year before a date specified by the Secretary; or
 - (2) After funding all applications so submitted and approved, the Secretary determines that funds remain available to provide that assistance.
- (d) Except for the requirement that the center be a private nonprofit agency, a center that is operated by a State that receives assistance under paragraph (a), (b), or (c) of this section shall comply with

all of the requirements of Part C of Title VII of the Act and the requirements in Subparts C or D, as applicable, and F of this part.

(e) Eligibility requirements for assistance under Subpart B of this part are described in §366.10.

(Authority: 29 U.S.C. 711(c), 796f-1(b) and (d)(3), 796f-2(b), and 796f-3(a)(2) and (b))

§366.3 What activities may the Secretary fund?

- (a) An eligible agency may use funds awarded under Subpart B of this part to carry out activities described in §366.11(b).
- (b) An eligible agency may use funds awarded under Subparts C and D of this part to--
 - (1) Plan, conduct, administer, and evaluate centers that comply with the standards and assurances in section 725(b) and (c) of the Act;
 - (2) Promote and practice the independent living (IL) philosophy in accordance with Evaluation Standard 1 ("Philosophy");
 - (3) Provide IL services (including IL core services and, as appropriate, a combination of any other IL services specified in section 7(30)(B) of the Act) to individuals with a range of significant disabilities in accordance with Evaluation Standards 2 and 5 ("Provision of services" and "Independent living core services," respectively);
 - (4) Facilitate the development and achievement of IL goals selected by individuals with significant disabilities who seek assistance in the development and achievement of IL goals from the center in accordance with Evaluation Standard 3 ("Independent living goals");
 - (5) Increase the availability and improve the quality of community options for independent living in order to facilitate the development and achievement of IL goals by individuals with significant disabilities in accordance with Evaluation Standard 4 ("Community options");
 - (6) Increase the capacity of communities within the service area of the center to meet the needs of individuals with significant disabilities in accordance with Evaluation Standard 6 ("Activities to increase community capacity");
 - (7) Conduct resource development activities to obtain funding from sources other than Chapter 1 of Title VII of the Act in accordance with Evaluation Standard 7 (Resource development activities); and
 - (8) Conduct activities necessary to comply with the assurances in section 725(c) of the Act, including, but not limited to the following:
 - (i) Aggressive outreach regarding services provided through the center in an effort to reach populations of individuals with significant disabilities that are unserved or underserved by programs under Title VII of the Act, especially minority groups and urban and rural populations.
 - (ii) Training for center staff on how to serve unserved and underserved populations, including minority groups and urban and rural populations.

(Authority: 29 U.S.C. 796f through 796f-4)

(Cross-reference: See §366.71 in Subpart G.)

§366.4 What regulations apply?

The following regulations apply to the CIL program:

- (a) The regulations in 34 CFR Part 364.
- (b) The regulations in this Part 366.

(Authority: 29 U.S.C. 711(c) and 796f-796f-5)

§366.5 How are program funds allotted?

- (a) The Secretary allots Federal funds appropriated for FY 1994 and subsequent fiscal years for the CIL program to each State in accordance with the requirements of section 721 of the Act.
- (b)(1) After the Secretary makes the reservation required by section 721(b) of the Act, the Secretary makes an allotment, from the remainder of the amount appropriated for a fiscal year to carry out Part C of Title VII of the Act, to each State whose State plan has been approved under section 706 of the Act and 34 CFR Part 364.
- (2) The Secretary makes the allotment under paragraph (b)(1) of this section subject to sections 721(c)(1)(B) and (C), 721(c)(2) and (3), and 721(d) of the Act.

(Authority: 29 U.S.C. 796f)

SUBPART B—DELETED (NOT RELEVANT TO COMPETITION)

SUBPART C—GRANTS TO CENTERS FOR INDEPENDENT LIVING (CENTERS) IN STATES IN WHICH FEDERAL FUNDING EXCEEDS STATE FUNDING

§366.20 When does the Secretary award grants to centers?

The Secretary awards grants to centers in a State in a fiscal year if--

- (a) The amount of Federal funds allotted to the State under section 721(c) and (d) of the Act to support the general operation of centers is greater than the amount of State funds earmarked for the same purpose, as determined pursuant to §§366.29 and 366.31; or
- (b) The Director of a designated State unit (DSU) does not submit to the Secretary and obtain approval of an application to award grants under section 723 of the Act and §366.32(a) and (b).

(Authority: 29 U.S.C. 796f-1 and 796f-2(a)(2))

§366.21 What are the application requirements for existing eligible agencies?

To be eligible for assistance, an eligible agency shall submit--

- (a) An application at the time, in the manner, and containing the information that is required;
- (b) An assurance that the eligible agency meets the requirements of §366.2; and

The assurances required by section 725(c) of the Act and Subpart F of this part.

(Authority: 29 U.S.C. 796f-1(b))

§366.22 What is the order of priorities?

- (a) In accordance with a State's allotment and to the extent funds are available, the order of priorities for allocating funds among centers within a State is as follows:
 - (1) Existing centers, as described in §366.23, that comply with the standards and assurances in section 725(b) and (c) of the Act and Subparts F and G of this part first receive the level of funding each center received in the previous year. However, any funds received by an existing center to establish a new center at a different geographical location pursuant to proposed §366.2(b)(2) are not included in determining the level of funding to the existing center in any fiscal year that the new center applies for and receives funds as a separate center.
 - (2) Existing centers that meet the requirements of paragraph (a)(1) of this section then receive a cost-of-living increase in accordance with procedures consistent with section 721(c)(3) of the Act.
 - (3) New centers, as described in §366.2(b), that comply with the standards and assurances in section 725(b) and (c) of the Act and Subparts F and G of this part.
- (b) If, after meeting the priorities in paragraphs (a)(1) and (2) of this section, there are insufficient funds under the State's allotment under section 721(c) and (d) of the Act to fund a new center under paragraph (a)(3) of this section, the Secretary may--
 - (1) Use the excess funds in the State to assist existing centers consistent with the State plan; or
 - (2) Reallot these funds in accordance with section 721(d) of the Act.

(Authority: 29 U.S.C. 711(c) and 796f-1(e))

§366.23 What grants must be made to existing eligible agencies?

- (a) In accordance with the order of priorities established in §366.22, an eligible agency may receive a grant if the eligible agency demonstrates in its application that it--
 - (1) Meets the requirements in §366.21 or §366.24;
 - (2) Is receiving funds under Part C of Title VII of the Act on September 30, 1993; and
 - (3) Is in compliance with the program and fiscal standards and assurances in section 725(b) and (c) of the Act and Subparts F and G of this part. (The indicators of minimum compliance in Subpart G of this part are used to determine compliance with the evaluation standards in section 725(b) of the Act.)
- (b) For purposes of this section, an eligible agency is receiving funds under Part C of Title VII of the Act on September 30, 1993, if it was awarded a grant on or before that date, i.e., during FY 1993.

(Authority: 29 U.S.C. 796f-1(c))

§366.24 How is an award made to a new center?

- (a) To apply for a grant as a new center, an eligible agency shall--
 - (1) Meet the requirements of §366.2(b);
 - (2) Submit an application that meets the requirements of §366.21; and
 - (3) Meet the requirements of this section.
- (b) Subject to the order of priorities established in §366.22, a grant for a new center may be awarded to the most qualified eligible agency that applies for funds under this section, if--
 - (1)(i) No center serves a geographic area of a State; or
 - (ii) A geographic area of a State is underserved by centers serving other areas of the State;
 - (2) The eligible agency proposes to serve the geographic area that is unserved or underserved in the State; and
 - (3) The increase in the allotment of the State under section 721 of the Act for a fiscal year, as compared with the immediately preceding fiscal year, is sufficient to support an additional center in the State.
- (c) The establishment of a new center under this subpart must be consistent with the design included in the State plan pursuant to 34 CFR 364.25 for establishing a statewide network of centers.
- (d) An applicant may satisfy the requirements of paragraph (c) of this section by submitting appropriate documentation demonstrating that the establishment of a new center is consistent with the design in the State plan required by 34 CFR 364.25.

(Authority: 29 U.S.C. 796f-1(d))

§366.25 What additional factor does the Secretary use in making a grant for a new center under §366.24?

In selecting from among applicants for a grant under §366.24 for a new center, the Secretary considers comments regarding the application, if any, by the SILC in the State in which the applicant is located.

(Authority: 29 U.S.C. 796f-1(d)(1))

§366.26 How does the Secretary evaluate an application?

- (a) The Secretary evaluates each application for a grant under this subpart on the basis of the criteria in §366.27.

- (b) The Secretary awards up to 100 points for these criteria.
- (c) The maximum possible score for each criterion is indicated in parentheses.

(Authority: 29 U.S.C. 796f(b)(3))

§366.27 What selection criteria does the Secretary use?

In evaluating each application for a new center under this part, the Secretary uses the following selection criteria:

- (a) Extent of the need for the project (20 points).
 - (1) The Secretary reviews each application for persuasive evidence that shows the extent to which the project meets the specific needs for the program, including considerations of--
 - (i) The needs addressed by the project;
 - (ii) How the applicant identified those needs (e.g., whether from the 1990 census data or other current sources);
 - (iii) How those needs will be met by the project; and
 - (iv) The benefits to be gained by meeting those needs.
 - (2) The Secretary looks for information that shows that the need for the center has been established based on an assessment of the ability of existing programs and facilities to meet the need for IL services of individuals with significant disabilities in the geographic area to be served.
 - (3) The Secretary looks for information that shows--
 - (i) That the applicant proposes to establish a new center to serve a priority service area that is identified in the current State plan; and
 - (ii) The priority that the State has placed on establishing a new center in this proposed service area.
- (b) Past performance (5 points). The Secretary reviews each application for information that shows the past performance of the applicant in successfully providing services comparable to the IL core services and other IL services listed in section 7(29) and (30) of the Act and 34 CFR 365.21 and 365.22 and other services that empower individuals with significant disabilities.
- (c) Meeting the standards and the assurances (25 points). The Secretary reviews each application for information that shows--
 - (1) Evidence of demonstrated success in satisfying, or a clearly defined plan to satisfy, the standards in section 725(b) of the Act and Subpart G of this part; and
 - (2) Convincing evidence of demonstrated success in satisfying, or a clearly defined plan to satisfy, the assurances in section 725(c) of the Act and Subpart F of this part.
- (d) Quality of key personnel (10 points).
 - (1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project, including--
 - (i) The qualifications of the project director, if one is to be used;
 - (ii) The qualifications of each of the other management and decision-making personnel to be used in the project;
 - (iii) The time that each person referred to in paragraphs (d)(1)(i) and (ii) of this section will commit to the project;
 - (iv) How the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or disability; and

- (v) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally under-represented, including--
 - (A) Members of racial or ethnic minority groups;
 - (B) Women;
 - (C) Persons with disabilities; and
 - (D) Elderly individuals.
 - (2) To determine personnel qualifications under paragraphs (d)(1)(i) and (ii) of this section, the Secretary considers--
 - (i) Experience and training in fields related to the objectives of the project; and
 - (ii) Any other qualifications that pertain to the objectives of the project.
 - (e) Budget and cost effectiveness (10 points). The Secretary reviews each application for information that shows the extent to which--
 - (1) The budget is adequate to support the project; and
 - (2) Costs are reasonable in relation to the objectives of the project.
 - (f) Evaluation plan (5 points). The Secretary reviews each application for information that shows the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation--
 - (1) Are appropriate for the project;
 - (2) Will determine how successful the project is in meeting its goals and objectives; and
 - (3) Are objective and produce data that are quantifiable.
- (Cross-reference: See 34 CFR 75.590.)
- (g) Plan of operation (20 points). The Secretary reviews each application for information that shows the quality of the plan of operation for the project, including--
 - (1) The quality of the design of the project;
 - (2) The extent to which the plan of management ensures proper and efficient administration of the project;
 - (3) How well the objectives of the project relate to the purpose of the program;
 - (4) The quality and adequacy of the applicant's plan to use its resources (including funding, facilities, equipment, and supplies) and personnel to achieve each objective;
 - (5) How the applicant will ensure that project participants who are otherwise eligible to participate are selected without regard to race, color, national origin, gender, age, or disability; and
 - (6) A clear description of how the applicant will provide equal access to services for eligible project participants who are members of groups that have been traditionally under-represented, including--
 - (i) Members of racial or ethnic minority groups;
 - (ii) Women;
 - (iii) Elderly individuals; and
 - (iv) Children and youth.
 - (h) Involvement of individuals with significant disabilities (5 points).
 - (1) The Secretary reviews each application for information that shows that individuals with significant disabilities are appropriately involved in the development of the application.

