

U.S. DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES
WASHINGTON, D.C. 20202-2575

**2009 APPLICATION KIT FOR NEW GRANTS
UNDER THE
REHABILITATION SERVICES ADMINISTRATION**
VOCATIONAL REHABILITATION SERVICE PROJECTS
FOR AMERICAN INDIANS WITH DISABILITIES

(REOPENED)

CFDA NUMBER 84.250A



FORM APPROVED

OMB No. 1820-0018, EXP. DATE: 05/31/2010

DATED MATERIAL—OPEN IMMEDIATELY
CLOSING DATE: September 11, 2009

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CLOSING DATE: September 11, 2009

Dear Colleague:

On May 14, 2009, the Rehabilitation Services Administration (RSA) published a notice inviting applications for fiscal year (FY) 2009 under the Vocational Rehabilitation Service Projects for American Indians with Disabilities (CFDA 84.250A) for new awards in the Federal Register (74 FR 22729) that established a July 23, 2009 deadline date for eligible applicants to apply for funding under this program.

In the Federal Register on August 12, 2009, Volume 74, Number 154 on Page 40575-40576, an interim final regulation was published that amends the definition of the term consortium in the regulations for the Vocational Rehabilitation Service Projects for American Indians with Disabilities permitting a consortium of Indian tribes to establish a separate legal entity to apply for a grant under this program.

The Department's prior regulatory definition required Indian tribes that choose to form a consortium to authorize one of the Indian tribes of the consortium to serve as the grantee. In summary, the proposed change to the regulation permits Indian tribes in a consortium to create a separate legal entity that serves as the grantee on behalf of the consortium and is responsible for using the grant funds to provide vocational rehabilitation services to all the Indian tribes in the consortium. See in Section F of the Application Package, sample 3 that was added to reference the change in definition of consortium that refers to the Interim Final Regulation published August 12, 2009 in the Federal Register.

To ensure the change in the regulatory definition applies to entities applying for a FY 2009 grant, RSA reopens the competition and establish a new deadline for the submission of applications from groups of Indian tribes that seek to apply for funding under competition using a separate legal entity as the applicant.

Only applications from groups of Indian tribes choosing to apply using a separate legal entity as the applicant will be accepted during this period. **To facilitate the review process that ensures successful applications are awarded before the beginning of the fiscal year**, we strongly encourage you to submit your application on or before the deadline date of September 11, 2009. Applicants must refer to the notice inviting applications for new awards that was published in the Federal Register on May 14, 2009 (74 FR 22729) for all other requirements concerning this reopened competition.

Potential applicants are advised to read all materials in the application package carefully. If you have any questions about this application kit, please contact RSA Competition Manager, August Martin at (202) 245-7410. If you use a TDD, call the FRS, toll free, at 1-800-877-8839.

Sincerely,

Thomas E. Finch, Ph.D.
Director, TSPD

SECTION A

REOPEN NOTICE INVITING APPLICATIONS FOR NEW AWARDS

4000-01-U
DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services Overview
Information

Vocational Rehabilitation Services Projects for American Indians
with Disabilities

Notice reopening fiscal year (FY) 2009 competition for the
Vocational Rehabilitation Services Projects for American Indians
with Disabilities Program.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.250A.

SUMMARY: On May 14, 2009, we published in the Federal Register
(74 FR 22729) a notice inviting applications for new awards for
fiscal year (FY) 2009 for the American Indian Vocational
Rehabilitation Services (AIVRS) program. The application notice
for the FY 2009 AIVRS program competition established a July 23,
2009, deadline date for eligible applicants to apply for funding
under this program. In order to apply the change in the
regulatory definition of the term consortium under the AIVRS
program recently made by the Department to entities applying for
a FY 2009 grant, through this notice, we are reopening the
competition and establishing a new deadline for the submission
of applications by those applicants affected by the change.

FOR FURTHER INFORMATION CONTACT: August Martin, U.S. Department of Education, 400 Maryland Avenue, SW, room 5088, PCP, Washington, DC 20202-2800. Telephone: (202) 245-7410 or by e-mail: _august.martin@ed.gov. If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the program contact person listed in this section.

SUPPLEMENTARY INFORMATION:

The Department recently published interim final regulations in the Federal Register (74 FR 40575) amending the definition of the term consortium in the regulations for the AIVRS program (34 CFR 371.4(b)). The purpose of this regulatory change was to ensure that any consortium of Indian tribes could establish a separate legal entity to apply for a grant under this program. Prior to this regulatory change, the Department's definition of the term consortium under the AIVRS program required Indian tribes that choose to form a consortium to designate one of the Indian tribes of the consortium to serve as the grantee; it did not also permit the Indian tribes in the consortium to create a separate legal entity that would serve as the grantee on behalf of the consortium and be responsible for using the grant funds

to provide services to all the Indian tribes in the consortium. To ensure that the change in the regulatory definition of the term consortium under the AIVRS program applies to entities applying for a FY 2009 grant, we are reopening the competition and establishing a new deadline for the submission of applications.

Only groups of Indian tribes that seek to apply for funding under the AIVRS program as a consortium using a separate legal entity as the applicant are permitted to submit an application under this reopened competition. Applicants that submitted applications by the July 23, 2009, deadline date in accordance with the terms of the May 14, 2009, notice inviting applications are not required to submit new applications. If an applicant that has already submitted an application for this competition now chooses to join a consortium and have a separate legal entity apply on behalf of the consortium, the applicant must notify the Department and reapply using the separate legal entity as the applicant by the deadline date in this notice.

The new deadline date is:

Deadline for Transmittal of Applications: September 11, 2009

For information (other than the deadline for submission) about how to submit your application, please refer to section IV. 6. Other Submission Requirements in the May 14, 2009 Federal Register notice (74 FR 22729).

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

www.ed.gov/news/fedregister.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

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

www.gpoaccess.gov/nara/index.html

Delegation of Authority: The Secretary of Education has delegated authority to Andrew J. Pepin, Executive Administrator for the Office of Special Education and Rehabilitative Services, to perform the functions of the Assistant Secretary for Special Education and Rehabilitative Services.

Dated:

_____/S/_____
Andrew J. Pepin,
Executive Administrator for Special
Education and
Rehabilitative Services

SECTION B

NOTICE OF INTERIM FINAL RULE

4000-01-U

DEPARTMENT OF EDUCATION

34 CFR Part 371

RIN 1820-AB63

Docket ID ED-2009-OSERS-0008

Vocational Rehabilitation Service Projects for American Indians
with Disabilities

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

ACTION: Interim final rule; request for comments.

SUMMARY: The Secretary amends the regulations for the American
Indian Vocational Rehabilitation Services (AIVRS) program to
permit a consortium of Indian tribes to establish a separate
legal entity to apply for a grant under this program. This
change is needed to provide the flexibility required by the
Department to make grants to Indian tribes that choose to form a
consortium and, rather than authorizing one of the Indian tribes
of the consortium to serve as the grantee, create a separate
legal entity that serves as the grantee on behalf of the
consortium and that is responsible for using the grant funds to
provide services to all the Indian tribes in the consortium.

DATES: These regulations are effective August 12, 2009. We must
receive your comments September 11, 2009.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments by fax or by e-mail. Please submit your comments only one time, in order to ensure that we do not receive duplicate copies. In addition, please include the Docket ID at the top of your comments.

- Federal eRulemaking Portal: Go to <http://www.regulations.gov> to submit your comments electronically. Information on using Regulations.gov, including instructions for accessing agency documents, submitting comments, and viewing the docket is available on the site under "How To Use This Site."

- Postal Mail, Commercial Delivery, or Hand Delivery: If you mail or deliver your comments about these interim final regulations, address them to Thomas E. Finch, U.S. Department of Education, 400 Maryland Avenue, SW, room 5059, Potomac Center Plaza (PCP), Washington, DC 20006-8544.

Privacy Note: The Department's policy for comments received from members of the public (including those comments submitted by mail, commercial delivery, or hand delivery) is to make these submissions available for public viewing in their entirety on the Federal eRulemaking Portal at <http://www.regulations.gov>. Therefore, commenters should be careful to include in their

comments only information that they wish to make publicly available on the Internet.

FOR FURTHER INFORMATION CONTACT: Thomas E. Finch. Telephone: 202-245-7343 or via the Internet: tom.finch@ed.gov.

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

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

SUPPLEMENTARY INFORMATION:

Invitation to Comment

We invite you to submit comments regarding these interim final regulations. To ensure that your comments have maximum effect in developing the final regulations, we urge you to identify clearly the specific section or sections of the interim final regulations that each of your comments address and to arrange your comments in the same order as the interim final regulations.

We invite you to assist us in complying with the specific requirements of Executive Order 12866 and its overall requirement of reducing regulatory burden that might result from these interim final regulations. Please let us know of any

further opportunities we should take to reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period you may inspect all public comments about these interim final regulations by accessing Regulations.gov. You may also inspect the comments, in person, in room 5059, PCP, 550 12th Street, SW., Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Eastern time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record

On request, we will supply an appropriate aid, such as a reader or print magnifier, to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for these interim final regulations. If you want to schedule an appointment for this type of aid, please contact Thomas E. Finch. Telephone number (202) 245-7343 or e-mail: tom.finch@ed.gov.

Executive Order 13175

Executive Order 13175 ("Consultation and Coordination with Indian Tribal Governments") provides that each Federal agency must have an accountable process to ensure regular and meaningful consultation and collaboration with Indian tribal governments or their representative organizations in the

development of regulatory policies that have tribal implications. As part of this process, before publishing these interim final regulations, we have consulted through meetings, telephone calls, and correspondence with the Consortia of Administrators for Native American Rehabilitation that represents all the AIVRS projects across the country, several Indian Tribes, Alaskan Regional Corporations, Native Alaskan Villages, the Native Alaskan Associations, as well as interested parties in Congress. We are specifically inviting input from Indian tribal officials concerning these interim final regulations as part of the process of consultation required by the Executive order.

Background

The AIVRS program, authorized by section 121 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 741), provides authority for the Commissioner of the Rehabilitation Services Administration (RSA) in the Office of Special Education and Rehabilitative Services of the Department of Education to make grants to the governing bodies of Indian tribes located on Federal and State reservations (and consortia of such governing bodies) to pay 90 percent of the costs of vocational rehabilitation services for American Indians who are individuals with disabilities residing on or near such reservations. The term governing bodies of Indian tribes is defined in the

regulations at 34 CFR 371.4 as "those duly elected or appointed representatives of an Indian tribe or of an Alaskan native village. These representatives must have the authority to enter into contracts, agreements, and grants on behalf of their constituency." Section 371.4 also defines the term consortium as "two or more eligible governing bodies of Indian tribes that make application as a single applicant under an agreement whereby each governing body is legally responsible for carrying out all of the activities in the application."

The regulatory definition of the term consortium permits groups of applicants to apply only if one member of the group applies for the grant on behalf of the consortium and serves as the grantee. In order to recognize that Indian tribes may organize themselves by establishing separate legal entities to apply on their behalf for Federal program funds, the Department amends the definition of the term consortium to expressly allow the governing bodies of Indian tribes in the consortium to create a separate legal entity to apply for a grant on behalf of the tribes in the consortium. As the applicant, the separate legal entity would be governed by the regulations that apply to the AIVRS program pursuant to §371.3.

On May 14, 2009, we published in the Federal Register (74 FR 22729) a notice inviting applications for new awards for fiscal year (FY) 2009 for the AIVRS program. The original

notice for the FY 2009 AIVRS program competition established a July 23, 2009, deadline date for eligible applicants to apply for funding under this program. To ensure that the change in the regulatory definition of the term consortium applies to entities applying for a FY 2009 grant, we are reopening the competition and establishing a new deadline for the submission of applications. Applicants that submitted applications by the July 23, 2009, deadline date in accordance with the terms of the May 14, 2009 notice inviting applications are not required to submit new applications. Only groups of Indian tribes that seek to apply for funding under the AIVRS program using a separate legal entity as the applicant are permitted to submit a new application under the new deadline. The Department will publish the notice reopening the FY 2009 competition for the AIVRS program in the Federal Register soon.