- (2) The Secretary looks for information that shows that individuals with significant disabilities or their parents, guardians, or other legally authorized advocates or representatives, as appropriate, will be substantially involved in planning, policy direction, and management of the center, and, to the greatest extent possible, that individuals with significant disabilities will be employed by the center.

(Authority: 29 U.S.C. 796f-1(d)(2)(B))

§366.28 Under what circumstances may the Secretary award a grant to a center in one State to serve individuals in another State?

- (a) The Secretary may use funds from the allotment of one State to award a grant to a center located in a bordering State if the Secretary determines that the proposal of the out-of-State center to serve individuals with significant disabilities who reside in the bordering State is consistent with the State plan of the State in which these individuals reside.
- (b) An applicant shall submit documentation demonstrating that the arrangements described in paragraph (a) of this section are consistent with the State plan of the State in which the individuals reside.

(Authority: 29 U.S.C. 711(c) and 796f(c) and (d))

SUBPART D—DELETED (NOT RELEVANT TO 722 COMPETITION)

SUBPART E—ENFORCEMENT AND APPEALS PROCEDURES

§366.39 What procedures does the Secretary use for enforcement?

- (a) If the Secretary determines that any center receiving funds under this part is not in compliance with the standards and assurances in section 725(b) and (c) of the Act and Subparts F and G of this part, the Secretary immediately notifies the center, by certified mail, return receipt requested, or other means that provide proof of receipt, that the center is out of compliance. The Secretary also offers technical assistance to the center to develop a corrective action plan to comply with the standards and assurances.
- (b) The Secretary terminates all funds under section 721 of the Act to that center 90 days after the date of the notification required by paragraph (a) of this section unless--
 - (1) The center submits, within 90 days after receiving the notification required by paragraph (a) of this section, a corrective action plan to achieve compliance that is approved by the Secretary; or
 - (2) The center requests a hearing pursuant to paragraph (c) or (d) of this section.
- (c) If the Secretary does not approve a center's corrective action plan submitted pursuant to paragraph (b)(1) of this section, the center has 30 days from receipt of the Secretary's written notice of disapproval of the center's corrective action plan to request a hearing by submitting a formal written request that gives the reasons why the center believes that the Secretary should have approved the center's corrective action plan.
- (d) If the center does not submit a corrective action plan to the Secretary, the center has 90 days after receiving the notification required by paragraph (a) of this section to request a hearing by submitting a formal written request that gives the reasons why the center believes that the Secretary should have found the center in compliance with the standards and assurances in section 725(b) and (c) of the Act and Subparts F and G of this part.
- (e) The date of filing a formal written request for a hearing to the Secretary under paragraph (c) or (d) of this section is determined in a manner consistent with the requirements of 34 CFR 81.12.
- (f) The Secretary issues a written decision to terminate funds to the center if, after providing reasonable notice and an opportunity for a hearing, the Secretary finds that--
 - (1) The center receiving funds under this part is not in compliance with the standards and assurances in section 725(b) and (c) of the Act and Subparts F and G of this part; or
 - (2) The center's corrective action plan submitted under paragraph (b)(1) of this section cannot be approved.
- (g) The Secretary's decision to terminate funds to a center pursuant to paragraph (f) of this section takes effect upon issuance.

(Authority: 29 U.S.C. 711(c) and 796f-1(g))

§366.40 How does the Director initiate enforcement procedures?

- (a) If the Director determines that any center receiving funds under this part is not in compliance with the standards and assurances in section 725(b) and (c) of the Act and Subparts F and G of this part, the Director shall immediately provide the center, by certified mail, return receipt requested, or other means that provide proof of receipt, with an initial written notice that the center is out of compliance with the standards and assurances and that the Director will terminate the center's funds or take other proposed significant adverse action against the center 90 days after the center's receipt of this initial written notice. The Director shall provide technical assistance to the center to develop a corrective action plan to comply with the standards and assurances.

- (b) Unless the center submits, within 90 days after receiving the notification required by paragraph (a) of this section, a corrective action plan to achieve compliance that is approved by the Director or, if appealed, by the Secretary, the Director shall terminate all funds under section 723 of the Act to a center 90 days after the later of--
 - (1) The date that the center receives the initial written notice required by paragraph (a) of this section; or
 - (2) The date that the center receives the Secretary's final decision issued pursuant to §366.46(c) if--
 - (i) The center files a formal written appeal of the Director's final written decision pursuant to §366.44(a); or
 - (ii) The center files a formal written appeal of the decision described in the Director's initial written notice pursuant to §366.44(b).

(Authority: 29 U.S.C. 711(c) and 796f-2(g) and (l))

§366.41 What must be included in an initial written notice from the Director?

The initial written notice required by §366.40(a) must--

- (a) Include, at a minimum, the following:
 - (1) The name of the center.
 - (2) The reason or reasons for proposing the termination of funds or other significant adverse action against the center, including any evidence that the center has failed to comply with any of the evaluation standards or assurances in section 725(b) and (c) of the Act and Subparts F and G of this part.
 - (3) The effective date of the proposed termination of funds or other significant adverse action against the center;
- (b) Be given 90 days in advance of the date the Director intends to terminate a center's funds or take any other significant adverse action against the center;
- (c) Inform the center that it has 90 days from the date the center receives the notice to submit a corrective action plan;
- (d) Inform the center that it may seek mediation and conciliation in accordance with §366.40(a) to resolve any dispute with the Director within the 90 days before the proposed termination of funds or other significant adverse action against the center; and
- (e) Inform the center that, if mediation and conciliation are not successful and the Director does not issue a final written decision pursuant to §366.42, the center may appeal to the Secretary the decision described in the Director's initial written notice on or after the 90th day, but not later than the 120th day, after the center receives the Director's initial decision.

(Authority: 29 U.S.C. 711(c) and 796f-2(g) and (l))

§366.42 When does a Director issue a final written decision?

- (a) If the center submits a corrective action plan in accordance with §366.40(b), the Director shall provide to the center, not later than the 120th day after the center receives the Director's initial written notice, a final written decision approving or disapproving the center's corrective action plan and informing the center, if appropriate, of the termination of the center's funds or any other proposed significant adverse action against the center.
- (b) The Director shall send the final written decision to the center by registered or certified mail, return receipt requested, or other means that provide a record that the center received the Director's final written decision.

- (c) A Director's final written decision to terminate funds or take any other adverse action against a center may not take effect until 30 days after the date that the center receives it.
- (d) If a center appeals pursuant to §366.44(a), the Director's final written decision to terminate funds or take any other adverse action against a center does not take effect until the Secretary issues a final decision.

(Authority: 29 U.S.C. 711(c) and 796f-2(g) and (l))

§366.43 What must be included in the Director's final written decision?

The Director's final written decision to disapprove a center's corrective action plan required by §366.42 must--

- (a) Address any response from the center to the Director's initial written notice to terminate funds or take other significant adverse action against the center;
- (b) Include a statement of the reasons why the Director could not approve the corrective action plan; and
- (c) Inform the center of its right to appeal to the Secretary the Director's final written decision to terminate funds or take any other significant adverse action against the center.

(Authority: 29 U.S.C. 711(c) and 796f-2(g) and (l))

§366.44 How does a center appeal a decision included in a Director's initial written notice or a Director's final written decision?

- (a) To obtain the Secretary's review of a Director's final written decision to disapprove a center's corrective action plan submitted pursuant to §366.40(b), the center shall file, within 30 days from receipt of the Director's final written decision, a formal written appeal with the Secretary giving the reasons why the center believes that the Director should have approved the center's corrective action plan.

(Cross-reference: See §366.42.)

- (b) To obtain the Secretary's review of a decision described in a Director's initial written notice, a center that does not submit a corrective action plan to a Director shall file, in accordance with paragraph (c)(1)(l) of this section, a formal written appeal with the Secretary giving the reasons why the center believes that the Director should have found the center in compliance with the standards and assurances in section 725(b) and (c) of the Act and Subparts F and G of this part.
- (c) To appeal to the Secretary a decision described in a Director's initial written notice or a Director's final written decision to disapprove a center's corrective action plan and to terminate or take other significant adverse action, a center shall file with the Secretary--
 - (1) A formal written appeal--
 - (i) On or after the 90th day but not later than the 120th day following a center's receipt of a Director's initial written notice; or
 - (ii) On or before the 30th day after a center's receipt of the Director's final written decision to disapprove a center's corrective action plan and to terminate or take other significant adverse action;
 - (2) A copy of the corrective action plan, if any, submitted to the Director; and
 - (3) One copy each of any other written submissions sent to the Director in response to the Director's initial written notice to terminate funds or take other significant adverse action against the center.
- (d) The date of filing a formal written appeal to the Secretary under paragraph (c) of this section is determined in a manner consistent with the requirements of 34 CFR 81.12.

- (e) If the center files a formal written appeal with the Secretary, the center shall send a separate copy of this appeal to the Director by registered or certified mail, return receipt requested, or other means that provide a record that the Director received a separate copy of the center's written appeal.
- (f) The center's formal written appeal to the Secretary must state why--
 - (1) The Director has not met the burden of showing that the center is not in compliance with the standards and assurances in section 725(b) and (c) of the Act and in Subparts F and G of this part;
 - (2) The corrective action plan, if any, should have been approved; or
 - (3) The Director has not met the procedural requirements of §§366.40 through 366.45.
- (g) As part of its submissions under this section, the center may request an informal meeting with the Secretary at which representatives of both parties will have an opportunity to present their views on the issues raised in the appeal.
- (h) A Director's decision to terminate funds that is described in an initial written notice or final written decision is stayed as of the date (determined pursuant to paragraph (d) of this section) that the center files a formal written appeal with the Secretary.

(Authority: 29 U.S.C. 711(c) and 796f-2(g)(2) and (l))

§366.45 What must a Director do upon receipt of a copy of a center's formal written appeal to the Secretary?