Waiver of Rulemaking and Delayed Effective Date

Under the Administrative Procedure Act (APA) (5 U.S.C. 553), the Department is generally required to publish a notice of proposed rulemaking and provide the public with an opportunity to comment on proposed regulations prior to establishing a final rule. However, we are waiving the notice-and-comment rulemaking requirements under the APA. Section 553(b) of the APA provides that an agency is not required to conduct notice-and-comment rulemaking when the agency for good

cause finds that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest. Although these regulations are subject to the APA's notice-and-comment requirements, the Secretary has determined that it would be contrary to the public interest and impracticable to conduct notice-and-comment rulemaking.

It has come to the Department's attention that certain entities receiving AIVRS program grants do not meet the current definition of the term governing bodies of Indian tribes or the term consortium, but rather are nonprofit associations created by the governing bodies of Indian tribes to provide health, social, and welfare services (including vocational rehabilitation services) to the member Indian tribes. Some of the Indian tribes served by these nonprofit associations will be among the applicants in the FY 2009 AIVRS program competition and there are others who are due to receive continuation grants for FY 2009.

For many small Indian tribes and Alaskan native villages, the only effective and efficient way for their members to receive health, social, and welfare services is for the tribes or villages to join together and create a separate legal entity to apply for and administer grants and contracts from the Federal and State governments. Other Department and Federal agency programs accept applications from groups of Indian tribes

submitted by these separate legal entities. If the Department had to conduct notice-and-comment rulemaking to implement the change in the definition of the term consortium for purposes of the AVIRS program, it could not do so in time to permit it to make new and continuation awards to eligible applicants that apply through these separate legal entities for FY 2009, which would result in the disruption of services to hundreds of American Indians with disabilities who currently receive services through grants provided to these entities. Such a denial of services to the intended beneficiaries of the AIVRS program would be contrary to the public interest; this harm to the public interest outweighs the value that would be gained from notice-and-comment rulemaking in this instance because the regulatory change sought merely adopts an accepted practice used by many Indian tribes to apply for and administer Federal programs.

In addition, even on an extremely expedited timeline, it is impracticable for the Department to conduct notice-and-comment rulemaking and then promulgate final regulations in time to make new and continuation awards to eligible applicants that apply through these separate legal entities for FY 2009 under the AIVRS program. Publishing a notice of proposed rulemaking, reviewing the public comments and issuing final regulations normally takes at least six months, and this could not be

accomplished prior to September 30, 2009, the date by which FY 2009 funds have to be obligated under the AIVRS program.

Issuing interim final regulations permits the Department to consider applications under the competition for new awards submitted by applicants affected by the change in the definition of the term consortium and to make continuation awards to certain applicants that will meet the changed definition and can then continue providing vocational rehabilitation services to American Indians with disabilities.

Based upon this information, and in order to make timely grant awards for FY 2009, the Secretary is issuing these interim final regulations without first publishing proposed regulations for public comment.

Although the Department is adopting these regulations on an interim final basis, the Department requests public comment on these regulations. After consideration of public comments, the Secretary will publish final regulations.

The APA also requires that a substantive rule be published at least 30 days before its effective date, except as otherwise provided for good cause (5 U.S.C. 553(d)(3)). For the reasons outlined in the preceding paragraphs, the Secretary has determined that a delayed effective date for these interim final regulations is unnecessary and contrary to the public interest,

and that good cause exists to waive the requirement for a delayed effective date.

SIGNIFICANT REGULATIONS

We discuss substantive issues under the sections of the interim final regulations to which they pertain.

Statute: Section 121(a) of the Rehabilitation Act of 1973, as amended, provides that the Commissioner of RSA may make grants to the governing bodies of Indian tribes located on Federal and State reservations (and consortia of such governing bodies) to pay 90 percent of the costs of vocational rehabilitation services for American Indians who are individuals with disabilities residing on or near such reservations.

Current Regulations: Current §371.4 defines the term consortium as two or more eligible governing bodies of Indian tribes that make application as a single applicant under an agreement whereby each governing body is legally responsible for carrying out all of the activities in the application.

Regulations: We are amending the definition of the term consortium in section 371.4 to provide that a consortium means two or more eligible governing bodies of Indian tribes that apply for an award under this program by either: (1) designating one governing body to apply for the grant; or (2) establishing and designating a separate legal entity to apply for the grant.

Reason: Although the regulations under the AIVRS program have not changed in several years, Indian tribes have evolved in the ways that they have chosen to procure and deliver social services. Many Indian tribes have found it more effective to join together and create one separate legal organization to apply for Federal funds on their behalf and to deliver services to the members of those Indian tribes because they share the need for such services. This separate legal organization is generally a nonprofit association that provides health, social and welfare services (in this case, vocational rehabilitation services) to the members of the Indian tribes that created this association. However, a nonprofit association does not meet the current definition of the term governing body of an Indian tribe or the term consortium and, therefore, cannot serve as the grantee for a consortium of Indian tribes under the AIVRS program.

Many of the Indian tribes that choose to form a consortium and establish a separate legal entity to apply for grants and administer health, social, and welfare services to its member tribes would not, on their own, be able to assume responsibility for a AIVRS program grant because of their small size or isolated location, or because they lack the necessary infrastructure and internal controls to administer an AVIRS program grant. It has become apparent that the Department's

current definition of the term consortium constrains the intended recipients of an AIVRS grant from applying for funds under the program and from delivering services to the intended beneficiaries of AIVRS program funding--the American Indians with disabilities. Therefore, the Department has determined that it is appropriate to revise the regulatory definition of the term consortium so that a group of governing bodies of Indian tribes may establish a separate legal entity to serve as the applicant and grantee on behalf of eligible Indian tribes applying for a grant as part of a consortium. The Department believes that this regulatory change is essential in order to keep pace with the practical realities of the Indian community, to respect how the sovereign Indian tribes have decided to organize themselves to receive Federal program funds, and to provide for as much flexibility as possible within the statutory requirements of the program to award funds to intended recipients. These separate legal entities, established by consortia of Indian tribes, already receive grants under certain Department programs as well as programs administered by other Federal agencies, and this change will align the AIVRS program with these other programs.

Other Changes

Statute: None.

Current Regulations: Part 371 currently identifies "29 U.S.C. 711(c) and 750, unless otherwise noted" as the statutory authority for the regulations in this part.

Regulations: We are updating the authority citation for 34 part 371 to be 29 U.S.C. 709(c) and 741, unless otherwise noted.

Reason: We are updating the authority citation for this part because it has not been updated since the 1992 amendments to the Rehabilitation Act of 1973.

Executive Order 12866

1. Regulatory Impact Analysis

Under Executive Order 12866, the Secretary must determine whether the regulatory action is "significant" and therefore subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a "significant regulatory action" as an action likely to result in a rule that may (1) have an annual effect on the economy of \$100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities in a material way (also referred to as an "economically significant" rule); (2) create serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impacts of entitlement grants, user fees, or loan

programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive order. Pursuant to the terms of the Executive order, it has been determined that this regulatory action is not a significant regulatory action subject to OMB review under section 3(f) of Executive Order 12866.

1. Potential Costs and Benefits

Under Executive Order 12866, we have assessed the potential costs and benefits of this regulatory action and have determined that this rule will not impose additional costs to applicants, grantees, or the Federal government, as the Department is proposing only to expand how eligible applicants can apply for and administer grants under this program. The rule, changing the definition of the term consortium, is not expected to result in increased costs to Indian tribes in applying for an AIVRS grant or in implementing an AVIRS project. Moreover, the benefits of this regulatory action far outweigh any unforeseen administrative costs to the Federal government in administering the program. Some Indian tribes, particularly those for whom it would be difficult to assume responsibility for an AIVRS grant because of their small size, isolated location, or lack of the necessary infrastructure, have found it more effective to join together and create one separate legal organization to apply for

Federal funds on their behalf and to deliver services to the members of those Indian tribes. This regulatory change would benefit such Indian tribes by providing them the flexibility to establish a separate legal entity to serve as the applicant and grantee on behalf of eligible Indian tribes applying for a grant as part of a consortium, rather than requiring one of the Indian tribes of the consortium to serve as the grantee.

We have also determined that this regulatory action would not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions, alter the rights and obligations of recipients, or raise new legal or policy issues.

2. Clarity of the regulations

Executive Order 12866 and the Presidential memorandum on "Plain Language in Government Writing" require each agency to write regulations that are easy to understand.

The Secretary invites comments on how to make these interim final regulations easier to understand, including answers to questions such as the following:

- Are the requirements in the interim final regulations clearly stated?
- Do the interim final regulations contain technical terms or other wording that interferes with their clarity?
- Does the format of the interim final regulations (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce their clarity?

- Would the interim final regulations be easier to understand if we divided them into more (but shorter) sections? (A "section" is preceded by the symbol "§" and a numbered heading; for example, §371.4 What definitions apply to this program?)
- Could the description of the interim final regulations in the "Supplementary Information" section of this preamble be more helpful in making the interim final regulations easier to understand? If so, how?
- What else could we do to make the interim final regulations easier to understand?

To send any comments that concern how the Department could make these interim final regulations easier to understand, see the instructions in the ADDRESSES section of this preamble.

Regulatory Flexibility Act Certification

The Secretary certifies that these interim final regulations will not have a significant economic impact on a substantial number of small entities. These interim final regulations affect Indian tribal governments and nonprofit organizations. The U.S. Small Business Administration (SBA) Size Standards define these institutions as "small entities" if they are for-profit or nonprofit institutions with total annual revenue below \$5,000,000 or if they are institutions controlled by governmental entities with populations below 50,000.

Although some Indian tribal governments and nonprofit organizations may meet the definition of "small entities," these interim final regulations do not impose new costs on these entities.

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To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

Note: The official version of this document is the document published in the Federal Register. Free Internet access to the official edition of the Federal Register and the Code of Federal Regulations is available on GPO Access at: <http://www.gpoaccess.gov/nara/index.html>.

(Catalog of Federal Domestic Assistance Number: 84.250A AIVRS Program)

List of Subjects

34 CFR Part 371

Grant programs-Indians, Grant programs-social programs, Indians Vocational rehabilitation.

Delegation of Authority: The Secretary of Education has delegated authority to Andrew J. Pepin, Executive Administrator for the Office of Special Education and Rehabilitative Services,

For the reasons discussed in the preamble, the Secretary amends part 371 of title 34 of the Code of Federal Regulations as follows:

PART 371--VOCATIONAL REHABILITATION SERVICE PROJECTS FOR AMERICAN INDIANS WITH DISABILITIES

1. The authority citation for part 371 is amended to read as follows:

Authority: 29 U.S.C. 709(c) and 741, unless otherwise noted.

2. Section 371.4 is amended by revising the definition of "consortium" in paragraph (b) to read as follows:

§371.4 What definitions apply to this program?

* * * * *

(b) * * *

Consortium means two or more eligible governing bodies of Indian tribes that apply for an award under this program by either: (1) designating one governing body to apply for the grant; or (2) establishing and designating a separate legal entity to apply for the grant.

* * * * *

ORIGINAL APPLICATION PACKAGE

84.250A

Dear Colleague:

The Secretary invites applications for new awards for fiscal year (FY) 2009 under the Vocational Rehabilitation Services Projects for American Indians with Disabilities (CFDA 84.250A). This program is authorized by Section 121 of the *Rehabilitation Act of 1973, as amended* (the act), and implemented by the subsequent program regulation at 34 C.F.R. § 371.

The purpose of this program is to provide vocational rehabilitation services to American Indians with disabilities who reside on or near federal or state reservations, consistent with their individual strengths, resources, priorities, concerns, abilities, capabilities, and informed choice, so that they may prepare for and engage in gainful employment, including self-employment, telecommuting and business ownership.

This application package contains information and the required forms for your use in applying and competing in the FY 2009 discretionary grant award competition. Potential applicants are advised to read all materials carefully, especially the Federal Register Notice (See Section C), which is the official competition announcement. In addition, if an applicant procures the service of an outside consultant for the preparation of the application, we encourage the applicant to disclose the name of the author and encourage the author to collaborate with the current Section 121 project staff to ensure proposed goals and objectives are realistic.