- (a) If the center files a formal written appeal in accordance with §366.44(c), the Director shall, within 15 days of receipt of the center's appeal, submit to the Secretary one copy each of the following:
 - (1) The Director's initial written notice to terminate funds or take any other significant adverse action against the center sent to the center.
 - (2) The Director's final written decision, if any, to disapprove the center's corrective action plan and to terminate the center's funds or take any other significant adverse action against the center.
 - (3) Any other written documentation or submissions the Director wishes the Secretary to consider.
 - (4) Any other information requested by the Secretary.
- (b) As part of its submissions under this section, the Director may request an informal meeting with the Secretary at which representatives of both parties will have an opportunity to present their views on the issues raised in the appeal.

(Authority: 29 U.S.C. 711(c) and 796f-2(g)(2) and (l))

§366.46 How does the Secretary review a center's appeal of a decision included in a Director's initial written notice or a Director's final written decision?

- (a) If either party requests a meeting under §§366.44(g) or 366.45(b), the meeting is to be held within 30 days of the date of the Secretary's receipt of the submissions from the Director that are required by §366.45(a). The Secretary promptly notifies the parties of the date and place of the meeting.
- (b) Within 30 days of the informal meeting permitted under paragraph (a) of this section or, if neither party has requested an informal meeting, within 60 days of the date of receipt of the submissions required from the Director by §366.45(a), the Secretary issues to the parties the Secretary's decision.
- (c) The Secretary reviews a decision included in a Director's initial written notice or a Director's final written decision to disapprove the center's corrective action plan and to terminate the center's funds or take any other significant adverse action against the center based on the record submitted under §§366.44 and 366.45 and may affirm or, if the Secretary finds that the decision included in a Director's initial written notice or a Director's final written decision is not supported by the evidence or is not in accordance with the law, may--

- (1) Remand the appeal for further findings; or
- (2) Reverse the decision described in the Director's initial written notice or the Director's final written decision to disapprove the center's corrective action plan and to terminate funds or take any other significant adverse action against the center.
- (d) The Secretary sends copies of his or her decision to the parties by registered or certified mail, return receipt requested, or other means that provide a record of receipt by both parties.
- (e) If the Secretary affirms the decision described in a Director's initial written notice or the Director's final written decision, the Director's decision takes effect on the date of the Secretary's final decision to affirm.

(Authority: 29 U.S.C. 711(c) and 796f-2(g)(2) and (l))

SUBPART F—ASSURANCES FOR CENTERS

§366.50 What assurances shall a center provide and comply with?

To be eligible for assistance under this part, an eligible agency shall provide satisfactory assurances that--

- (a) The applicant is an eligible agency;
- (b) The center will be designed and operated within local communities by individuals with disabilities, including an assurance that the center will have a board that is the principal governing body of the center and a majority of which must be composed of individuals with significant disabilities;
- (c) The applicant will comply with the standards in Subpart G;
- (d) The applicant will establish clear priorities through--
 - (1) Annual and three-year program and financial planning objectives for the center, including overall goals or a mission for the center;
 - (2) A work plan for achieving the goals or mission, specific objectives, service priorities, and types of services to be provided; and
 - (3) A description that demonstrates how the proposed activities of the applicant are consistent with the most recent three-year State plan under section 704 of the Act;
- (e) The applicant will use sound organizational and personnel assignment practices, including taking affirmative action to employ and advance in employment qualified individuals with significant disabilities on the same terms and conditions required with respect to the employment of individuals with disabilities under section 503 of the Act;
- (f) The applicant will ensure that the majority of the staff, and individuals in decision-making positions, of the applicant are individuals with disabilities;
- (g) The applicant will practice sound fiscal management, including making arrangements for an annual independent fiscal audit;
- (h) The applicant will conduct an annual self-evaluation, prepare an annual performance report, and maintain records adequate to measure performance with respect to the standards in Subpart G;
- (i) The annual performance report and the records of the center's performance required by paragraph (h) of this section must each contain information regarding, at a minimum--
 - (1) The extent to which the center is in compliance with the standards in section 725(b) of the Act and Subpart G of this part;

(Cross-reference: See §§366.70(a)(2) and 366.73)

- (2) The number and types of individuals with significant disabilities receiving services through the center;
- (3) The types of services provided through the center and the number of individuals with significant disabilities receiving each type of service;
- (4) The sources and amounts of funding for the operation of the center;
- (5) The number of individuals with significant disabilities who are employed by, and the number who are in management and decision-making positions in, the center;
- (6) The number of individuals from minority populations who are employed by, and the number who are in management and decision-making positions in, the center; and
- (7) A comparison, if appropriate, of the activities of the center in prior years with the activities of the center in most recent years;

- (j) Individuals with significant disabilities who are seeking or receiving services at the center will be notified by the center of the existence of, the availability of, and how to contact the client assistance program;
- (k) Aggressive outreach regarding services provided through the center will be conducted in an effort to reach populations of individuals with significant disabilities that are unserved or underserved by programs under Title VII of the Act, especially minority groups and urban and rural populations;
- (l) Staff at centers will receive training on how to serve unserved and underserved populations, including minority groups and urban and rural populations;
- (m) The center will submit to the SILC a copy of its approved grant application and the annual performance report required under paragraph (h) of this section;
- (n) The center will prepare and submit to the DSU, if the center received a grant from the Director, or to the Secretary, if the center received a grant from the Secretary, within 90 days of the end of each fiscal year, the annual performance report that is required to be prepared pursuant to paragraph (h) of this section and that contains the information described in paragraph (l) of this section; and
- (o) An IL plan as described in section 704(e) of the Act will be developed for each individual who will receive services under this part unless the individual signs a waiver stating that an IL plan is unnecessary.

(Authority: 29 U.S.C. 796f-4)

SUBPART G--STANDARDS AND INDICATORS

§366.60 What are the project evaluation standards?

To be eligible to receive funds under this part, an applicant must agree to comply with the following evaluation standards:

- (a) Evaluation standard 1--Philosophy. The center shall promote and practice the IL philosophy of--
 - (1) Consumer control of the center regarding decisionmaking, service delivery, management, and establishment of the policy and direction of the center;
 - (2) Self-help and self-advocacy;
 - (3) Development of peer relationships and peer role models;
 - (4) Equal access of individuals with significant disabilities to all of the center's services, programs, activities, resources, and facilities, whether publicly or privately funded, without regard to the type of significant disability of the individual; and
 - (5) Promoting equal access of individuals with significant disabilities to all services, programs, activities, resources, and facilities in society, whether public or private, and regardless of funding source, on the same basis that access is provided to other individuals with disabilities and to individuals without disabilities.
- (b) Evaluation standard 2--Provision of services.
 - (1) The center shall provide IL services to individuals with a range of significant disabilities.
 - (2) The center shall provide IL services on a cross-disability basis (i.e., for individuals with all different types of significant disabilities, including individuals with significant disabilities who are members of populations that are unserved or underserved by programs under Title VII of this Act).
 - (3) The center shall determine eligibility for IL services. The center may not base eligibility on the presence of any one specific significant disability.
- (c) Evaluation standard 3--Independent living goals. The center shall facilitate the development and achievement of IL goals selected by individuals with significant disabilities who seek assistance in the development and achievement of IL goals from the center.
- (d) Evaluation standard 4--Community options. The center shall conduct activities to increase the availability and improve the quality of community options for IL to facilitate the development and achievement of IL goals by individuals with significant disabilities.
- (e) Evaluation standard 5--Independent living core services. The center shall provide IL core services and, as appropriate, a combination of any other IL services specified in section 7(30)(B) of the Act.
- (f) Evaluation standard 6--Activities to increase community capacity. The center shall conduct activities to increase the capacity of communities within the service area of the center to meet the needs of individuals with significant disabilities.
- (g) Evaluation standard 7--Resource development activities. The center shall conduct resource development activities to obtain funding from sources other than Chapter 1 of Title VII of the Act.

(Authority: 29 U.S.C. 796f-4)

§366.61 What are the compliance indicators?

- (a) The compliance indicators establish the activities that a center shall carry out to demonstrate minimum compliance with the evaluation standards in §366.60.
- (b) If a center fails to satisfy any one of the indicators, the center is out of compliance with the evaluation standards.

(Authority: 20 U.S.C. 796d-1(b))

§366.62 What are the requirements for continuation funding?

- (a) To be eligible to receive a continuation award for the third or any subsequent year of a grant, a center shall--
 - (1) Have complied fully during the previous project year with all of the terms and conditions of its grant;
 - (2) Provide adequate evidence in its most recent annual performance report that the center is in minimum compliance with the evaluation standards in §366.60 (Cross-reference: See §§366.50(h) and (l) and 34 CFR 75.118(a)); and
 - (3) Meet the requirements in this Part 366.
- (b) If a recipient receives funding for more than one center, each individual center that receives a continuation award shall meet the requirements of paragraph (a) of this section.

(Approved by the Office of Management and Budget under control number 1820-0606.)

(Authority: 29 U.S.C. 711(c), 796d-1(b), 796e, and 796f-4)

§366.63 What evidence must a center present to demonstrate that it is in minimum compliance with the evaluation standards?

- (a) Compliance indicator 1--Philosophy.
 - (1) Consumer control.
 - (i) The center shall provide evidence in its most recent annual performance report that--
 - (A) Individuals with significant disabilities constitute more than 50 percent of the center's governing board; and
 - (B) Individuals with disabilities constitute more than 50 percent of the center's--
 - (1) Employees in decisionmaking positions; and
 - (2) Employees in staff positions.
 - (ii) A center may exclude personal assistants, readers, drivers, and interpreters employed by the center from the requirement in paragraph (a)(1)(B) of this section.
 - (iii) The determination that over 50 percent of a center's employees in decisionmaking and staff positions are individuals with disabilities must be based on the total number of hours (excluding any overtime) for which employees are actually paid during the last six-month period covered by the center's most recent annual performance report. However, a center must include in this determination its employees who are on unpaid family or maternity leave during this six-month period.
 - (2) Self-help and self-advocacy. The center shall provide evidence in its most recent annual performance report that it promotes self-help and self-advocacy among individuals with significant disabilities (e.g., by conducting activities to train individuals with significant disabilities in self-advocacy).
 - (3) Development of peer relationships and peer role models. The center shall provide evidence in its most recent annual performance report that it promotes the development of peer relationships and peer role models among individuals with significant disabilities (e.g., by using individuals with significant disabilities who have achieved IL goals [whether the goals were achieved independently or through assistance and services provided by a center] as instructors [volunteer or paid] in its training programs or as peer counselors).

- (4) Equal access. The center shall provide evidence in its most recent annual performance report that it--
- (i) Ensures equal access of individuals with significant disabilities, including communication and physical access, to the center's services, programs, activities, resources, and facilities, whether publicly or privately funded. Equal access, for purposes of this paragraph, means that the same access is provided to any individual with a significant disability regardless of the individual's type of significant disability.
 - (ii) Advocates for and conducts activities that promote the equal access to all services, programs, activities, resources, and facilities in society, whether public or private, and regardless of funding source, for individuals with significant disabilities. Equal access, for purposes of this paragraph, means that the same access provided to individuals without disabilities is provided in the center's service area to individuals with significant disabilities.
- (5) Alternative formats. To ensure that a center complies with §366.63(a)(4) and for effective communication, a center shall make available in alternative formats, as appropriate, all of its written policies and materials and IL services.
- (b) Compliance indicator 2--Provision of services on a cross-disability basis. The center shall provide evidence in its most recent annual performance report that it--
- (1) Provides IL services to eligible individuals or groups of individuals without restrictions based on the particular type or types of significant disability of an individual or group of individuals, unless the restricted IL service (other than the IL core services) is unique to the significant disability of the individuals to be served;
 - (2) Provides IL services to individuals with a diversity of significant disabilities and individuals who are members of populations that are unserved or underserved by programs under Title VII of the Act; and
 - (3) Provides IL core services to individuals with significant disabilities in a manner that is neither targeted nor limited to a particular type of significant disability.
- (c) Compliance indicator 3--Independent living goals.
- (1) The center shall provide evidence in its most recent annual performance report that it--
 - (i) Maintains a consumer service record that meets the requirements of 34 CFR 364.53 for each consumer;
 - (ii) Facilitates the development and achievement of IL goals selected by individuals with significant disabilities who request assistance from the center;
 - (iii) Provides opportunities for consumers to express satisfaction with the center's services and policies in facilitating their achievement of IL goals and provides any results to its governing board and the appropriate SILC; and
 - (iv) Notifies all consumers of their right to develop or waive the development of an IL plan (ILP).
 - (2) The center shall provide evidence in its most recent annual performance report that the center maintains records on--
 - (i) The IL goals that consumers receiving services at the center believe they have achieved;
 - (ii) The number of ILPs developed by consumers receiving services at the center; and
 - (iii) The number of waivers signed by consumers receiving services at the center stating that an ILP is unnecessary.
- (d) Compliance indicator 4--Community options and community capacity. The center shall provide evidence in its most recent annual performance report that, during the project year covered by the center's most recent annual performance report, the center promoted the increased availability and improved quality of community-based programs that serve individuals with significant disabilities

and promoted the removal of any existing architectural, attitudinal, communication, environmental, or other type of barrier that prevents the full integration of these individuals into society. This evidence must demonstrate that the center performed at least one activity in each of the following categories:

- (1) Community advocacy.
- (2) Technical assistance to the community on making services, programs, activities, resources, and facilities in society accessible to individuals with significant disabilities.
- (3) Public information and education.
- (4) Aggressive outreach to members of populations of individuals with significant disabilities that are unserved or underserved by programs under Title VII of the Act in the center's service area.
- (5) Collaboration with service providers, other agencies, and organizations that could assist in improving the options available for individuals with significant disabilities to avail themselves of the services, programs, activities, resources, and facilities in the center's service area.
- (e) Compliance indicator 5--IL core services and other IL services. The center shall provide evidence in its most recent annual performance report that it provides--
 - (1) Information and referral services to all individuals who request this type of assistance or services from the center in formats accessible to the individual requesting these services; and
 - (2) As appropriate in response to requests from individuals with significant disabilities who are eligible for IL services from the center, the following services:
 - (i) IL skills training.
 - (ii) Peer counseling (including cross-disability peer counseling).
 - (iii) Individual and systems advocacy.
 - (iv) A combination, as appropriate, of any two or more of the IL services defined in section 7(30)(B) of the Act.
- (f) Compliance indicator 6--Resource development activities. The center shall provide evidence in its most recent annual performance report that it has conducted resource development activities within the period covered by the performance report to obtain funding from sources other than Chapter 1 of Title VII of the Act.

(Approved by the Office of Management and Budget under control number 1820-0606.)

(Authority: 29 U.S.C. 711(c), 796d-1(b), and 796f-4)

SECTION F

GENERAL INFORMATION ON COMPLETING AN APPLICATION

IMPORTANT—PLEASE READ FIRST
U.S. Department of Education
GRANTS.GOV SUBMISSION PROCEDURES AND
TIPS FOR APPLICANTS

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

ATTENTION—Adobe Forms and PDF Files Required

Applications submitted to Grants.gov for the Department of Education will be posted using Adobe forms. Therefore, applicants will need to download the latest version of Adobe reader (at least Adobe Reader 8.1.2). Information on computer and operating system compatibility with Adobe and links to download the latest version is available on Grants.gov. We strongly recommend that you review these details on www.Grants.gov before completing and submitting your application. In addition, applicants should submit their application a day or two in advance of the closing date as detailed below. Also, applicants are required to upload their attachments in .pdf format only. (See details below under “Attaching Files—Additional Tips.”) If you have any questions regarding this matter please email the Grants.gov Contact Center at support@grants.gov or call 1-800-518-4726.

1) REGISTER EARLY

Grants.gov registration may take five or more business days to complete. You may begin working on your application while completing the registration process, but you cannot submit an application until all of the Registration steps are complete. For detailed information on the Registration Steps, please go to: http://www.grants.gov/applicants/get_registered.jsp [Note: Your organization will need to update its Central Contractor Registry (CCR) registration annually.]

2) SUBMIT EARLY

We strongly recommend that you do not wait until the last day to submit your application. Grants.gov will put a date/time stamp on your application and then process it after it is fully uploaded. The time it takes to upload an application will vary depending on a number of factors including the size of the application and the speed of your Internet connection, and the time it takes Grants.gov to process the application will vary as well. If Grants.gov rejects your application (see step three below), you will need to resubmit successfully to Grants.gov before 4:30:00 p.m. Washington, DC time on the deadline date.

Note: To submit successfully, you must provide the DUNS number on your application that was used when you registered as an Authorized Organization Representative (AOR) on Grants.gov. This DUNS number is typically the same number used when your organization registered with the CCR (Central Contractor

Registry). If you do not enter the same DUNS number on your application as the DUNS you registered with, Grants.gov will reject your application.

3) **VERIFY SUBMISSION IS OK**

You will want to verify that Grants.gov received your application submission on time and that it was validated successfully. To see the date/time your application was received, login to Grants.gov and click on the Track My Application link. For a successful submission, the date/time received should be earlier than 4:30:00 p.m. Washington, DC time, on the deadline date, AND the application status should be: Validated, Received by Agency, or Agency Tracking Number Assigned. Once the Department of Education receives your application from Grants.gov, an Agency Tracking Number (PR/award number) will be assigned to your application and will be available for viewing on Grants.gov's Track My Application link.

If the date/time received is later than 4:30:00 p.m. Washington, D.C. time, on the deadline date, your application is late. If your application has a status of "Received" it is still awaiting validation by Grants.gov. Once validation is complete, the status will either change to "Validated" or "Rejected with Errors." If the status is "Rejected with Errors," your application has not been received successfully. Some of the reasons Grants.gov may reject an application can be found on the Grants.gov site: http://www.grants.gov/applicants/applicant_faqs.jsp#54. For more detailed information on troubleshooting Adobe errors, you can review the Adobe Reader Error Messages document at <http://www.grants.gov/assets/AdobeReaderErrorMessage.pdf>. If you discover your application is late or has been rejected, please see the instructions below. Note: You will receive a series of confirmations both online and via e-mail about the status of your application. Please do not rely solely on e-mail to confirm whether your application has been received timely and validated successfully.

Submission Problems—What should you do?

If you have problems submitting to Grants.gov before the closing date, please contact Grants.gov Customer Support at 1-800-518-4726 or <http://www.grants.gov/contactus/contactus.jsp>, or access the Grants.gov Self-Service web portal at: <https://grants-portal.psc.gov/Welcome.aspx?pt=Grants>

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

If electronic submission is required, you must submit an electronic application before 4:30:00 p.m., unless you follow the procedures in the Federal Register notice and qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. (See the Federal Register notice for detailed instructions.)

Helpful Hints When Working with Grants.gov

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

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

Dial-Up Internet Connections

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

MAC Users

For MAC compatibility information, review the Operating System Platform Compatibility Table at the following Grants.gov link: http://www.grants.gov/help/download_software.jsp. **If electronic submission is required and you are concerned about your ability to submit electronically as a non-windows user, please follow instructions in the Federal Register notice to obtain an exception to the electronic submission requirement no later than two weeks before the application deadline date.** (See the Federal Register notice for detailed instructions.)

Attaching Files—Additional Tips

Please note the following tips related to attaching files to your application, especially the requirement that applicants **only include read-only, non-modifiable .PDF files** in their application:

1. Ensure that you attach **.PDF files only** for any attachments to your application, and they must be in a **read-only, non-modifiable format**. PDF files are the only Education approved file type accepted as detailed in the Federal Register application notice. Applicants must submit individual .PDF files only when attaching files to their application. Specifically, the Department will not accept any attachments that contain files within a file, such as PDF Portfolio files, or an interactive or fillable

.PDF file. Any attachments uploaded that are not .PDF files or are password protected files will not be read. If you need assistance converting your files to a .pdf format, please refer to the following Grants.gov webpage with links to conversion programs under the heading of additional resources:
http://www.grants.gov/applicants/app_help_reso.jsp

2. Grants.gov cannot process an application that includes two or more files that have the same name within a grant submission. Therefore, each file uploaded to your application package should have a unique file name.
3. When attaching files, applicants should follow the guidelines established by Grants.gov on the size and content of file names. Uploaded files must be less than 50 characters, contain no spaces, no special characters (example: -, &, *, %, /, #, \) including periods (.), blank spaces and accent marks. Applications submitted that do not comply with the Grants.gov guidelines will be rejected at Grants.gov and not forwarded to the Department.
4. Applicants should limit the size of their file attachments. Documents submitted that contain graphics and/or scanned material often greatly increase the size of the file attachments and can result in difficulties opening the files. For reference, the average discretionary grant application package totals 1 to 2 MB. Therefore, you may want to check the total size of your package before submission.

2/2012

APPLICATION TRANSMITTAL INSTRUCTIONS FOR MAIL AND HAND DELIVERY

Submission of Paper Applications by Mail:

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

U.S. Department of Education
Application Control Center
Attention: (CFDA Number (84.132A))
LBJ Basement Level 1
400 Maryland Avenue, SW
Washington, DC 20202-4260

You must show proof of mailing consisting of one of the following:

- (1) A legibly dated U.S. Postal Service postmark.
- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
- (3) A dated shipping label, invoice, or receipt from a commercial carrier.
- (4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

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

- (1) A private metered postmark.
- (2) A mail receipt that is not dated by the U.S. Postal Service.

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

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

Submission of Paper Applications by Hand Delivery:

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address:

U.S. Department of Education
Application Control Center
Attention: (CFDA Number (84.132A)
550 12th Street, SW.
Room 7041, Potomac Center Plaza
Washington, DC 20202-4260

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications:

If you mail or hand deliver your application to the Department—

- (1) You must indicate on the envelope and--if not provided by the Department--in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and
- (2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245-6288.

COMMON QUESTIONS AND ANSWERS

Potential applicants frequently direct questions to officials of the Rehabilitation Services Administration (RSA) regarding application notices and programmatic and administrative regulations governing various direct grant programs. To assist potential applicants, RSA has assembled the following most commonly raised questions.