Please note the following:

- Applications submitted for grant competitions funded by the U.S. Department of Education will use the Application for Federal Assistance SF 424. The SF 424 is included in this application package.
- Application Submission. Please note there are two options available for submitting an application in this competition. These options are briefly described in this letter, but complete instructions are included in the Federal Register Notice, under Application and Submission Information (See Section C). Select only one of the two methods indicated.
- Submission by Mail. Based on the precautionary procedures the U.S. Postal Service is using to process mail, we are experiencing delays in the delivery of mail to the Department. When using the submission by mail option, in order to expedite the review process, we request an additional three copies, for a total of six – one original and five copies, be submitted to the Application Control Center in Washington, D.C.
- e-Application Submission. Applications for grants under this competition may be submitted electronically using the Electronic Grant Application System (e-Application) accessible through the Department's e-Grants system. Please note the Application Procedures are described in the Federal Register Notice announcing this grant competition.
- Section 21 Requirement. Applicants are reminded that the 1998 Amendments to the *Rehabilitation Act* require that all new applicants must describe how the needs of individuals with disabilities from minority backgrounds will be addressed. Applicants must also provide assurance that individuals provided services are advised of the

availability and purposes of the State's Client Assistance Program, including information on means of seeking assistance from that program.

- Performance Measures. Under the *Government Performance and Results Act of 1993* (GPRA), the Department has established three performance measures for the Vocational Rehabilitation Services Projects for the American Indians with Disabilities program. The measures are (1) the percentage of individuals who leave the program with an employment outcome, (2) the percentage of projects that demonstrate an average annual cost per employment outcome of no more than \$35,000, and (3) the percentage of projects that demonstrate an average annual cost per participant of no more than \$10,000. Each grantee must annually report its performance on these measures through the Annual Progress Reporting Form for the American Indian Vocational Rehabilitation Services (AIVRS) Program.
- Job Training and Employment Common Measures. The annual progress reporting form, approved by the Office of Management and Budget on September 5, 2008, has been revised to collect data needed to assess the Vocational Rehabilitation Services Projects for American Indians with Disabilities program's performance on supplemental measures that are comparable to the job training and employment common measures. Each grantee will be required to collect the report data for these supplemental measures as part of the annual performance report requirement, including information on: (1) the number of individuals whose case record has not been closed, but have not received project services for 90 consecutive calendar days, (2) the number of eligible individuals who were employed three months after achieving the employment outcome, (3) the number of eligible individuals who were employed six months after achieving an employment outcome, (4) the average weekly earnings at entry, and (5) the average weekly earnings of the individuals whose employment outcomes resulted in earnings. "Employment Outcome" has the meaning provided in 34 C.F.R. § 369.4.
- Abstract. Each proposal must include a one page abstract. The abstract is a critical component of the proposal and it must highlight the following: 1) The purpose of the project; 2) The proposed number of individuals who will receive services under an Individualized Plan for Employment (IPE) for each budget period; 3) The proposed number of individuals who will obtain employment outcomes for each of the budget periods of the project; 4) The planned goals and objectives; 5) Any innovative strategies proposed; 6) The project's outcomes; and 7) The projected impacts.
- Selection Criteria. The program narrative must address the selection criteria shown following this letter (Section B). To facilitate the peer review process, the narrative should address the selection criteria in the order that the criteria are listed. An explanation of the selection criteria has been provided to further describe the type of information you may use to present a response. Your application should respond to each of the selection criteria. Failure to do so will put your application at a significant disadvantage. Please be certain to carefully review this material and call for technical assistance if needed.

- Special Requirements. In addition to the selection criteria, applicants must address the special application requirements at 34 C.F.R. § 371.21 in a separate section of the application titled “Special Application Requirements.” If these special requirements are not addressed, the application is incomplete and will not be reviewed for funding. An explanation of the special requirements also follows this letter (See Section C). Please be certain to carefully review this material and call for technical assistance if needed.
- Maximum Award. The Federal Register announcement indicates the following standard will apply for the maximum award topic. “For applicants that are current grantees under the Vocational Rehabilitation Services Projects for American Indians with Disabilities program (i.e., applicants that received funding in FY 2008), the maximum award amount for the first project year is the greater of the (a) \$365,000 or (b) an amount equal to 103 percent of the applicant’s approved budget for the applicant’s FY 2008 grant, (an increase of 3 percent). For applicants that are not current grantees under the Vocational Rehabilitation Service Projects for American Indians with Disabilities program, the maximum award amount for the first project year is \$365,000. In addition, the Secretary may limit any proposed increases in funding for project years two through five to the annual estimated percentage change in the Consumer Price Index for all Urban Consumers (CPIU).”
- Match. The Federal share may not be more than 90 percent of the total cost of the project. Please document the Federal share of the project in Section A of the Budget Summary ED Form 524. The non-Federal share is 10 percent of the total cost of the project and contributions may be provided in cash or in-kind. The way to compute the required match is to divide the requested Federal funds by 9. The result is the required match. Please document the match on Section B of the Budget Summary ED Form 524 and provide a budget narrative to describe the match.
- Budget Forms. All applicants for multi-year projects are required to provide detailed budget information for the total grant period requested (up to 60 months). The ED Form 524, Section G, requires a Budget Narrative for the entire 60 months of the budget request. At the time of the initial award, the Department will address the funding levels for each year of the grant award.
- Bonus Points. Previously funded tribal programs are entitled to receive 10 bonus points. To receive the points, the applicant must indicate that the governing body of the Tribe or the consortia of governing bodies had previously received an award under this program and must provide the date of the previous project period. Please clearly indicate this information in your application and list it in the Table of Contents so it is easily located.
- Appendix Section. You may include an appendix section, in .DOC, .RTF, and .PDF formats only, to your application that includes, but is not limited too, the following types of documents: assurances, certifications, one-page resumes, position descriptions, letters of support, etc. If applicable, in the narrative proposal selection criteria, please provide a reference for the location of these documents.

PROGRAM RULES AND REGULATIONS

The federal regulations that apply to this competition can be found in 34 CFR § 371. These grants are subject to the requirements of the Education Department General Administrative Regulations (EDGAR), 34 CFR §§ 75, 77, 80, 81, 82, 84, 85 and 97, which set forth general rules affecting the submittal, review, grant awarding, and post-award administration for Department of Education grant programs.

TECHNICAL ASSISTANCE

If you have any questions about the information in this application kit, please contact the RSA Competition Manager for Vocational Rehabilitation Service Projects for American Indians with Disabilities, August Martin at (202) 245-7410. If you use a TDD, call the FRS, toll free, at 1-800-877-8339.

Thank you for your interest in this program.

Sincerely,

Thomas E. Finch, Ph.D.
Service Projects Unit Chief

IMPORTANT – PLEASE READ FIRST

9 Steps to Prepare an e-Application

This document explains how to prepare an e-Application in 9 easy steps.

Step 1 - Determine if your program is accepting electronic applications. The Federal Register Notice for each program will indicate whether the program is accepting e-Applications as part of the Department of Education's e-Application program. Here is a link to the Department's Federal Register notices: www.ed.gov/news/fedregister/announce/index.html. Additional information on the Department of Education's grant programs (not just e-Applications) can be found at www.ed.gov/about/offices/list/ocfo/grants/grants.html.

Step 2 - Register/Login. If you are a new user, you will need to register to use e-Application. From the e-Grants Portal Page <http://e-grants.ed.gov/>, click on the continue button and click the register button on the right side of the next page. Select the e-Application module and click the next button. Please provide the requested information. Your e-Grants password will be sent to the e-mail address you provide. Once you receive the e-mail, enter your username and password and click the login button.

If you already have a username and password for e-Grants, use them to login. If you have access to more than one e-Grants module, you will be directed to select which module you wish to enter. Keep in mind that this username and password will be used for all e-Grants modules. In order to update your registration for additional e-Grants modules, click the the appropriate tab on the top of the screen and provide the requested information.

Note the following browser compatibility problems. The site is viewed best in Internet Explorer 5. We currently support IE 5 and Netscape 6.2 (along with later versions of both IE and Netscape). Please make sure that you have **Cookies** and **JavaScript** enabled in your browser.

Step 3 - Add Application Package to your Start Page. From your Start Page, click on the "Add" button to see the list of application packages. Click on a specific package link on the List of Application Packages to apply. The package will now appear on your Start Page. From this point forward, you will access your unique application from your Start Page (not the Packages Page).

Step 4 - Begin the Application. Click on the underlined Application Package Title on your Start Page. This brings you to a page where you will see all of the application's forms and narratives listed as underlined links.

Step 5 - Fill out Forms. Enter a form by clicking on the underlined form title in order to enter data. Remember to click the "Save" button at the bottom of the form and check the "Form Completed" box for each form as you complete it.

Step 6 - Upload File(s) for Narrative Responses. Click on an underlined narrative form title for the e-Application. Enter the title of the document, and click on the "Browse" button to locate your file. Remember to click the "Save" button after you upload the document and check the

"Form Completed" box when you finish uploading your file(s). Please note for file uploads, we accept .doc, .rtf, and .pdf files only.

Step 7 - Verify Information/Print Application. Verify your information is complete and correct on all required forms and narratives. You have the option to print each form at any time by clicking on the print/view icon next to the appropriate form. After submission of the forms and narratives, you have the option to print a complete e-Application package in PDF by clicking on the "Request Complete Package in PDF" on the e-Application PR/Award page. A second window will open informing you that your request has been received and that you will be notified via email once it is available. This process can take anywhere from a few minutes to a few hours. Once you receive the email, click on the link in the text of the message and enter your username and password in the new window. This will open the PDF file from which you can view/print the entire package. In addition, a blank complete package in PDF will be accessible from the package page in e-Application.

Step 8 - Submit your Application. Only authorized individuals for your organization can submit an application. Please check with your certifying official or sponsored research office before submission. Click on the "Ready to submit" button at the bottom of your application. Enter and verify the Authorizing Representative information. Click the "Submit" button. You will receive an e-mail to confirm that your application was received, and it will include a unique application number. Please print and keep this e-mail for your records. Reminder: applications must be submitted before 4:30 pm, Washington, D.C. time, on the deadline date for applications.

Step 9 - Fax the signed SF 424 Cover Page (or Program Specific Cover Page). Write your unique application number (received in step 8) on the upper right corner of your printed SF 424 Cover Page (or Program Specific Cover Page), and fax it to the Application Control Center (202) 245-6272 within 3 business days of submitting your e-Application.

NOTE: For more detailed information on submitting an e-Application, please see the **User Guide**. In addition, please try practicing with our e-Application Demo site by clicking on the Demo button found on the upper left corner of the e-Application Home Page.

SECTION C

ORIGINAL NOTICE INVITING APPLICATIONS FOR NEW AWARDS

4000-01-U

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

Overview Information

Vocational Rehabilitation Services Projects for American Indians
with Disabilities

Notice inviting applications for new awards for fiscal year (FY)
2009.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.250A.

Dates:

Applications Available: May 19, 2009.

Deadline for Transmittal of Applications: July 23, 2009.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of this program is to provide vocational rehabilitation (VR) services to American Indians with disabilities who reside on or near Federal or State reservations, consistent with their individual strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, so that they may prepare for and engage in gainful employment, including self-employment, telecommuting, or business ownership.

Priority: In accordance with 34 CFR 75.105(b)(2)(iv), this priority is from section 121(b)(4) of the Rehabilitation Act of 1973, as amended (29 U.S.C. 741).

Competitive Preference Priority: For FY 2009, this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i) we award up to an additional 10 points to an application, depending on how well the application meets this priority.

This priority is:

Continuation of Previously Funded Tribal Programs.

In making new awards under this program, we give priority consideration to applications for the continuation of vocational rehabilitation service programs that have been funded under the Vocational Rehabilitation Services Projects for American Indians with Disabilities program.

Program Authority: 29 U.S.C. 741.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 80, 81, 82, 84, 85, and 97. (b) The regulations for this program in 34 CFR parts 369 and 371.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: \$6,079,350.

Estimated Range of Awards: \$315,000-\$412,000.

Estimated Average Size of Awards: \$380,000.

Maximum Award: For applicants that are proposing to continue a program that is currently funded under the Vocational Rehabilitation Services Projects for American Indians with Disabilities program, the maximum award amount for the first project year is the greater of (a) \$365,000 or (b) an amount equal to 103 percent of the applicant's approved budget for the applicant's FY 2008 grant (an increase of 3 percent). For applicants that are proposing to establish a new program under the Vocational Rehabilitation Services Projects for American Indians with Disabilities program, the maximum award amount for the first project year is \$365,000.

In addition, the Secretary may limit any proposed increases in funding for project years two through five to the annual estimated percentage change in the Consumer Price Index for all Urban Consumers (CPIU).

Estimated Number of Awards: 15.

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

Project Period: Up to 60 months.

III. Eligibility Information

1. Eligible Applicants: The governing bodies of Indian tribes (and consortia of those governing bodies) located on Federal and State reservations.

Note: Indian tribe is defined in the program regulations at 34 CFR 371.4 as "any Federal or State Indian band, rancheria, pueblo, colony, and community, including any Alaskan native village or regional village corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act)."

2. Cost Sharing or Matching: See 34 CFR 371.40.

IV. Application and Submission Information

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

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

If you request an application package from ED Pubs, be sure to identify this competition as follows: CFDA number 84.250A.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., Braille, large print, audiotape, or computer diskette) 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 19, 2009.

Deadline for Transmittal of Applications: July 23, 2009.

Applications for grants under this competition may be submitted electronically using the Electronic Grant Application System (e-Application) accessible through the Department's e-Grants system, or in paper format by mail or hand delivery. For information (including dates and times) about how to submit your application electronically, or by mail or hand delivery, please refer to section IV. 6. 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.

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

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

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

a. Electronic Submission of Applications.

If you choose to submit your application to us electronically, you must use e-Application, accessible available through the Department's e-Grants portal page at: <http://e-grants.ed.gov>.

While completing your electronic application, you will be entering data online that will be saved into a database. You may not e-mail an electronic copy of a grant application to us. Please note the following:

- Your participation in e-Application is voluntary.
- You must complete the electronic submission of your grant application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The e-Application system will not

accept an application for this competition after 4:30:00 p.m., Washington, DC time, on the application deadline date.

Therefore, we strongly recommend that you do not wait until the application deadline date to begin the application process.

- The regular hours of operation of the e-Grants Web site are 6:00 a.m. Monday until 7:00 p.m. Wednesday; and 6:00 a.m. Thursday until 8:00 p.m. Sunday, Washington, DC time. Please note that, because of maintenance, the system is unavailable between 8:00 p.m. on Sundays and 6:00 a.m. on Mondays, and between 7:00 p.m. on Wednesdays and 6:00 a.m. on Thursdays, Washington, DC time. Any modifications to these hours are posted on the e-Grants Web site.

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

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

types specified in this paragraph or submit a password protected file, we will not review that material.

- Your electronic application must comply with any page limit requirements described in this notice.
- Prior to submitting your electronic application, you may wish to print a copy of it for your records.
- After you electronically submit your application, you will receive an automatic acknowledgment that will include a PR/Award number (an identifying number unique to your application).

- Within three working days after submitting your electronic application, fax a signed copy of the SF 424 to the Application Control Center after following these steps:

- (1) Print SF 424 from e-Application.
- (2) The applicant's Authorizing Representative must sign this form.
- (3) Place the PR/Award number in the upper right hand corner of the hard-copy signature page of the SF 424.
- (4) Fax the signed SF 424 to the Application Control Center at (202) 245-6272.

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

Application Deadline Date Extension in Case of System

Unavailability: If you are prevented from electronically

submitting your application on the application deadline date because the e-Application system is unavailable, we will grant you an extension of one business day to enable you to transmit your application electronically, by mail, or by hand delivery. We will grant this extension if--

(1) You are a registered user of e-Application and you have initiated an electronic application for this competition; and

(2) (a) The e-Application system is unavailable for 60 minutes or more between the hours of 8:30 a.m. and 3:30 p.m., Washington, DC time, on the application deadline date; or

(b) The e-Application system is unavailable for any period of time between 3:30 p.m. and 4:30:00 p.m., Washington, DC time, on the application deadline date.

We must acknowledge and confirm these periods of unavailability before granting you an extension. To request this extension or to confirm our acknowledgment of any system unavailability, you may contact either (1) the person listed elsewhere in this notice under For Further Information Contact (see VII. Agency Contact) or (2) the e-Grants help desk at 1-888-336-8930. If the e-Application system is unavailable due to technical problems with the system and, therefore, the application deadline is extended, an e-mail will be sent to all registered users who have initiated an e-Application.

Extensions referred to in this section apply only to the unavailability of the Department's e-Application system. If the e-Application system is available, and, for any reason, you are unable to submit your application electronically or you do not receive an automatic acknowledgment of your submission, you may submit your application in paper format by mail or hand delivery in accordance with the instructions in this notice.

b. Submission of Paper Applications by Mail.

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

U.S. Department of Education
Application Control Center
Attention: (CFDA Number 84.250A)
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 submit your application in paper format by hand delivery, you (or a courier service) must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address:

U.S. Department of Education
Application Control Center
Attention: (CFDA Number 84.250A)
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 grant notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245-6288.

V. Application Review Information

Selection Criteria: The selection criteria for this competition are from 34 CFR 75.210 of EDGAR and are listed in the application package. The selection criteria may total 100 points, plus the 10 competitive preference priority points (see section I. Competitive Preference Priority).

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: 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: Under the Government Performance and Results Act of 1993 (GPRA), the Department has established three performance measures for the Vocational Rehabilitation Services Projects for American Indians with Disabilities program. The measures are (1) the percentage of individuals who leave the program with an employment outcome, (2) the percentage of projects that demonstrate an average annual cost per employment outcome of no more than \$35,000, and (3) the percentage of projects that demonstrate an average annual cost per participant of no more than \$10,000. Each grantee must annually report its performance on these measures through the Annual Progress Reporting Form for the American Indian Vocational Rehabilitation Services program (APR Form).

Job Training and Employment Common Measures. In addition, this program is part of the job training and employment common measures initiative. The common measures for job training and employment programs targeting adults are (1) entered employment (percentage employed in the first quarter after program exit); (2) retention in employment (percentage of those employed in the first quarter after exit that were still employed in the second and third quarter after program exit); (3) average weekly earnings (average earnings of those participants who are employed in the first, second, and third quarters after the exit quarter); and (4) the annual cost per participant.

The AIVRS Annual Progress Reporting Form, approved by the Office of Management and Budget (OMB) on September 5, 2008, has been revised to collect data needed to assess the Vocational Rehabilitation Services Projects for American Indians with Disabilities program's performance on supplemental measures that are comparable to the job training and employment common measures. Each grantee will be required to collect the report data for these supplemental measures as part of the annual performance report requirement, including information on: (1) the number of individuals whose case record has not been closed, but have not received project services for 90 consecutive calendar days, (2) the number of eligible individuals who were employed three months after achieving the employment outcome, (3) the number of eligible individuals who were employed six months after achieving an employment outcome, (4) the average weekly earnings at entry, and (5) the average weekly earnings of the individuals whose employment outcomes resulted in earnings. Note: For purposes of this section VI. 4., the term "employment outcome" has the meaning provided in 34 CFR 369.4.

VII. Agency Contact

For Further Information Contact: August Martin, U.S. Department of Education, 400 Maryland Avenue, SW, room 5088, PCP, Washington, DC 20202-2800. Telephone: (202) 245-7410 or by e-mail: august.martin@ed.gov.

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

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue, SW, room 5075, PCP, Washington, DC 20202-2550.

Telephone: (202) 245-7363. If you use a TDD, call the FRS, toll free, at 1-800-877-8339.

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

www.ed.gov/news/fedregister.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

Note: The official version of this document is the document published in the Federal Register. Free Internet access to the

official edition of the Federal Register and the Code of Federal Regulations is available on GPO Access

at: www.gpoaccess.gov/nara/index.html.

Delegation of Authority: The Secretary of Education has delegated authority to Andrew J. Pepin, Executive Administrator for the Office of Special Education and Rehabilitative Services, to perform the functions of the Assistant Secretary for Special Education and Rehabilitative Services.

Dated:

Andrew J. Pepin,
Executive Administrator for the Office
of Special Education and
Rehabilitative Services.

SECTION D

SELECTION CRITERIA

**APPLICATION SELECTION CRITERIA FOR VR SERVICE PROJECTS
FOR AMERICAN INDIANS WITH DISABILITIES
(SECTION 121--CFDA 84.250A)**

The Secretary uses the following selection criteria to evaluate applications for new grants under this competition. The selection criteria are from the Education Department General Administrative Regulations (EDGAR) 34 CFR Part 75.210. The maximum score for all criteria is 100 points. The maximum score for each criterion is indicated in parentheses. Because no points are assigned to the selected factors, the Secretary evaluates each factor within each criterion equally. (Those applicants who are eligible for the competitive preference priority may receive up to 110 points.)

(a) NEED FOR PROJECT--5 POINTS. The Secretary considers the need for the proposed project, based on the following factors:

1. The magnitude of the need for the services to be provided or the activities to be carried out by the proposed project.
2. The extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses.

(b) SIGNIFICANCE--10 POINTS. The Secretary considers the significance of the proposed project, based on the following factors:

1. The potential contribution of the proposed project to increased knowledge or understanding of rehabilitation problems, issues, or effective strategies.
2. The extent to which the proposed project is likely to build local capacity to provide, improve, or expand services that address the needs of the target population.

(c) QUALITY OF THE PROJECT DESIGN--15 POINTS. The Secretary considers the quality of the design of the proposed project, based on the following factors:

1. The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.
2. The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs.
3. The extent to which the proposed project will be coordinated with similar or related efforts, and with other appropriate community, State, and Federal resources.
4. The extent to which the proposed project encourages consumer involvement.

5. The quality of the methodology to be employed in the proposed project.

(d) QUALITY OF PROJECT SERVICES--25 POINTS. The Secretary considers the quality of the services to be provided by the proposed project. The application should include information on the following factors:

1. The quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.
2. The extent to which the services to be provided by the proposed project are appropriate to the needs of the intended recipients or beneficiaries of those services.
3. The likely impact of the services to be provided by the proposed project on the intended recipients of those services.
4. The extent to which the services to be provided by the proposed project involve the collaboration of appropriate partners for maximizing the effectiveness of project services.

(e) QUALITY OF PROJECT PERSONNEL--15 POINTS. The Secretary considers the quality of the personnel who will carry out the proposed project. All of the following factors are considered:

1. The extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.
2. The qualifications, including relevant training and experience, of key project personnel.

(f) ADEQUACY OF RESOURCES--10 POINTS. The Secretary considers the adequacy of resources for the proposed project, including the following factors:

1. The adequacy of support, including facilities, equipment, supplies, and other resources, from the applicant organization or the lead applicant organization.
2. The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project.
3. The extent to which the costs are reasonable in relation to the number of persons to be served and to the anticipated results and benefits.

(g) QUALITY OF THE MANAGEMENT PLAN--15 POINTS. The Secretary considers the quality of the management plan for the proposed project, including the following factors:

1. The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.
2. The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

(h) QUALITY OF THE PROJECT EVALUATION--5 POINTS. The Secretary considers the quality of the evaluation to be conducted of the proposed project. The Secretary looks for information that shows:

1. The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.
2. The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible.
3. The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

(Approved by the Office of Management and Budget under control number 1875-0102)
(Authority: 20 U.S.C. 1221e-3 and 3474)

EXPLANATION OF SELECTION CRITERIA

Listed below are the review criteria (a) through (h) that will be used by peer reviewers to rate and award scores to proposals for the American Indian Vocational Rehabilitation Services Grants. Each review criteria is accompanied by an explanation of terms and other information to assist the applicant in developing the various sections of the proposal. Proposals should address all of the factors listed under each criteria.