Q. CAN WE GET AN EXTENSION OF THE DEADLINE?

A. No. A closing date may be changed only under extraordinary circumstances. Any change must be announced in the Federal Register and apply to all applicants. Waivers for individual applications **cannot** be granted, regardless of the circumstances.

Q. IF I QUALIFY FOR AN EXCEPTION TO THE REQUIREMENT TO SUBMIT MY APPLICATION ELECTRONICALLY AND THEREFORE SUBMIT IN PAPER FORMAT, HOW MANY COPIES OF THE APPLICATION SHOULD I SUBMIT?

A. You are required to submit an original and two copies of your application.

Q. HOW CAN I BE SURE THAT MY APPLICATION IS ASSIGNED TO THE CORRECT COMPETITION?

A. Applicants should clearly indicate in Block 11 of the face page of their application (Standard Form 424) the CFDA number and alpha suffix (e.g., 84.132A) and the title of the program or priority in which the application should be considered. If this information is not provided, your application may inadvertently be assigned and reviewed under a different competition from the one you intended.

Also, ensure that Block 14 of Standard Form 424 clearly shows the State and geographic area which the center plans to serve. If a center is planning to serve a contiguous area in two States, a separate application must be submitted for each State.

Q. WHAT HAPPENS TO MY APPLICATION AFTER IT IS RECEIVED IN THE DEPARTMENT?

A. The Department's Application Control Center receives each application, assigns each an identifying number (PR/Award number), confirms receipt of applications, and sends the applications to the appropriate program office, which screens them for eligibility. The program conducts a peer review of all eligible applications sent to a program competition, ranks them, and recommends the highest ranked applications for funding, with exceptions as provided by law. The responsible official for the applicable program reviews the program office's recommendations, checks the adequacy of the documentation supporting the recommendations, and approves a final list, or slate, of recommended projects and funding amounts.

Q. WHAT HAPPENS TO MY APPLICATION IF THE DEPARTMENT FINDS IT TO BE INELIGIBLE?

A. The Department returns an application that does not meet the eligibility criteria for the particular program. A letter from the Department explaining why it is not being reviewed in the competition accompanies the application.

Q. HOW DO THE INVITATIONAL, COMPETITIVE, AND ABSOLUTE PRIORITIES DIFFER?

- **Invitational Priority**

The Secretary may simply invite applicants to meet a priority. However, an application that addresses invitational priorities receives no competitive or absolute preference over applications that do not meet this priority.

- **Competitive Priority**

If a program uses weighted selection criteria, the Secretary may award selection points to an application that meets the priority. These points are in addition to any points the application earns under the selection criteria. The notice states the maximum number of additional points that the Secretary may award to applications that meet the priority in a particularly effective way. Or the Secretary may simply select applications that meet the competitive priority over applications of comparable merit that do not meet the priority.

- **Absolute Priority**

Under an absolute priority, the Secretary may select for funding only those applications that meet the priority.

Q. WHERE CAN I OBTAIN COPIES OF THE FEDERAL REGISTER, PROGRAM REGULATIONS, AND FEDERAL STATUTES?

A. The relevant Federal Register notice, program regulations, and federal statutes are included in this application package in Sections B, E, and F, respectively. In addition, free Internet access to the official edition of the Federal Register and the Code of Federal Regulations is available on GPO Access at: www.gpoaccess.gov/nara/index.html. The Rehabilitation Act of 1973, as amended, can be accessed at: <http://www.rsa.ed.gov/display.cfm?pageid=279>.

Q. HOW DOES THE DEPARTMENT REVIEW AN APPLICATION?

A. Each application is assessed by knowledgeable individuals from outside and sometimes inside the Department who are asked for their judgments about the quality and significance of the proposed project. These reviewers use the selection criteria specified in the Notice Inviting Applications. These individuals represent a diversity of disciplines and institutional, regional, and cultural backgrounds. The advice of these experts is compiled by Departmental staff that comment on matters of fact or on significant issues that would otherwise be missing from the review. The results are then presented to the official responsible for the program who approves the recommendations for funding.

Q. WHAT CRITERIA DO THE REVIEWERS USE WHEN SCORING AN APPLICATION?

A. Reviewers score each application using the selection criteria published in the Federal Register as part of the program regulations. The selection criteria for this competition can be found in Section C of this application package. Reviewers are instructed to use only the published criteria.

Q. HOW LONG SHOULD AN APPLICATION BE?

A. The Department of Education is making a concerted effort to reduce the volume of paperwork associated with program applications. Consequently, the Secretary has limited the application to the following:

- (1) Application forms, budget, and other required forms;
- (2) A program narrative not to exceed 35 double-spaced pages in 12-point font (see Notice Inviting Applications in Section B of this application package for more specific instructions); and
- (3) Necessary appendices.

Your application should provide enough information to allow the review panel to evaluate the significance of the project against the criteria of the competition. Although reviewers are not required to consider information contained in appendices in their review, it may be helpful to include in the appendices such information as:

- (1) Staff qualifications. These should be brief. They should include the person's title and role in the proposed project and contain only information relevant to the proposed project. Qualification of consultants and advisory council members should be provided and be similarly brief. Individual vita should not exceed 2 pages.
- (2) Summary of results of previous evaluations of program effectiveness.

Your application will be rejected if you exceed the page limit or if you apply other standards and exceed the equivalent of the page limit.

Q. HOW SHOULD MY APPLICATION BE ORGANIZED?

A. The application should be organized to follow the sequence of the components in Section G of this application package. A table of contents and a one-page abstract summarizing the project should precede the program narrative. For the instructions addressing the program narrative, including explanations of each of the selection criteria, see Part III of Section G of this application package. The selection criteria should be addressed in the order in which they appear in the instructions for the application narrative.

Q. IS TRAVEL ALLOWED UNDER THESE PROJECTS?

- A. Travel is an allowable cost. However, all requests for travel will be reviewed; the highest priority for travel will be given for travel directly related to the training or services being provided. As a general rule, travel is seldom approved for attending conferences, except for RSA sponsored conferences that project directors are requested to attend. Training for staff and governing board members will usually be approved for travel to training conducted by RSA Training and Technical Assistance grantees and to the annual training conference sponsored by the National Council on Independent Living.

Q. IS THERE A REQUIRED MATCHING OF FUNDS BY THE APPLICANT?

- A. There is no required match in the Part C program; however, a plan for development of resources from other than Title VII of the Act is required as part of a center's work plan.

Q. HOW DO I PROVIDE AN ASSURANCE?

- A. Simply state in writing that you are meeting, and intend to continue to meet, a prescribed requirement.

Q. MAY AN APPLICANT OBTAIN COPIES OF SUCCESSFUL, FUNDED APPLICATIONS?

- A. Yes. An applicant may request copies of successful, funded applications. However, budget information, vitae, and other personal information will not be included.

Q. IF MY APPLICATION IS SUCCESSFUL, WILL I RECEIVE THE FULL AMOUNT THAT I REQUESTED?

- A. If staff determine, upon review of a successful application, that a cost in a particular budget category is not allowable, allocable, or reasonable, then staff may recommend a lower amount for the specific questioned cost than the applicant requested.

Q. IF MY APPLICATION IS SUCCESSFUL, CAN I ASSUME I WILL GET THE PROJECTED BUDGET AMOUNTS IN SUBSEQUENT YEARS?

- A. Depending on the availability of funding, a successful applicant can expect at least the amount contained in the approved budget for each year of the project. By requesting detailed budget information in the initial application for the total project period, the need for formal non-competing continuation applications in the remaining project years is eliminated. An Annual Performance Report that is required will be used to assess compliance with program standards and to determine eligibility for continued funding.

Q. IS A RECOMMENDED APPLICATION GUARANTEED FUNDING?

A. No. Funding is not final until a grant award notification has been signed by the appropriate authorized representative of the U.S. Department of Education and mailed to the applicant.

Once my application has been reviewed by the review panel, can you tell me the outcome?

A. No. Every year we are called by a number of applicants who have legitimate reasons for needing to know the outcome of the review prior to official notification. Some applicants need to make job decisions, some need to notify a State or local rehabilitation program, etc. Regardless of the reason, because final funding decisions have not been made at that point, we cannot share information about the review with anyone.

Q. HOW LONG DOES IT TAKE THE DEPARTMENT TO COMPLETE THE REVIEW PROCESS?

A. Most review processes take from four to six months.

RSA CONTACTS

Sue Rankin-White

Director
State Monitoring and
Program Improvement Division
Rehabilitation Services Administration
550 12th Street, SW, Room 5013
Washington, DC 20202-2800
Voice: 202-245-7312
Fax: 202-245-7593
e-mail: sue.rankin-white@ed.gov

Timothy Beatty

Branch Chief
Independent Living Branch
Rehabilitation Services Administration
550 12th Street, SW, Room 5057
Washington, DC 20202-2800
Voice: 202-245-6156
Fax: 202-245-7593
e-mail: timothy.beatty@ed.gov

Veronica Hogan

Grant Management Specialist
Independent Living Branch
Rehabilitation Services Administration
550 12th Street, SW, Room 5044
Washington, DC 20202-2800
Voice: 202-245-7378
Fax: 202-245-7593
e-mail: veronica.hogan@ed.gov

APPLICANT CHECKLIST

Use This Checklist While Preparing Your Application Package.
All items listed on this checklist are required, except as noted.

- ___ Application for Federal Assistance (SF424)
- ___ Department of Education Supplemental Information for SF424
- ___ Department of Education Budget Information Non-Construction Programs Form – Sections A & B (ED524)
- ___ Abstract
- ___ Budget Narrative (Section C ED524)
- ___ Project Narrative
- Note:** Have you addressed all Application Requirements including Selection Criteria and Priorities?
- ___ Narrative addressing GEPA Section 427
- ___ Assurances and Certifications
 - ___ Assurances for Non-Construction Programs (SF424B)
 - ___ Lobbying Disclosure Form (SF LLL) (if applicable; refer to instructions)
 - ___ Certification Regarding Lobbying (Grants.Gov Lobbying Form)
 - ___ Certification of Eligibility For Federal Assistance in Certain Programs (ED 80-0016) (if applicable)
 - ___ Survey on Ensuring Equal Opportunity for Applicants (if applicable for this program; refer to instructions)

SECTION G

FORMS AND INSTRUCTIONS FOR AN APPLICATION FOR FEDERAL ASSISTANCE

SECTION G
PART I
APPLICATION FOR FEDERAL ASSISTANCE (SF-424)
AND INSTRUCTIONS FOR THE SF-424

Application for Federal Assistance SF-424	
*1. Type of Submission: <input type="checkbox"/> Preapplication <input type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	*2. Type of Application: * If Revision, select appropriate letter(s): <input type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision *Other (Specify): _____
* 3. Date Received: <input type="text" value="Completed by Grants.gov upon submission"/>	4. Applicant Identifier:
5a. Federal Entity Identifier:	*5b. Federal Award Identifier:
State Use Only:	
6. Date Received by State:	7. State Application Identifier:
8. APPLICANT INFORMATION:	
*a. Legal Name: _____	
*b. Employer/Taxpayer Identification Number (EIN/TIN): _____	*c. Organizational DUNS: _____
d. Address:	
*Street 1:	_____
Street 2:	_____
*City:	_____
County/Parish:	_____
*State:	_____
Province:	_____
*Country:	_____
*Zip / Postal Code:	_____
e. Organizational Unit:	
Department Name:	Division Name:

Application for Federal Assistance SF-424

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: _____

9. Type of Applicant 1: Select Applicant Type:

Type of Applicant 2: Select Applicant Type: _____

Type of Applicant 3: Select Applicant Type: _____

*Other (Specify) _____

***10 Name of Federal Agency:**

11. Catalog of Federal Domestic Assistance Number:

CFDA Title:

***12 Funding Opportunity Number:**

*Title:

13. Competition Identification Number:

Title:

Application for Federal Assistance SF-424

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

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

[Redacted area for Descriptive Title of Applicant's Project]

Attach supporting documents as specified in agency instructions.