IMPORTANT: Traditionally, recipients of American Indian Vocational Rehabilitation Services Grants have provided services to American Indians with disabilities who reside on reservations. The 1998 Amendments to section 121 of the Rehabilitation Act allow tribal vocational rehabilitation programs to expand services to American Indians with disabilities living near the reservation, if they choose to do so. Applicants should state whether they are planning to provide services to individuals living on the reservation, or to individuals living on or near the reservation. Applicants who choose to provide service to individuals living on or near the reservation should describe the geographic area to be served by the grant.

(a) NEED FOR PROJECT -- 5 POINTS. The Secretary considers the need for the proposed project, based on the following factors:

1. The magnitude of the need for the services to be provided or the activities to be carried out by the proposed project.
2. The extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps and weaknesses.

EXPLANATION: Descriptions of need should focus on the purpose for which these projects are funded -- to provide vocational rehabilitation services that will enable American Indians with disabilities to achieve employment outcomes. Barriers to the provision of vocational rehabilitation services and achievement of employment outcomes can also be described. In describing gaps in services, applicants may provide information that shows the extent to which VR services are provided by State VR agencies to American Indians with disabilities in the geographic area to be served by the project. In addition to reservations, the geographic area to be served can include areas near the reservation, as described by the applicant.

(b) SIGNIFICANCE--10 POINTS. The Secretary considers the significance of the proposed project, based on the following factors:

1. The potential contribution of the proposed project to increased knowledge or understanding of rehabilitation problems, issues, or effective strategies.
2. The extent to which the proposed project is likely to build local capacity to provide, improve, or expand services that address the needs of the target population.

EXPLANATION: Describe the extent to which the proposed project will expand or improve the practice of vocational rehabilitation for American Indians with disabilities. Describe how proposed services and strategies, including services traditionally used by Indian tribes, will improve employment outcomes for American Indians with disabilities to be served by the project.

(c) QUALITY OF THE PROJECT DESIGN--15 POINTS. The Secretary considers the quality of the design of the proposed project, based on the following factors:

1. The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.
2. The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs.
3. The extent to which the proposed project will be coordinated with similar or related efforts, and with other appropriate community, State, and Federal resources.
4. The extent to which the proposed project encourages consumer involvement.
5. The quality of the methodology to be employed in the proposed project.

EXPLANATION: Describe the overall plan for the project and how the goals, objectives, outcomes, project design and methodology are directed toward the provision of vocational rehabilitation services for the achievement of employment outcomes. The overall project design should be compatible with the assurance statements made in response to the special application requirements at 34 CFR 371.21(a)-(j). Proposals should identify the measurable results expected to be achieved during each year of the project. In order to meet the needs of the target population, proposals need to describe collaborative arrangements with State vocational rehabilitation agencies (as required at 371.21(g)) and linkages with other appropriate community, State, and Federal resources. Commitments of other organizations should be clearly documented, preferably in writing, and submitted with the application. Methods of encouraging consumer involvement include providing opportunities for input from American Indians with disabilities residing on or near the reservation (as required at 371.21(f)), establishment of an advisory committee as described at 34 CFR 369.45, or other approaches.

(d) QUALITY OF PROJECT SERVICES--25 POINTS. The Secretary considers the quality of the services to be provided by the proposed project. The application should include information on the following factors:

1. The quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.
2. The extent to which the services to be provided by the proposed project are appropriate to the needs of the intended recipients or beneficiaries of those services.
3. The likely impact of the services to be provided by the proposed project on the intended recipients of those services.

4. The extent to which the services to be provided by the proposed project involve the collaboration of appropriate partners for maximizing the effectiveness of project services.

EXPLANATION: Proposals should describe how the program will, to the extent feasible, provide rehabilitation services that are comparable to those provided by State VR agencies, including providing a broad variety of vocational rehabilitation services as described in section 103 of the Act. (See also Special Requirement 371.21(a)) Proposals may also describe other aspects of service provision, including providing services traditionally used by Indian tribes and providing traditional VR services in a culturally appropriate manner. Proposals should demonstrate that persons with disabilities will be able to access services as required by the Americans with Disabilities Act. Descriptions of the appropriateness and impact of services must relate to the purpose of the program, which is the achievement of employment outcomes by American Indians with disabilities. Proposals may also describe other impacts of services to be provided by the project. Proposals should include a description of how collaboration and linkages described under “Quality of project design” contribute to the effectiveness of project services.

(e) QUALITY OF PROJECT PERSONNEL--15 POINTS. The Secretary considers the quality of the personnel who will carry out the proposed project. All of the following factors are considered:

1. The extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.
2. The qualifications, including relevant training and experience, of key project personnel.

EXPLANATION: As stated at 34 CFR 371.43(b), preference in employment must be given to American Indians, with a special priority being given to American Indians with disabilities. Provide a resume for the project director and other key project personnel, such as vocational rehabilitation counselors. For each of the key personnel not identified at the time of application, provide a job description or the qualifications sought for the position. In addition to describing the qualifications of key personnel, the applicant can also propose use of training and other staff development activities to enhance these qualifications. Program regulations at 34 CFR 371.41(a)(1) allow for expenditures for staff development. Applicants may describe staff development efforts that are funded by the grant or that are provided through collaborative arrangements with any other appropriate resource, including, but not limited to, the State vocational rehabilitation agency and the Regional Rehabilitation Continuing Education Programs.

(f) ADEQUACY OF RESOURCES--10 POINTS. The Secretary considers the adequacy of resources for the proposed project, including the following factors:

1. The adequacy of support, including facilities, equipment, supplies, and other resources, from the applicant organization or the lead applicant organization.
2. The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project.
3. The extent to which the costs are reasonable in relation to the number of persons to be served and to the anticipated results and benefits.

EXPLANATION: Describe the facilities that will be used for the project. When describing the adequacy of support for facilities, equipment, etc. the proposal needs to consider how the applicant will meet the requirements for confidentiality of information at 34 CFR 369.46 and the extent to which facilities and other resources are fully accessible by individuals with disabilities. Identify specific contributions to the project by the applicant and by collaborating organizations, including in-kind contributions, cost sharing, donations, etc. When describing the relationship of costs to objectives, design, significance, and outcomes, the proposal can provide information about any special factors that influence the cost.

(g) QUALITY OF THE MANAGEMENT PLAN--15 POINTS. The Secretary considers the quality of the management plan for the proposed project, including the following factors:

1. The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.
2. The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

EXPLANATION: The proposal should describe process by which the goals and objectives will be met, such as the roles and responsibilities of project staff, and when and how these will be achieved. Major tasks and activities should be broken down into action steps to be completed by specific dates. Applicants can use a timetable, GANT chart, or Pert Chart to graphically present the sequence and relationship of project activities to be included in the proposal.

(h) QUALITY OF THE PROJECT EVALUATION--5 POINTS. The Secretary considers the quality of the evaluation to be conducted of the proposed project. The Secretary looks for information that shows:

1. The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.
2. The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible.
3. The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

EXPLANATION: Describe how appropriate and reliable data will be obtained and evaluated. Proposals can consider use of external evaluation methods. The evaluation plan should include a description of how evaluation activities will be phased in with other project tasks to ensure that periodic assessment provides performance feedback to project staff in time to influence the conduct of the project. Evaluation methods can include methods of gathering consumer input.

SECTION E

SPECIAL APPLICATION REQUIREMENTS

SPECIAL APPLICATION REQUIREMENTS FOR VOCATIONAL REHABILITATION SERVICE PROJECTS FOR AMERICAN INDIANS WITH DISABILITIES

Applicants for the Vocational Rehabilitation Service Projects for American Indians with Disabilities must provide assurances that they will meet the special application requirements stated at 34 CFR 371.21(a)-(j). Each application will be reviewed by the Department of Education to determine whether the applicant has provided the required assurances. Applications that do not include these assurances will be returned and will not be submitted for the peer review process.

INSTRUCTIONS

Listed below are the special application requirements at 34 CFR 371.21(a)-(j), explanatory notes, and instructions for the content of the required assurance statements. Provide the assurance statements in a separate section of the application entitled "Special Application Requirements."

371.21(a): Effort will be made to provide a broad scope of vocational rehabilitation services in a manner and at a level of quality at least comparable to those services provided by the designated State unit under 34 CFR part 361.

NOTE: "Vocational rehabilitation services" are defined in section 103 of the Rehabilitation Act Amendments of 1998. (A copy of section 103 is enclosed.) Applicants should plan to provide those vocational rehabilitation services needed by the individuals identified in the proposal as part of the evidence of need for the project. Applicants are not required to provide every service listed. While efforts should be made to provide services that are comparable to those provided by the state vocational rehabilitation agency, services provided by tribal programs are not required to be identical to those provided by a state vocational rehabilitation agency.

ASSURANCE STATEMENT: A description of each of the vocational rehabilitation services planned by the applicant.

371.21(b): Decisions affecting eligibility for and the nature and scope of vocational rehabilitation services to be provided, and the provision of these services, will be made by the tribal vocational rehabilitation program through its vocational rehabilitation unit and will not be delegated to another agency or individual.

NOTE: Decisions about the eligibility of American Indians with disabilities and the services that eligible individuals receive can be made only by the staff of the tribal

vocational rehabilitation program. Staff of other tribal agencies and the project's advisory committee, if it has one, are not authorized to make these decisions.

ASSURANCE STATEMENT: An assurance statement that decisions about eligibility, the nature and scope of services, and the provision of services will be made only by the tribal vocational rehabilitation unit and not by any other entity.

371.21(c) and (d): An order of selection of individuals with disabilities to be served under the program will be specified if services cannot be provided to all eligible American Indians with disabilities who apply. Priority in the delivery of vocational rehabilitation services will be given to those American Indians with disabilities who are the most severely disabled.

ASSURANCE STATEMENT: Depending on the applicant's situation, the application must include one of the following:

1. An assurance statement that the applicant expects to have enough resources to be able to serve all eligible American Indians with disabilities who are expected to apply.

OR

2. A description of the order of selection, prioritized on the basis of severity of disability, and giving the highest priority to those who are most severely disabled.

371.21(e): All vocational rehabilitation services will be provided according to an individualized plan of employment which has been developed jointly by the representative of the service providing organization and each American Indian with disabilities being served.

NOTE: "Service providing organization" means the tribal vocational rehabilitation program. An individualized plan for employment is a written agreement between the tribal vocational rehabilitation program unit and the eligible American Indian with a disability. The individualized plan for employment specifies the individual's employment goal, the vocational rehabilitation services that will be provided to address the individual's disability and to achieve a vocational outcome, and how those services will be provided, including the entity providing the services and timelines for the provision of services.

In addition, applicants for grants may choose to incorporate other requirements of section 102(b) of the Act that apply to State vocational rehabilitation agencies in the development of an individualized plan for employment. (A copy of section 102(b) is included in the application kit.)

ASSURANCE STATEMENT: An assurance statement that individualized plans for employment will be jointly developed for all eligible American Indians with disabilities.

371.21(f): American Indians with disabilities living on Federal or State reservations where service programs are being carried out under this part will have an opportunity to participate in matters of general policy development and implementation affecting vocational rehabilitation service delivery on the reservation.

NOTE: In addition to providing services on the reservation, the Rehabilitation Act Amendments of 1998 allow applicants to determine whether they will also provide vocational rehabilitation services to American Indians with disabilities living near the reservation. Applicants who decide to provide services to American Indians with disabilities living near the reservation will describe the geographic area in which the services will be provided. Opportunities for participation of American Indians with disabilities living on or near the reservation can be provided by establishment of an advisory committee as described at 34 CFR 369.45, or other approaches.

ASSURANCE STATEMENT: An assurance statement that the applicant will provide an opportunity for American Indians with disabilities living on or near the reservation, as described by the applicant, to participate in matters related to the development and implementation of general policies affecting the provision of vocational rehabilitation services under this grant.

371.21(g): Cooperative working arrangements will be developed with the designated State unit, or designated State units, as appropriate, which are providing vocational rehabilitation services to other individuals with disabilities who reside in the State or States being served.

NOTE: The 1998 Amendments to the Rehabilitation Act strengthened the requirement for collaboration between tribal and State vocational rehabilitation programs. Section 101(a)(11)(F) of the Act requires State vocational rehabilitation agencies to enter into formal cooperative agreements with each recipient of an American Indian vocational rehabilitation service project in the State. The agreement must describe strategies for collaboration and coordination in providing vocational rehabilitation services to American Indians who are individuals with disabilities, including --

- strategies for interagency referral and information sharing that will assist in eligibility determinations and the development of individualized plans for employment;
- procedures for ensuring that American Indians who are individuals with disabilities and are living near a reservation or tribal service area are provided vocational rehabilitation services; and

- provisions for sharing resources in cooperative studies and assessments, joint training activities, and other collaborative activities designed to improve the provision of services to American Indians who are individuals with disabilities.

ASSURANCE STATEMENT: An assurance statement that the applicant has established or will establish a formal cooperative agreement, or agreements if appropriate, that include the required strategies for collaboration and coordination of service provision.

371.21(h): Any comparable services and benefits available to American Indians with disabilities under any other program which might meet in whole or in part the cost of any vocational rehabilitation service will be fully considered in the provision of vocational rehabilitation services in accordance with 34 CFR part 361.

NOTE: As defined in 34 CFR 361, "comparable services and benefits" means services and benefits that are: 1) provided or paid for, in whole or in part, by other Federal, State, or local public agencies, by health insurance, or by employee benefits; 2) available to the individual at the time needed to achieve the goals of the individualized plan for employment; and 3) commensurate to the services the individual would otherwise receive from the vocational rehabilitation program.

ASSURANCE STATEMENT: An assurance statement that the applicant will assist individuals with disabilities to fully consider the appropriate use of all comparable services and benefits available through other sources.

371.21(I): Any American Indian with disabilities who is an applicant or recipient of services, and who is dissatisfied with a determination made by a counselor or coordinator under this program and files a request for a review, will be afforded a review under procedures developed by the grantee comparable to those under the provisions of section 102(c)(5)(A)-(I) of the Act.

NOTE: Applicants for grants must develop due process procedures by which an American Indian with a disability is provided an opportunity to have his/her grievance reviewed at levels above that at which the original decision was made. Applicants may model their due process procedures on those described in section 102(c)(5)(A)-(I) of the Act. Applicants may use tribal courts, impartial hearing officers from the list developed by the State vocational rehabilitation agency, or other methods. (A copy of section 102(c)(5)(A)-(I) is enclosed.)

ASSURANCE STATEMENT: An assurance that due process procedures have been developed or will be developed, with an early time line for that development.

371.21(j): Minimum standards will be established for community rehabilitation programs and providers of services which will be comparable to the standards set by the designated State unit and designated State units in the State or States in which the program is to be provided.

NOTE: "Community rehabilitation programs" are defined at 34 CFR 369.4. Applicants may choose to adopt State agency standards or they may modify State agency standards. At a minimum, community rehabilitation programs and other service providers should be accessible to individuals with disabilities. Other standards to consider include the qualifications of the personnel providing the requested service, the extent to which an individual's special communication needs can be met, and the existence of procedures to prevent fraud, waste and abuse.

ASSURANCE STATEMENT: A description of how the applicant will assure use of qualified service providers.

For more information, please contact:

August Martin	RSA, Wash., D.C.	202-245-7410
Dr. Thomas E. Finch	RSA, Wash., D.C.	202-245-7343

SECTION F

IMPORTANT THINGS TO REMEMBER

GENERAL INFORMATION ON COMPLETING AN APPLICATION

1. The purpose and goal of the project is to provide vocational rehabilitation services to empower consumers to prepare for and obtain gainful employment.
2. Applicants must address the Special Requirements – applications will be returned if the Special Requirements are not addressed. In your application, include these assurances in a separate section titled “Special Requirements”.
3. The 121 projects must deliver a wide variety of vocational rehabilitation services to meet the needs of consumers with disabilities.
4. Make it easy for the reviewers to rate your application appropriately. The application narrative (Part III of this application form) should be organized to follow the exact sequence of the components in the selection criteria used to evaluate applications. (Selection Criteria are located in Section B.)
 - Include a one-page single-spaced abstract.
 - Include a Table of Contents.
 - Number ALL pages – including the Appendices.
 - Remember to cross-reference the narrative sections of your application if you are including further information in the appendix.
 - Try to keep the narrative to 35 pages, double-spaced.
 - Do not bound applications.
5. Definitions/Information for preparing the Budget:

Equipment – Tangible, nonexpendable property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. However, consistent with YOUR institutional policy, lower limits may be established.

Supplies – Direct materials and supplies that are consumable, expendable or of a relatively low unit cost.

Personnel – All project staff who are paid for by the grant or whose time is used to meet the match requirement.

Match – The match is computed on the total cost of the project (Federal’s and Applicant’s contribution). The easiest way to compute the correct local match is to divide the requested Federal funds by 9. Example: \$100,000 requested Federal funds for year 1 divided by 9 = \$11,111. This amount is the required match for the amount requested for year 1.

Other – This is the place for all direct costs that are not clearly covered by the direct line items in the budget. It is a catchall category that may include a wide variety of

costs that do not appear to appropriate for any of the line items in the budget. For instance, postage and copying, as well as all Client Services including training and maintenance, etc. listed in this category.

Staff training costs – are allowable expenses, in accordance with 34 CFR 371.41.

6. The maximum award amount for the competition is described in the Federal Register Notice.
7. Include a budget breakdown and narrative for each year funding is requested.
8. Key Personnel is defined as the Project Director, Principle Investigator and/or the Project Coordinator and Vocational Rehabilitation Counselors. Please provide a resume or a job description for all key personnel and other staff members.
9. If you are eligible for the 10 bonus points as a previously funded 121 project, provide the name of the Tribe or Consortia of Tribes and the dates of the last project period.

NOTIFICATION OF FUNDING

The time to complete the evaluation of submitted applications vary from year to year. Once applications are received, staff must appropriately evaluate the applications, identify and contact potential reviewers, convene peer review panels, and summarize and review the recommendations of the review panels. The recommendations are then packaged and begin a departmental review. You may receive notification within 3 months of the application closing date, depending on the number of applications received.

MAKING SURE APPLICATION IS ASSIGNED TO THE CORRECT COMPETITION

Applicants should clearly indicate in Item 11 on the application (SF Form 424) the CFDA number of the program priority (e.g., 84.250A) representing the competition in which the application should be considered. If this information is not provided, your application may inadvertently be assigned and reviewed under a different competition other than under the AIVRS competition, as you intended.

DELIVERING/SENDING APPLICATIONS

Applications can be hand delivered, submitted electronically (e-Application), or submitted through the mail. If you are submitting an application electronically please follow the instructions in the Application Transmittal Instructions in the Federal Register Notice. Application submittal through delivery or mail must be sent to the Application Control Center at the address listed in the Application Transmittal Instructions. Delivering or sending the application to the competition manager in the program office may prevent it from being logged in on time to the appropriate competition and may result in the application not being reviewed.

Eligible Applicant for Submitting a Proposal For a Section 121 Grant

Indian tribes that has federal or state recognition may submit applications for an American Indian Vocational Rehabilitation Services Project grant funded under Section 121 of the *Rehabilitation Act of 1973, as amended*, using one of the following options –

An application may be submitted for a Section 121 projects grant:

- 1) To provide vocational rehabilitation (VR) services to American Indians with disabilities living on or near the reservation; or
- 2) To provide VR services to American Indians with disabilities living on or near its own reservation and living on the reservations of other Indian Tribes under an Inter-Tribal arrangement as referenced in 34 C.F.R. § 371.42(b). The tribe applying under this option must include a written authorization from the governing bodies of each tribe in the inter-Tribal arrangement that allows VR services to be provided by the tribe receiving the Section 121 projects grant. Please see “Sample #1” below for a suitable written authorization.
- 3) To provide VR services to American Indians with disabilities as a consortium, which is defined in 34 C.F.R. § 371.4 and means, “...two or more governing bodies of Indian tribes that apply for an award under this program by either: (1) designating one governing body to apply for the grant pursuant to an agreement whereby each governing body is legally responsible for carrying out all the activities in the application; or (2) establishing and designating a separate legal entity to apply for the grant and carry out the project.” The tribes applying under this option must include written authorization from the governing bodies of all the tribes that are members of the consortium acknowledging their legal responsibility for carrying out all the activities in the application. Please see “Sample #2” below for a suitable written authorization.

Sample #1 Inter-Tribal Arrangement

As referenced in 34 C.F.R. § 371.42(b), an Indian tribe that has federal or state recognition applying for a Section 121 projects grant may enter into an Inter-Tribal arrangement with the governing bodies of other Indian tribes for the purpose of carrying out a project that serves more than one tribe. An Indian tribe submitting an application for a Section 121 projects grant to provide services to American Indians with disabilities living on its own reservation and on the reservations of other Indian tribes must include a written authorization from the governing bodies of each tribe in the Inter-Tribal arrangement that allows VR services to be provided by the tribe receiving the Section 121 projects grant. The letter from one of the members of the Inter-Tribal may look something like this:

Dear (official name of the governing body of the Indian tribe submitting the application):

(An opening statement the writer deems appropriate.)

Pursuant to 34 C.F.R. § 371.42(b), the (official name of the governing body on the Indian tribe supporting the application) agrees to enter into an arrangement whereby the (tribe submitting the application) will carry out a vocational rehabilitation (VR) project authorized under Section 121 of the *Rehabilitation Act of 1973, as amended*. This arrangement authorizes the (tribe submitting the application) to submit an application for a grant pursuant to 34 C.F.R. § 371.42(b) to fund a VR project that will include the provision of VR services to American Indians with disabilities residing on the reservation of the (tribe supporting the application).

(A justification of the need for the project that the writer deems appropriate.)

(A closing statement the writer deems appropriate.)

Sincerely,

(Name of authorized official to sign the letter)
(Name of the tribe)

Sample #2 Consortium

{This statement from each of the tribes included in the consortium must be signed by an official authorized to sign such a statement and submit an application for funds under Section 121 of the Rehabilitation Act of 1973, as amended. }

A consortium of Indian tribes may submit a single application for a Section 121 projects grant. A consortium is defined in 34 C.F.R. § 371.4 as, "...two or more governing bodies of Indian tribes that apply for an award under this program by either: (1) designating one governing body to apply for the grant pursuant to an agreement whereby each governing body is legally responsible for carrying out all the activities in the application; or (2) establishing and designating a separate legal entity to apply for the grant and carry out the project.." The single application from a consortium must include the following written authorization from each tribe that is included in the consortium (or something similar that has the same legal effect):

The (official name of the governing body of the tribe included in the consortium) submits this letter of commitment as a member of the consortium that is submitting an application for a Section 121 projects grant to administer an American Indian Vocational Rehabilitation Services (AIVRS) project. The AIVRS project will be carried out by the (official name of the tribe or tribes actually submitting the application). However, the (tribe included in the consortium) understands, and agrees that, in the event the (tribe or tribes submitting the application) or any other tribe that is a member of this consortium is unable to carry out this project, the (tribe included in the consortium) will be held legally responsible to ensure that the AIVRS project is administered. The AIVRS project to be administered under this grant will provide services to American Indians with disabilities who reside on the reservation of each of the tribes included in this consortium.