16. Congressional Districts Of:

*a. Applicant: [Redacted]

*b. Program/Project: [Redacted]

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:

*a. Start Date: [Redacted]

*b. End Date: [Redacted]

18. Estimated Funding (\$):

*a. Federal	[Redacted]
*b. Applicant	[Redacted]
*c. State	[Redacted]
*d. Local	[Redacted]
*e. Other	[Redacted]
*f. Program Income	[Redacted]
*g. TOTAL	[Redacted]

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- a. This application was made available to the State under the Executive Order 12372 Process for review on _____
- b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- c. Program is not covered by E.O. 12372.

***20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

- Yes
- No

If "Yes", provide explanation and attach.

Application for Federal Assistance SF-424

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)

** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: _____ *First Name: _____
Middle Name: _____
*Last Name: _____
Suffix: _____

*Title: _____

*Telephone Number: _____ Fax Number: _____

* Email: _____

*Signature of Authorized Representative: Completed by Grants.gov upon submission

*Date Signed: Completed by Grants.gov upon submission

INSTRUCTIONS FOR THE SF-424

This is a standard form required for use as a cover sheet for submission of pre-applications 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 fields on the form are identified with an asterisk (*) and are also specified as “Required” in the instructions below. In addition to these instructions, applicants must consult agency instructions to determine other 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"> • Pre-application • Application • Changed/Corrected Application—Check if this submission is to change or correct a previously submitted application. Unless requested by the agency, applicants may not use this form 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. <p>A. Increase Award D. Decrease Duration B. Decrease Award E. Other (specify) C. Increase Duration</p>	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: This data element is intended for use only by programs for which the area(s) affected are likely to be different than the place(s) of performance reported on the SF-424 Project/Performance Site Location(s) Form. Add attachment 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 pre-applications, attach a summary description of the project.
4.	Applicant Identifier: Enter the entity identifier assigned by the Federal agency, if any, or the applicant’s control number if applicable.		
5.	a. Federal Entity Identifier: Enter the number assigned to your organization by the federal agency, if any. b. 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.	16.	Congressional Districts Of: 15a. (Required) Enter the applicant’s congressional district. 15b. 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 district, NC-103 for North Carolina’s 103 district. 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. This optional data element is intended for use only by programs for which the area(s) affected are likely to be different than place(s) of performance reported on the SF-424 Project/Performance Site Location(s) Form. Attach an additional list of program/project congressional districts, if needed.
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: a. Legal Name: (Required) Enter the legal name of applicant that will undertake the assistance activity. This is the organization that has registered with the Central Contractor Registry (CCR). Information on registering with CCR may be obtained by visiting www.Grants.gov . 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	17.	Proposed Project Start and End Dates: (Required) Enter the proposed start date and end date of the project.
		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 result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses.

Item	Entry:	Item:	Entry:		
	<p>is not in the US, enter 44-4444444.</p> <p>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 www.Grants.gov.</p> <p>d. Address: Enter address: Street 1 (Required); city (Required); County/Parish, State (Required if country is US), Province, Country (Required), 9-digit zip/postal code (Required if country US).</p> <p>e. Organizational Unit: Enter the name of the primary organizational unit, department or division that will undertake the assistance activity.</p> <p>f. Name and contact information of person to be contacted on matters involving this application: Enter the first and last name (Required); prefix, middle name, suffix, title. Enter organizational affiliation if affiliated with an organization other than that in 7.a. Telephone number and email (Required); fax number.</p>	<p>19.</p>	<p>Is Application Subject to Review by State Under Executive Order 12372 Process? (Required) 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.</p>		
		<p>20.</p>	<p>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 federal debt include; but, may not be limited to: delinquent audit disallowances, loans and taxes. If yes, include an explanation in an attachment.</p>		
		<p>21.</p>	<p>Authorized Representative: To be signed and dated by the authorized representative of the applicant organization. Enter the first and last name (Required); prefix, middle name, suffix. Enter title, telephone number, email (Required); and fax number. 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.)</p>		
<p>9.</p>	<p>Type of Applicant: (Required) Select up to three applicant type(s) in accordance with agency instructions.</p> <table border="1"> <tbody> <tr> <td> <p>A. State Government</p> <p>B. County Government</p> <p>C. City or Township Government</p> <p>D. Special District Government</p> <p>E. Regional Organization</p> <p>F. U.S. Territory or Possession</p> <p>G. Independent School District</p> <p>H. Public/State Controlled Institution of Higher Education</p> <p>I. Indian/Native American Tribal Government (Federally Recognized)</p> <p>J. Indian/Native American Tribal Government (Other than Federally Recognized)</p> <p>K. Indian/Native American Tribally Designated Organization</p> <p>L. Public/Indian Housing Authority</p> </td> <td> <p>M. Nonprofit</p> <p>N. Private Institution of Higher Education</p> <p>O. Individual</p> <p>P. For-Profit Organization (Other than Small Business)</p> <p>Q. Small Business</p> <p>R. Hispanic-serving Institution</p> <p>S. Historically Black Colleges and Universities (HBCUs)</p> <p>T. Tribally Controlled Colleges and Universities (TCCUs)</p> <p>U. Alaska Native and Native Hawaiian Serving Institutions</p> <p>V. Non-US Entity</p> <p>W. Other (specify)</p> </td> </tr> </tbody> </table>	<p>A. State Government</p> <p>B. County Government</p> <p>C. City or Township Government</p> <p>D. Special District Government</p> <p>E. Regional Organization</p> <p>F. U.S. Territory or Possession</p> <p>G. Independent School District</p> <p>H. Public/State Controlled Institution of Higher Education</p> <p>I. Indian/Native American Tribal Government (Federally Recognized)</p> <p>J. Indian/Native American Tribal Government (Other than Federally Recognized)</p> <p>K. Indian/Native American Tribally Designated Organization</p> <p>L. Public/Indian Housing Authority</p>	<p>M. Nonprofit</p> <p>N. Private Institution of Higher Education</p> <p>O. Individual</p> <p>P. For-Profit Organization (Other than Small Business)</p> <p>Q. Small Business</p> <p>R. Hispanic-serving Institution</p> <p>S. Historically Black Colleges and Universities (HBCUs)</p> <p>T. Tribally Controlled Colleges and Universities (TCCUs)</p> <p>U. Alaska Native and Native Hawaiian Serving Institutions</p> <p>V. Non-US Entity</p> <p>W. Other (specify)</p>		
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U.S. Department of Education
SUPPLEMENTAL INFORMATION FOR THE SF-424

1. Project Director:

Name: _____

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): _____

E-mail 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 No Provide Exemption(s) #: _____
Provide Assurance #, if available: _____

Please attach an explanation narrative:

INSTRUCTIONS FOR U.S. DEPARTMENT OF EDUCATION SUPPLEMENTAL INFORMATION FOR THE 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. Items marked with an asterisk (*) are mandatory.
- 2. Novice Applicant.** Check “Yes” if you meet the definition for novice applicants specified in the regulations in 34 CFR 75.225 and included on the attached page entitled “Definitions for U.S. Department of Education Supplemental Information for the SF-424”). By checking “Yes” the applicant certifies that it meets these novice applicant requirements. Check “No” if you do not meet the definition for novice applicants.

This novice applicant information will be used by ED to: 1) determine the amount and type of technical assistance that a novice might need, if funded, and 2) determine novice applicant eligibility in discretionary grant competitions that give special consideration to novice applications. Certain ED discretionary grant programs give special consideration to novice applications, either by establishing a special competition for novice applicants or by giving competitive preference to novice applicants under the procedures in 34 CFR 75.105(c)(2). If special consideration is being given to novice applications under a particular discretionary grant competition, the application notice for the competition published in the Federal Register will specify this information

- 3. Human Subjects Research.** (See I. A. “Definitions” in attached page entitled “Definitions for U.S. Department of Education Supplemental Information for the SF-424.”)
 - 3a. 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.
 - 3a. 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 U.S. Department of Education Supplemental Information for SF-424.”)
 - 3b. 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. Check 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 U.S. Department of Education Supplemental Information for the SF-424.”
 - 3b. 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 attached page entitled “Definitions for U.S. Department of Education Supplemental Information for the SF-424.”
- 3b. Human Subjects Assurance Number.** If the applicant has an approved Federal Wide Assurance (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. **(A list of current FWAs is available at: <http://ohrp.cit.nih.gov/search/asearch.asp#ASUR>)** 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.

3c. If applicable, please attach your “Exempt Research” or “Nonexempt Research” narrative to your submission of the U.S Department of Education Supplemental Information for the SF-424 form as instructed in item II, “Instructions for Exempt and Nonexempt Human Subjects Research Narratives” in the attached page entitled “Definitions for U.S. Department of Education Supplemental Information for the SF-424.”

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.

No covered human subjects research can be conducted until the study has ED clearance for protection of human subjects in research.

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 1894-0007. 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. 20202-0170. 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.

DEFINITIONS FOR U.S. DEPARTMENT OF EDUCATION SUPPLEMENTAL INFORMATION FOR THE SF-424

Definitions:

Novice Applicant (See 34 CFR 75.225)

For discretionary grant programs, 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. 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 **directly or indirectly** linked to that individual, 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) strategies, or (b) research on the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods. **If an**

educational practice is being introduced to the site and is not widely used for similar populations, it is not covered by this exemption.

- (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. ***[This***

exemption applies only to retrospective studies using data collected before the initiation of the research.]

- (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.

[The standards of this exemption are rarely met because it was designed to apply only to specific research conducted by HHS at the time the regulations were established. We will strictly construe this exemption because it was not intended to apply to ED research.]

- (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 research on regular and special education instructional

Subjects Research Narratives

If the applicant marked "Yes" for Item 3.b. of the U.S. Department of Education Supplemental Information for the SF 424, the applicant must attach a human subjects "exempt research" or "nonexempt research" narrative to the U.S. Department of Education Supplemental Information for the SF-424 form. 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.b. and designated exemption numbers(s), attach the "exempt

research” narrative to the U.S. Department of Education Supplemental Information for the SF-424. 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.b. you must attach the “nonexempt research” narrative to the U.S. Department of Education Supplemental Information for the SF-424. 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 Office of the Chief Financial Officer, U.S. Department of Education, Washington, D.C. 20202-4331, telephone: (202) 245-8090, 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/humanub.html>

NOTE: The **State Applicant Identifier** on the SF-424 is for State Use only. Please complete it on the SF-424 in the upper right corner of the form (if applicable).