**Sample #3
Consortium**

{This statement from each of the tribes included in the consortium must be signed by an official authorized to sign such a statement and submit an application for funds under Section 121 of the Rehabilitation Act of 1973, as amended.}

A consortium of Indian tribes may submit a single application for a Section 121 projects grant. A consortium is defined in 34 C.F.R. § 371.4 as, "...two or more governing bodies of Indian tribes that apply for an award under this program by either: (1) designating one governing body to apply for the grant pursuant to an agreement whereby each governing body is legally responsible for carrying out all the activities in the application; or (2) establishing and designating a separate legal entity to apply for the grant and carry out the project." The single application from a consortium must include the following written authorization from each tribe that is included in the consortium (or something similar that has the same legal effect):

The (official name of the governing body of the tribe included in the consortium) submits this letter of commitment as a member of the consortium that is submitting an application for a Section 121 projects grant to administer an American Indian Vocational Rehabilitation Services (AIVRS) project. The AIVRS project will be carried out by the (official name of the tribe or separate legal entity). However, the (tribe included in the consortium) understands, and agrees that, in the event the (tribe or separate legal entity submitting the application) or any other tribe that is a member of this consortium is unable to carry out this project, the (tribe included in the consortium) will be held legally responsible to ensure that the AIVRS project is administered. The AIVRS project to be administered under this grant will provide services to American Indians with disabilities who reside on the reservation of each of the tribes included in this consortium.

SECTION G

APPLICATION TRANSMITTAL INSTRUCTIONS

APPLICATION TRANSMITTAL INSTRUCTIONS

ATTENTION ELECTRONIC APPLICANTS: Please note that you must follow the Application Procedures as described in the Federal Register notice announcing the grant competition. Some programs may require electronic submission of applications, and those programs will have specific requirements and waiver instructions in the Federal Register notice.

An original and two copies of an application for an award must be mailed or hand-delivered by the application deadline date unless it is submitted electronically. To help expedite our review process, we would appreciate your voluntarily including an additional three copies, a total of five copies and one original of your application.

APPLICATIONS SUBMITTED ELECTRONICALLY

You must submit your grant application through the Internet using the software provided on the e-Application Web site (<http://e-grants.ed.gov>) by 4:30 p.m. (Washington, DC time) on the application deadline date.

If you submit your application through the Internet via the e-Application Web site, you will receive an automatic acknowledgment when we receive your application.

For more information on using e-Application, please refer to the Notice Inviting Applications that was published in the Federal Register, the e-Application Submission Procedures and Tips document found in the application package instructions, and visit <http://e-grants.ed.gov>.

APPLICATIONS DELIVERED BY MAIL

Applications sent by mail must be addressed to:

**U.S. Department of Education
Application Control Center
Attention: 84.250A
400 Maryland Ave., SW
Washington, DC 20202-4260**

Applicants 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 U.S. Secretary of Education

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

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

Applicants should note that 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.

If you send your application by mail or if you have a courier deliver it by hand, the Application Control Center will mail a notification of receipt of your grant application. If you do not receive the notification of application receipt 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.

You must indicate on the envelope the CFDA number – and suffix letter of the competition under which you are submitting your application – if not provided by the Department – in Item 11 of the Application for Federal Assistance (SF 424 (exp. 04/30/08)).

If your application is late, we will notify you that we will not consider the application.

APPLICATIONS DELIVERED BY COMMERCIAL CARRIER/HAND

Special Note: Due to recent disruptions to normal mail delivery, the Department encourages you to consider using an alternative delivery method (for example, a commercial carrier, such as Federal Express or United Parcel Service; or U.S. Postal Services Express Mail) to transmit your application for this competition to the Department. If you use an alternative delivery method, please obtain the appropriate proof of mailing under “Applications Sent by Mail,” then follow the mailing instructions under the appropriate delivery method.

Applications that are delivered by commercial carrier, such as Federal Express, United Parcel Service, etc. should be mailed to the:

**U. S. Department of Education
Application Control Center – Stop 4260
Attention: CFDA #84.250A
550 12th Street, SW
Room 7041, Potomac Center Plaza
Washington, DC 20202-4260**

Applications Delivered by Hand

You or your courier must hand deliver the original and number of copies requested of the application by 4:30 p.m. (Washington, DC time) on or before the deadline date. Please hand deliver copies to:

**U.S. Department of Education
Application Control Center
Attention: CFDA #84.250A
550 12th Street, SW
Room 7041, Potomac Center Plaza
Washington, DC 20202-4260**

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

SECTION H

RULES AND REGULATIONS

SECTION 121: AMERICAN INDIAN VOCATIONAL REHABILITATION SERVICES

SECTION 102(b)-(c): INDIVIDUALIZED PLAN OF EMPLOYMENT

SECTION 103: VOCATIONAL REHABILITATION SERVICES

34 CFR PART 371

SECTION 121: AMERICAN INDIAN VOCATIONAL REHABILITATION SERVICES

Sec. 121(a): The Commissioner, in accordance with the provisions of this part, may make grants to the governing bodies of Indian tribes located on Federal and State reservations (and consortia of such governing bodies) to pay 90 percent of the costs of vocational rehabilitation services for American Indians who are individuals with disabilities residing on or near such reservations. The non-Federal share of such costs may be in cash or in kind, fairly valued, and the Commissioner may waive such non-Federal share requirement in order to carry out the purposes of this Act.

(b)(1) No grant may be made under this part for any fiscal year unless an application therefore has been submitted to and approved by the Commissioner. The Commissioner may not approve an application unless the application--

(A) is made at such time, in such manner, and contains such information as the Commissioner may require;

(B) contains assurances that the rehabilitation services provided under this part to American Indians who are individuals with disabilities residing on or near a reservation in a State shall be, to the maximum extent feasible, comparable to rehabilitation services provided under this title to other individuals with disabilities residing in the State and that, where appropriate, may include services traditionally used by Indian tribes; and

(C) contains assurances that the application was developed in consultation with the designated State unit of the State.

(2) The provisions of sections 5, 6, 7, and 102(a) of the Indian Self-Determination and Education Assistance Act shall be applicable to any application submitted under this part. For purposes of this paragraph, any reference in any such provision to the Secretary of Education or to the Secretary of the Interior shall be considered to be a reference to the Commissioner.

(3) Any application approved under this part shall be effective for not more than 60 months, except as determined otherwise by the Commissioner pursuant to prescribed regulations. The State shall continue to provide vocational rehabilitation services under its State plan to American Indians residing on or near a reservation whenever such State includes any such American Indians in its State population under section 110(a)(1).

(4) In making grants under this part, the Secretary shall give priority consideration to applications for the continuation of programs which have been funded under this part.

(5) Nothing in this section may be construed to authorize a separate service delivery system for Indian residents of a State who reside in non-reservation areas.

(c) The term "*reservation*" includes Indian reservations, public domain Indian allotments, former Indian reservations in Oklahoma, and land held by incorporated Native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act.

SEC. 102(B) INDIVIDUALIZED PLAN FOR EMPLOYMENT

(1) Options for developing an individualized plan for employment

If an individual is determined to be eligible for vocational rehabilitation services as described in subsection (a), the designated State unit shall complete the assessment for determining eligibility and vocational rehabilitation needs, as appropriate, and shall provide the eligible individual or the individual's representative, in writing and in an appropriate mode of communication, with information on the individual's options for developing an individualized plan for employment, including--

(A) information on the availability of assistance, to the extent determined to be appropriate by the eligible individual, from a qualified vocational rehabilitation counselor in developing all or part of the individualized plan for employment for the individual, and the availability of technical assistance in developing all or part of the individualized plan for employment for the individual;

(B) a description of the full range of components that shall be included in an individualized plan for employment;

(C) as appropriate--

(i) an explanation of agency guidelines and criteria associated with financial commitments concerning an individualized plan for employment;

(ii) additional information the eligible individual requests or the designated State unit determines to be necessary; and

(iii) information on the availability of assistance in completing designated State agency forms required in developing an individualized plan for employment; and

(D)(i) a description of the rights and remedies available to such an individual including, if appropriate, recourse to the processes set forth in subsection (c); and

(ii) a description of the availability of a client assistance program established pursuant to section 112 and information about how to contact the client assistance program.

(2) Mandatory procedures

(A) Written document

An individualized plan for employment shall be a written document.

(B) Informed choice

An individualized plan for employment shall be developed and implemented in a manner that affords eligible individuals the opportunity to exercise informed choice in selecting an employment outcome, the specific vocational rehabilitation services to be provided under the plan, the entity that will provide the vocational rehabilitation services, and the methods used to procure the services, consistent with subsection (d).

(C) Signatories

An individualized plan for employment shall be--

(i) agreed to, and signed by, such eligible individual or, as appropriate, the individual's representative; and

(ii) approved and signed by a qualified vocational rehabilitation counselor employed by the designated State unit.

(D) Copy

A copy of the individualized plan for employment for an eligible individual shall be provided to the individual or, as appropriate, to the individual's representative, in writing and, if appropriate, in the native language or mode of communication of the individual or, as appropriate, of the individual's representative.

(E) Review and amendment

The individualized plan for employment shall be--

(i) reviewed at least annually by--

(I) a qualified vocational rehabilitation counselor; and

(II) the eligible individual or, as appropriate, the individual's representative; and

(ii) amended, as necessary, by the individual or, as appropriate, the individual's representative, in collaboration with a representative of the designated State agency or a qualified vocational rehabilitation counselor (to the extent determined to be appropriate by the individual), if there are substantive changes in the employment outcome, the vocational rehabilitation services to be provided, or the service providers of the services (which amendments shall not take effect until agreed to and signed by the eligible individual or, as appropriate, the individual's representative, and by a qualified vocational rehabilitation counselor employed by the designated State unit).

(3) Mandatory components of an individualized plan for employment

Regardless of the approach selected by an eligible individual to develop an individualized plan for employment, an individualized plan for employment shall, at a minimum, contain mandatory components consisting of--

(A) a description of the specific employment outcome that is chosen by the eligible individual, consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the eligible individual, and, to the maximum extent appropriate, results in employment in an integrated setting;

(B)(i) a description of the specific vocational rehabilitation services that are--

(I) needed to achieve the employment outcome, including, as appropriate, the provision of assistive technology devices and assistive technology services, and personal assistance services, including training in the management of such services; and

(II) provided in the most integrated setting that is appropriate for the service involved and is consistent with the informed choice of the eligible individual; and

(ii) timelines for the achievement of the employment outcome and for the initiation of the services;

(C) a description of the entity chosen by the eligible individual or, as appropriate, the individual's representative, that will provide the vocational rehabilitation services, and the methods used to procure such services;

(D) a description of criteria to evaluate progress toward achievement of the employment outcome;

(E) the terms and conditions of the individualized plan for employment, including, as appropriate, information describing--

(i) the responsibilities of the designated State unit;

(ii) the responsibilities of the eligible individual, including--

(I) the responsibilities the eligible individual will assume in relation to the employment outcome of the individual;

(II) if applicable, the participation of the eligible individual in paying for the costs of the plan; and

(III) the responsibility of the eligible individual with regard to applying for and securing comparable benefits as described in section 101(a)(8); and

(iii) the responsibilities of other entities as the result of arrangements made pursuant to comparable services or benefits requirements as described in section 101(a)(8);

(F) for an eligible individual with the most significant disabilities for whom an employment outcome in a supported employment setting has been determined to be appropriate, information identifying--

(i) the extended services needed by the eligible individual; and

(ii) the source of extended services or, to the extent that the source of the extended services cannot be identified at the time of the development of the individualized plan for employment, a description of the basis for concluding that there is a reasonable expectation that such source will become available; and

(G) as determined to be necessary, a statement of projected need for post-employment services.