SECTION G
PART II
BUDGET INFORMATION (ED FORM 524)



**U.S. DEPARTMENT OF EDUCATION
BUDGET INFORMATION
NON-CONSTRUCTION PROGRAMS**

OMB Control Number: 1894-0008
Expiration Date: 04/30/2014

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.

**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:
 - a. The specific costs or contributions by budget category;
 - b. The source of the costs or contributions; and
 - c. 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>]

3. If applicable to this program, provide the rate and base on which fringe benefits are calculated.
4. 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.

5. 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.

**SECTION G
PART III
PROGRAM NARRATIVE**

INSTRUCTIONS FOR PROGRAM NARRATIVE

A narrative that addresses the selection criteria that will be used by reviewers in evaluating individual proposals is required. Applications are more likely to receive favorable reviews by panels when the program narrative is organized according to the format suggested below. If you prefer to use a different format, you may wish to cross-reference the section of your application to the selection criteria to be sure that reviewers are able to find all relevant information.

Include an abstract with your application. This abstract should be an overview statement (not more than a one page abstract) that summarizes the mission, goals and objectives, the target population and service area, the impact, and the expected outcomes or benefits of the project. Please make this a separate page so it may be pulled from the application to include with funding recommendation documents.

Prepare a Program Narrative in accordance with the following instructions. Before preparing the Program Narrative, applicants should carefully review the program regulations contained in 34 CFR Parts 364 and 366 (which can be found in Section F of this application package), paying special attention to the selection criteria listed in 34 CFR 366.27 (which can be found in Section D of this package). The Program Narrative must respond to the selection criteria identified in the program regulations; however, applicants should address the criteria in the same order as they appear in this section, a different order from the order the criteria are presented in the regulations.

In addition, applicants should read the applicable parts of the Education Department General Administrative Regulations (EDGAR) in Title 34 of the Code of Federal Regulations. These regulations set forth all general rules affecting application submittal, review, grant award, and post-award administration for Department of Education grant programs. References to the applicable sections of EDGAR can be found in the Dear Applicant letter (found in Section A of this application package) and in the Notice Inviting Applications (found in Section B of this package).

You must limit the Program Narrative to 35 pages, double-spaced in 12-point font, and number pages consecutively. The narrative should be written concisely. Only the required information should be submitted. If appendices or other supplemental materials are included, they must be kept to a minimum and must substantiate what is proposed in the narrative, e.g., the results of a needs survey or letters of commitment from organizations that will have significant involvement with the project. All vitae should be limited to one page in length showing the source and date of earned degrees, experience relevant to working the individuals who are disabled and the person's direct relationship to the project, e.g., how the person will function in the project. Please refer to Section IV of the Notice Inviting Applications (found in section B of this package) for specific instructions on preparing and formatting your application.

To facilitate application review, it may be helpful to the success of your application if the Program Narrative responds to the selection criteria in the following order:

(A) Extent of the need for the project

(20 points)

- (1) The Secretary reviews each application for persuasive evidence that shows the extent to which the project meets the specific needs for the program, including considerations of –
- (I) The needs addressed by the project;
 - (II) How the applicant identified those needs (e.g., whether from census data or other current sources);
 - (III) How those needs will be met by the project; and
 - (IV) The benefits to be gained by meeting those needs.
- (2) The Secretary looks for information that shows that the need for the center has been established based on an assessment of the ability of existing programs and facilities to meet the need for IL services of individuals with significant disabilities in the geographic area to be served.
- (3) The Secretary looks for information that shows –
- (I) That the applicant proposes to establish a new center to serve a priority service area that is identified in the current State plan; and
 - (II) The priority that the State has placed on establishing a new center in this proposed service area.

Note: It is important for the applicant to note that this criterion is in two parts: (1) the needs addressed by the project, how the applicant identified the needs, how the needs will be met by the center, and the benefits to be gained; and (2) if the applicant is planning to serve an area identified in the SPIL and in this application package as a priority area, the applicant should provide information showing that the service area comes within a SPIL priority and what priority the State has placed on the particular area to be served. If a statement from the State is included in the application submitted, the applicant may wish to note that fact in the Program Narrative.

(B) Past performance

(5 points)

The Secretary reviews each application for information that shows the past performance of the applicant in successfully providing services comparable to the IL core services and other IL services listed in section 7(29) and (30) of the Act and 34 CFR 364.4(b) and other services that empower individuals with significant disabilities.

Note: The IL core services are information and referral, IL skills training, peer counseling, including cross-disability peer counseling, and individual and systems advocacy.

(C) Meeting the standards and the assurances (25 points)

The Secretary reviews each application for information that shows –

- (1) Evidence of demonstrated success in satisfying, or a clearly defined plan to satisfy, the standards in section 725(b) of the Act and the indicators in 34 CFR 366, Subpart G (366.60—366.63).
- (2) Convincing evidence of demonstrated success in satisfying, or a clearly defined plan to satisfy, the assurances in section 725(c) of the Act and 34 CFR Part 366.50.

Note: In addressing the plan of operation and meeting the standards and assurances criteria, the applicant should develop a three-year workplan meeting the requirements of section 725(c)(4) of the Act. **Only the first year of the plan needs to be submitted with this application.** In developing the workplan, it may be helpful for the applicant to review the standards and assurances in 34 CFR Part 366, Subparts F and G (see Section F of this package). The workplan should be specific and measurable so that, at the end of each project year, the center can compare its achievements against its projected goals. ***For example:***

- (i) Goals and activities. Include long term goals and specific activities planned to meet the requirements of each of the standards in section 725 of the Act, and the indicators in 34 CFR Part 366, Subpart G.
- (ii) Advocacy. Include details of how the center plans to achieve its social change goals, including, but not limited to:
 - (a) A community advocacy plan and related activities;
 - (b) A technical assistance plan and related activities;
 - (c) A plan for collaboration with other agencies and groups to further communication, coordination, and cooperation along with related activities; and
 - (d) Affirmative action plans.
- (iii) Resource development. Include the center's goals and activities for obtaining and increasing funding (including in-kind) from sources other than Title VII of the Act.
- (iv) Outreach. Describe the center's plan for outreach to consumers who are members of populations of individuals with significant disabilities, including minorities, who are unserved or underserved.

- (v) Community and individual IL service needs. Identify the community and individual IL services the center anticipates providing, and how services will be coordinated with other service providers to avoid duplication. Ensure that the intended services are consistent with the approved State plan in the State in which the center plans to provide services.
- (vi) Response to needs. Include in the work plan, if appropriate, how the center plans to respond to particular needs identified from needs assessments or surveys or potential consumers in the intended service area.
- (vii) Training. Include plans for training governing board, employees, volunteers, and consumers, e.g., staff development, IL philosophy, ADA, self-advocacy and personal power.

(D) Quality of key personnel (10 points)

- (1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project, including –
 - (I) The qualifications of the project director, if one is to be used;
 - (II) The qualifications of each of the other management and decision-making personnel to be used in the project;
 - (III) The time that each person referred to in paragraphs (D)(1)(I) and (II) of this section will commit to the project;
 - (IV) How the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or disability; and
 - (V) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally under-represented, including –
 - (A) Members of racial or ethnic minority groups;
 - (B) Women;
 - (C) Persons with disabilities; and
 - (D) Elderly individuals.
- (2) To determine personnel qualifications under paragraphs (d) (1) (I) and (ii) of this section, the Secretary considers –
 - (I) Experience and training in fields related to the objectives of the project; and
 - (II) Any other qualifications that pertain to the objectives of the project.

Note: This section should identify the person (**or a recruitment plan for the person if individuals are not named**) being proposed for each position presented in the management plan and the time commitment allocated to the position. Each person's qualifications should be presented in a manner that shows a clear relationship to the selection criteria for that designated position. This section should also describe procedures for encouraging applicants for employment from persons who are members of groups that have been traditionally underrepresented such as members of racial or ethnic minority groups, women, persons with disabilities, and the elderly. Finally, a full disclosure of all time commitments should be included for each person listed in the application. The application should include information to show how the center will meet the requirements that over 50 percent of the decision makers and over 50 percent of the staff of the center must be individuals with disabilities; and over 50 percent of the governing board must be individuals with significant disabilities.

(E) Budget and cost effectiveness

(10 points)

The Secretary reviews each application for information that shows the extent to which –

- (1) The budget is adequate to support the project; and
- (2) Costs are reasonable in relation to the objectives of the project.

Note: In addressing this criterion and in developing the budget for the center, consideration should be given to the relationship between the budget and the plan of operation, e.g., is the budget adequate or inadequate in view of what the applicant proposes to do. **The budget submittal covers the full five years of the projects. See Section H, Part II of this package—Budget Information.**

(F) Evaluation plan

(5 points)

The Secretary reviews each application for information that shows the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation –

- (1) Are appropriate for the project;
- (2) Will determine how successful the project is in meeting its goals and objectives; and
- (3) Are objective and produce data that are quantifiable.
- (4) (Cross-reference: See 34 CFR 75.590.)

Note: The section of the application should describe procedures to assure that the project's activities are being implemented appropriately and the project objectives are being met. The evaluation plan should include the self-evaluation required by section 725(c)(8) of the Act and 34 CFR 366, Subpart G.

(G) Plan of operation**(20 points)**

The Secretary reviews each application for information that shows the quality of the plan of operation for the project, including

- (1) The quality of the design of the project;
- (2) The extent to which the plan of management ensures proper and efficient administration of the project;
- (3) How well the objectives of the project relate to the purpose of the program;
- (4) The quality and adequacy of the applicant's plan to use its resources (including funding, facilities, equipment, and supplies) and personnel to achieve each objective;
- (5) How the applicant will ensure that project participants who are otherwise eligible to participate are selected without regard to race, color, national origin, gender, age, or disability; and
- (6) A clear description of how the applicant will provide equal access to services for eligible project participants who are members of groups that have been traditionally under-represented, including –
 - (I) Members of racial or ethnic minority groups;
 - (II) Women;
 - (III) Elderly individuals; and
 - (IV) Children and youth.

Note: When addressing this criterion, please consider the note following paragraph (d) of this section.

(H) Involvement of individuals with significant disabilities**(5 points)**

- (1) The Secretary reviews each application for information that shows that individuals with significant disabilities are appropriately involved in the development of the application.
- (2) The Secretary looks for information that shows that individuals with significant disabilities or their parents, guardians, or other legally authorized advocates or representatives, as appropriate, will be substantially involved in planning, policy direction, and management of the center, and, to the greatest extent possible, that individuals with significant disabilities will be employed by the center.

Note: This criterion should address how individuals with disabilities were involved in the development of the concept of a center in the area to be served; how their input was obtained and considered in identifying the unmet needs and the scope of

services necessary to meet the needs; how they were involved in the development of the plan of operation, identification and selection of key personnel or the plan to obtain personnel to govern and operate a center; how potential consumers of services from the proposed center will be involved in development of management policies and the scope and provision of services; and how such individuals were involved in the development of the grant application.

SECTION G
PART IV
ASSURANCES, CERTIFICATIONS, DISCLOSURES

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

**CERTIFICATIONS REGARDING LOBBYING; DEBARMENT,
SUSPENSION, AND OTHER RESPONSIBILITY MATTERS; AND
DRUG-FREE WORKPLACE REQUIREMENTS**
(ED FORM 80-0013)

Certification for Contracts, Grants, Loans and Cooperative Agreements.

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal Loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement.
- (2) If any funds other Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form—LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance.

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee or any agency, a member of Congress, an officer or employee of Congress or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Applicant's Organization

PRINTED NAME OF AUTHORIZED REPRESENTATIVE

PRINTED TITLE OF AUTHORIZED REPRESENTATIVE

SIGNATURE

DATE

DISCLOSURE OF LOBBYING ACTIVITIES

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

1. Type of Federal Action: a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	2. Status of Federal Action: a. bid/offer/application b. initial award c. post-award	3. Report Type: a. initial filing b. material change For material change only: Year: _____ quarter: _____ Date of last report: _____
4. Name and Address of Reporting Entity: <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier, if Known: _____ Congressional District, if known: _____	5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime: _____ Congressional District, if known: _____	
6. Federal Department/Agency: _____	7. Federal Program Name/Description: _____ _____ CFDA Number, if applicable: _____	
8. Federal Action Number, if known:	9. Award Amount, if known: \$ _____	
10. a. Name and Address of Lobbying Registrant <i>(if individual, last name, first name, MI):</i> _____	10. b. Individuals Performing Services <i>(including address if different from No. 10a)</i> <i>(last name, first name, MI):</i> _____	
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.	Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____	
Federal Use Only	Authorized for Local Reproduction Standard Form — LLL (Rev. 7-97)	

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 follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitations for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Included prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title and telephone number.

PAPERWORK REDUCTION ACT STATEMENT

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:

Office of Management and Budget
Paperwork Reduction Project (0348-0046)
Washington, DC 20503

SECTION H

OTHER IMPORTANT INFORMATION

EXECUTIVE ORDER 12372

(INTERGOVERNMENTAL REVIEW OF FEDERAL PROGRAMS)

This program falls under the rubric of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR Part 79. One of the objectives of the Executive order is to strengthen federalism--or the distribution of responsibility between localities, States, and the Federal government--by fostering intergovernmental partnerships. This idea includes supporting processes that State or local governments have devised for coordinating and reviewing proposed Federal financial grant applications.

The process for doing this requires grant applicants to contact State Single Points of Contact for information on how this works. Multi-state applicants should follow procedures specific to each state.

Further information about the State Single Point of Contact process and a list of names by State can be found at:

http://www.whitehouse.gov/omb/grants_spoc

Absent specific State review programs, applicants may submit comments directly to the Department. All recommendations and comments must be mailed or hand-delivered by the date indicated in the actual application notice to the following address: The Secretary, EO 12372--CFDA# [commenter must insert number--including suffix letter, if any], U.S. Department of Education, room 7E200. 400 Maryland Avenue, SW., Washington, DC 20202.

Proof of mailing will be determined on the same basis as applications (see 34 CFR §75.102). Recommendations or comments may be hand-delivered until 4:30 p.m. (Eastern Time) on the closing date indicated in this notice.

Important note: The above address is not the same address as the one to which the applicant submits its completed applications. **Do not send applications to the above address.**

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.

THE GOVERNMENT PERFORMANCE AND RESULTS ACT (GPRA)

What Is GPRA?

The Government Performance and Results Act of 1993 is a statute that requires all Federal agencies to manage their activities with attention to the consequences of those activities. Each agency is to clearly state what it intends to accomplish, identify the resources required, and periodically report its progress to the Congress. In doing so, it is expected that GPRA will contribute to improvements in accountability for the expenditures of public funds, improve Congressional decision-making through more objective information on the effectiveness of Federal programs, and promote a new government focus on results, service delivery, and customer satisfaction

What are the GPRA measures for the Centers for Independent Living program?

Objective: Through the provision of IL services (including the four IL core services), increase the percentage of consumers who report having access to services needed to improve their ability to live more independently and participate fully in their communities.

Measure: The percentage of Independent Living Centers consumers who report having access to previously unavailable appropriate accommodations to receive health care services, as a result of direct services provided by an Independent Living Center (including referral to another service provider).

Measure: The percentage of Independent Living Centers consumers who report having access to previously unavailable assistive technology which results in increased independence in at least one significant life area, as a result of direct services provided by an Independent Living Center (including referral to another service provider).

Measure: The percentage of Independent Living Centers consumers who report having access to previously unavailable transportation, as a result of direct services provided by an Independent Living Center (including referral to another service provider).

Measure: The percentage of Independent Living Centers consumers who move out of institutions into a community-based setting through the provision of Independent Living services (including the four independent living core services).

SURVEY ON ENSURING EQUAL OPPORTUNITY FOR APPLICANTS

Purpose

The Federal government is committed to ensuring that all qualified applicants, small or large, non-religious or faith-based, have an equal opportunity to compete for Federal funding. In order for us to better understand the population of applicants for Federal funds, we are asking nonprofit private organizations (not including private universities) to fill out this survey.

Upon receipt, the survey will be separated from the application. Information provided on the survey will not be considered in any way in making funding decisions and will not be included in the Federal grants database. While your help in this data collection process is greatly appreciated, completion of this survey is voluntary.

Instructions for Submitting the Survey

If you are applying using a hard copy application, please place the completed survey in an envelope labeled "Applicant Survey." Seal the envelope and include it along with your application package. If you are applying electronically, please submit this survey along with your application.

Applicant's (Organization) Name: _____

Applicant's DUNS Number: _____

Federal Program: _____ **CFDA Number:** _____

- | | |
|--|---|
| <p>1. Has the applicant ever received a grant or contract from the Federal government?
<input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>2. Is the applicant a faith-based organization?
<input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>3. Is the applicant a secular organization?
<input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>4. Does the applicant have 501(c)(3) status?
<input type="checkbox"/> Yes <input type="checkbox"/> No</p> | <p>5. Is the applicant a local affiliate of a national organization?
<input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>6. How many full-time equivalent employees does the applicant have?
<i>(Check only one box.)</i>
<input type="checkbox"/> 3 or Fewer <input type="checkbox"/> 15-50
<input type="checkbox"/> 4-5 <input type="checkbox"/> 51-100
<input type="checkbox"/> 6-14 <input type="checkbox"/> over 100</p> <p>7. What is the size of the applicant's annual budget? <i>(Check only one box.)</i>
<input type="checkbox"/> Less Than \$150,000
<input type="checkbox"/> \$150,000–\$299,999
<input type="checkbox"/> \$300,000–\$499,999
<input type="checkbox"/> \$500,000–\$999,999
<input type="checkbox"/> \$1,000,000–\$4,999,999
<input type="checkbox"/> \$5,000,000 or more</p> |
|--|---|

SURVEY INSTRUCTIONS ON ENSURING EQUAL OPPORTUNITY FOR APPLICANTS

Provide the applicant's (organization) name and DUNS number and the grant name and CFDA number.

1. Self-explanatory.
2. Self-identify.
3. Self-identify.
4. 501(c)(3) status is a legal designation provided on application to the Internal Revenue Service by eligible organizations. Some grant programs may require nonprofit applicants to have 501(c)(3) status. Other grant programs do not.
5. Self-explanatory.
6. For example, two part-time employees who each work half-time equal one full-time equivalent employee. If the applicant is a local affiliate of a national organization, the responses to survey questions 2 and 3 should reflect the staff and budget size of the local affiliate.
7. Annual budget means the amount of money your organization spends each year on all of its activities.

PAPERWORK BURDEN STATEMENT

According to the *Paperwork Reduction Act of 1995*, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1890-0014. The time required to complete this information collection is estimated to average five (5) minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** The Agency Contact listed in this grant application package.

INSTRUCTIONS FOR REIMBURSEMENT OF INDIRECT COSTS

The Department of Education (ED) reimburses grantees for its portion of indirect costs that a grantee incurs in projects funded by the CIL Program (84.132A). Any grantee charging indirect costs to a grant from this program must use the indirect cost rate (**ICR**), negotiated with its *cognizant agency*, i.e., either the Federal agency from which it has received the most direct funding, subject to indirect cost support, the particular agency specifically assigned cognizance by the Office of Management and Budget or the State agency that provides the most subgrant funds to the grantee. If appropriate, in lieu of an ICR, CILs may negotiate a Cost Allocation Plan with ED's Indirect Cost Group. If a CIL has more than one source of funding, it must have either an ICR or a cost allocation plan in place.

Note: Applicants should pay special attention to specific questions on the application budget form (ED 524) about their cognizant agency and the ICR they are using in their budget.

If an applicant selected for funding under this program has not already established a current ICR with its cognizant agency, ED generally will authorize the grantee to use a temporary rate, of 10 percent of budgeted direct salaries and wages subject to the following limitations:

1. The grantee must submit an indirect cost rate proposal to its cognizant agency within 90 days after ED issues the GAN.
2. If after the 90-day period, the grantee has not submitted an indirect cost rate proposal to its cognizant agency, the grantee may not charge its grant for indirect costs (except when ED finds exceptional circumstances) until it has negotiated an indirect cost rate agreement with its cognizant agency.
3. Once the grantee has negotiated an ICR with its cognizant agency, the grantee will be required to make certain adjustments to recover the correct amount of indirect costs authorized for the period before it negotiated the ICR.

Applicants should be aware that ED is very often **not** the cognizant agency for its own grantees. Rather, ED accepts, for the purpose of funding its awards, the current ICR established by the appropriate cognizant agency.

Applicants are encouraged to have an accountant calculate a proposed indirect cost rate using current information from its audited financial statements, actual cost data or IRS Form 990. Applicants should use this proposed rate in their application materials and describe which of these methods they used to calculate the rate. Guidance related to calculating an indirect cost rate can be found on ED's website at:

www.ed.gov/about/offices/list/ocfo/fipao/icgindex.html.

Applicants with questions about using indirect cost rates under this program should contact the program contact person shown elsewhere in this application package.

D-U-N-S NUMBER INSTRUCTIONS

NOTE: Check with your fiscal office to see if your institution has an assigned DUNS before contacting Dun & Bradstreet

D-U-N-S No.: Please provide the applicant's D-U-N-S Number. You can obtain your D-U-N-S Number at no charge by calling **1-800-234-3867** or by completing a D-U-N-S Number Request Form. The form can be obtained via the Internet at the following URL:

http://www.dnb.com/US/duns_update/index.html

The D-U-N-S Number is a unique nine-digit number that does not convey any information about the recipient. A built in check digit helps assure the accuracy of the D-U-N-S Number. The ninth digit of each number is the check digit, which is mathematically related to the other digits. It lets computer systems determine if a D-U-N-S Number has been entered correctly.

Dun & Bradstreet, a global information services provider, has assigned D-U-N-S numbers to over 43 million companies worldwide. **Live help Monday-Friday 8am-6pm (EST) Dial 1.800.234.3867**

Note: Electronic submission via Grants.gov must use DUNS number your organization used when it registered in the Central Contractor Registry.

GRANT APPLICATION RECEIPT ACKNOWLEDGE

If you fail to receive the notification of application within fifteen (15) days from the closing date, call:

U.S. Department of Education
Application Control Center
202-245-6288

GRANT AND CONTRACT FUNDING INFORMATION

The Department of Education provides information about grant and contract opportunities electronically in several ways:

ED Internet Home Page: www.ed.gov