SEC. 103. VOCATIONAL REHABILITATION SERVICES

(a) Vocational Rehabilitation Services for Individuals

Vocational rehabilitation services provided under this title are any services described in an individualized plan for employment necessary to assist an individual with a disability in preparing for, securing, retaining, or regaining an employment outcome that is consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual, including--

- (1)** an assessment for determining eligibility and vocational rehabilitation needs by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology;
- (2)** counseling and guidance, including information and support services to assist an individual in exercising informed choice consistent with the provisions of section 102(d);
- (3)** referral and other services to secure needed services from other agencies through agreements developed under section 101(a)(11), if such services are not available under this title;
- (4)** job-related services, including job search and placement assistance, job retention services, followup services, and follow-along services;
- (5)** vocational and other training services, including the provision of personal and vocational adjustment services, books, tools, and other training materials, except that no training services provided at an institution of higher education shall be paid for with funds under this title unless maximum efforts have been made by the designated State unit and the individual to secure grant assistance, in whole or in part, from other sources to pay for such training;
- (6)** to the extent that financial support is not readily available from a source (such as through health insurance of the individual or through comparable services and benefits consistent with section 101(a)(8)(A)), other than the designated State unit, diagnosis and treatment of physical and mental impairments, including--
 - (A)** corrective surgery orthorapeutic treatment necessary to correct or substantially modify a physical or mental condition that constitutes a substantial impediment to employment, but is of such a nature that such correction or modification may reasonably be expected to eliminate or reduce such impediment to employment within a reasonable length of time;
 - (B)** necessary hospitalization in connection with surgery or treatment;

- (C) prosthetic and orthotic devices;
- (D) eyeglasses and visual services as prescribed by qualified personnel who meet State licensure laws and who are selected by the individual;
- (E) special services (including transplantation and dialysis), artificial kidneys, and supplies necessary for the treatment of individuals with end-stage renal disease; and
- (F) diagnosis and treatment for mental and emotional disorders by qualified personnel who meet State licensure laws;
- (7) maintenance for additional costs incurred while participating in an assessment for determining eligibility and vocational rehabilitation needs or while receiving services under an individualized plan for employment;
- (8) transportation, including adequate training in the use of public transportation vehicles and systems, that is provided in connection with the provision of any other service described in this section and needed by the individual to achieve an employment outcome;
- (9) on-the-job or other related personal assistance services provided while an individual is receiving other services described in this section;
- (10) interpreter services provided by qualified personnel for individuals who are deaf or hard of hearing, and reader services for individuals who are determined to be blind, after an examination by qualified personnel who meet State licensure laws;
- (11) rehabilitation teaching services, and orientation and mobility services, for individuals who are blind;
- (12) occupational licenses, tools, equipment, and initial stocks and supplies;
- (13) technical assistance and other consultation services to conduct market analyses, develop business plans, and otherwise provide resources, to the extent such resources are authorized to be provided through the statewide workforce investment system, to eligible individuals who are pursuing self-employment or telecommuting or establishing a small business operation as an employment outcome;
- (14) rehabilitation technology, including telecommunications, sensory, and other technological aids and devices;
- (15) transition services for students with disabilities, that facilitate the achievement of the employment outcome identified in the individualized plan for employment;

(16) supported employment services;

(17) services to the family of an individual with a disability necessary to assist the individual to achieve an employment outcome; and

(18) specific post-employment services necessary to assist an individual with a disability to, retain, regain, or advance in employment.

(b) Vocational Rehabilitation Services for Groups of Individuals

Vocational rehabilitation services provided for the benefit of groups of individuals with disabilities may also include the following:

(1) In the case of any type of small business operated by individuals with significant disabilities the operation of which can be improved by management services and supervision provided by the designated State agency, the provision of such services and supervision, along or together with the acquisition by the designated State agency of vending facilities or other equipment and initial stocks and supplies.

(2)(A) The establishment, development, or improvement of community rehabilitation programs, including, under special circumstances, the construction of a facility. Such programs shall be used to provide services that promote integration and competitive employment.

(B) The provision of other services, that promise to contribute substantially to the rehabilitation of a group of individuals but that are not related directly to the individualized plan for employment of any one individual with a disability.

(3) The use of telecommunications systems (including telephone, television, satellite, radio, and other similar systems) that have the potential for substantially improving delivery methods of activities described in this section and developing appropriate programming to meet the particular needs of individuals with disabilities.

(4)(A) Special services to provide nonvisual access to information for individuals who are blind, including the use of telecommunications, Braille, sound recordings, or other appropriate media.

(B) Captioned television, films, or video cassettes for individuals who are deaf or hard of hearing.

(C) Tactile materials for individuals who are deaf-blind.

(D) Other special services that provide information through tactile, vibratory, auditory, and visual media.

(5) Technical assistance and support services to businesses that are not subject to title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.) and that are seeking to employ individuals with disabilities.

(6) Consultative and technical assistance services to assist educational agencies in planning for the transition of students with disabilities from school to post-school activities, including employment. [Code of Federal Regulations][Title 34, Volume 2, Parts 300 to 399][Revised as of July 1, 1998]From the U.S. Government Printing Office via GPO Access[CITE: **34CFR369.1**] [Page 394-395]

PLEASE NOTE:

AMERICAN INDIAN VOCATIONAL REHABILITATION SERVICES PROGRAM

The American Indian Vocational Rehabilitation Services (AIVRS) program (34 C.F.R. § 371) is authorized by Sections 110(c) and 121 of the act. Under this program, grants are awarded to governing bodies of Indian tribes located on federal and state reservations to provide vocational rehabilitation services for American Indians with disabilities residing on or near those reservations.

The 1998 Amendments changed the AIVRS Program in three significant ways: 1) the geographic area that can be served by these programs was expanded to include American Indians with disabilities who live near the reservation, in addition to providing services to those who live on the reservation; 2) the project period for which these programs can be approved was extended from three years to five years; 3) section 101(a)(11)(F) of the act requires state vocational rehabilitation services agencies to enter into formal cooperative agreements with AIVRS program grantees within the state that describe strategies for collaboration and coordination in providing vocational rehabilitation services to American Indians with disabilities.

In addition, please note the longstanding statutory provision in Section 121(b)(4) of the Act that directs the Secretary to give priority consideration to applications for the continuation of programs that have been funded previously under this program.

TITLE 34--EDUCATION

CHAPTER III--OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES, DEPARTMENT OF EDUCATION

PART 371--VOCATIONAL REHABILITATION SERVICE PROJECTS FOR AMERICAN INDIANS WITH DISABILITIES

Subpart A--General

Sec.

- 371.1 What is the Vocational Rehabilitation Services Program for American Indians with Disabilities?
- 371.2 Who is eligible for assistance under this program?
- 371.3 What regulations apply to this program?
- 371.4 What definitions apply to this program?
- 371.5 What is the length of the project period under this program?

Subpart B--What Kinds of Activities Does the Department of Education Assist Under This Program?

- 371.10 What types of projects are authorized under this program?

Subpart C--How Does One Apply for a Grant?

- 371.20 What are the application procedures under this program?
- 371.21 What are the special application requirements related to the State plan Program?

Subpart D--How Does the Secretary Make a Grant?

- 371.31 How are grants awarded?

Subpart E--What Conditions Apply to a Grantee Under This Program?

- 371.40 What are the matching requirements?
- 371.41 What are allowable costs?
- 371.42 How are services to be administered under this program?
- 371.43 What other special conditions apply to this program?

Authority: 29 U.S.C. 711(c) and 750, unless otherwise noted.

Source: 46 FR 5423, Jan. 19, 1981, unless otherwise noted.

Subpart A--General

Sec. 371.1 What is the Vocational Rehabilitation Services Program for American Indians with Disabilities?

This program is designed to provide vocational rehabilitation services to American Indians with disabilities who reside on Federal or State reservations, consistent with their individual strengths, resources, priorities, concerns, abilities, capabilities, and informed choice so that they may prepare for and engage in gainful employment.

(Authority: Secs. 100(a)(2) and 130(a) of the Act; 29 U.S.C. 720(a)(2) and 750(a))
[60 FR 58137, Nov. 24, 1995]

Sec. 371.2 Who is eligible for assistance under this program?

Applications may be made only by the governing bodies of Indian tribes and consortia of those governing bodies located on Federal and State reservations.

(Authority: Sec. 130(a) of the Act; 29 U.S.C. 750(a))
[46 FR 5423, Jan. 19, 1981, as amended at 52 FR 30555, Aug. 14, 1987]

Sec. 371.3 What regulations apply to this program?

The following regulations apply to this program--

- (a) 34 CFR part 369;
- (b) The regulations in this part 371.

(Authority: Sec. 130 of the Act; 29 U.S.C. 750)

Sec. 371.4 What definitions apply to this program?

- (a) The definitions in 34 CFR part 369 apply to this program;
- (b) The following definitions also apply specifically to this

program--

American Indian means a person who is a member of an Indian tribe.

(Authority: Secs. 12(c) and 130 of the Act; 29 U.S.C. 711(c) and 750)

Consortium means two or more eligible governing bodies of Indian tribes that make application as a single applicant under an agreement whereby each governing body is legally responsible for carrying out all of the activities in the application.

(Authority: Secs. 12(c) and 130 of the Act; 29 U.S.C. 711(c) and 750)

Governing bodies of Indian tribes means those duly elected or appointed representatives of an Indian tribe or of an Alaskan native village. These representatives must have the authority to enter into contracts, agreements, and grants on behalf of their constituency.

(Authority: Secs. 12(c) and 130 of the Act; 29 U.S.C. 711(c) and 750)

Indian tribe means any Federal or State Indian band, rancheria, pueblo, colony, and community, including any Alaskan native village or regional village corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act).

(Authority: Secs. 12(c) and 130 of the Act; 29 U.S.C. 711(c) and 750)

Reservation means a Federal or State Indian reservation, public domain Indian allotment, former Indian reservation in Oklahoma, and land held by incorporated Native groups, regional corporations and village

corporations under the provisions of the Alaska Native Claims Settlement Act.

(Authority: Secs. 12(c) and 130(c) of the Act; 29 U.S.C. 711(c) and 750(c))

[46 FR 5423, Jan. 19, 1981, as amended at 52 FR 30555, Aug. 14, 1987; 59 FR 8338, Feb. 18, 1994]

Sec. 371.5 What is the length of the project period under this program?

(a) The Secretary approves a project period of up to three years.

(b) The Secretary may extend a grant for up to two additional years if the grantee includes in its extension request--

(1) An assurance that the project is in compliance with all applicable program requirements; and

(2) Satisfactory evidence that--

(i) The project has made substantial and measurable progress in meeting the needs of American Indians with disabilities on the reservation or reservations it serves;

(ii) American Indians with disabilities who have received project services have achieved employment outcomes consistent with their strengths, resources, priorities, concerns, abilities, capabilities, and informed choice; and

(iii) There is a continuing need for the project.

(Approved by the Office of Management and Budget under control number 1820-0018)

(Authority: Section 130(b)(3) of the Act; 29 U.S.C. 750(b)(3))

[60 FR 58137, Nov. 24, 1995]

Subpart B--What Kinds of Activities Does the Department of Education Assist Under This Program?

Sec. 371.10 What types of projects are authorized under this program?

The Vocational Rehabilitation Service Program for American Indians with Disabilities provides financial assistance for the establishment and operation of tribal vocational rehabilitation service programs for

American Indians with disabilities who reside on Federal or State reservations.

(Authority: Sec. 130(a) of the Act; 29 U.S.C. 750(a))

[59 FR 8338, Feb. 18, 1994]

Subpart C--How Does One Apply for a Grant?

Sec. 371.20 What are the application procedures for this program?

In the development of an application, a governing body or consortium is required to consult with the designated State unit or the designated State units of the State or States in which vocational rehabilitation services are to be provided.

(Authority: Sec. 130(b) of the Act; 29 U.S.C. 750(b))

[46 FR 5423, Jan. 19, 1981, as amended at 52 FR 30555, Aug. 14, 1987]

Sec. 371.21 What are the special application requirements related to the State plan program?

Each applicant under this program must provide evidence that--

(a) Effort will be made to provide a broad scope of vocational rehabilitation services in a manner and at a level of quality at least comparable to those services provided by the designated State unit under 34 CFR part 361.

(Authority: Sec. 12(c) of the Act; 29 U.S.C. 711(c))

(b) All decisions affecting eligibility for and the nature and scope of vocational rehabilitation services to be provided, and the provision of these services, will be made by the tribal vocational rehabilitation program through its vocational rehabilitation unit and will not be delegated to another agency or individual.

(Authority: Secs. 12(c) and 101(a) of the Act; 29 U.S.C. 711(c) and 721(a))

(c) Priority in the delivery of vocational rehabilitation service will be given to those American Indians with disabilities who are the most severely disabled.

(Authority: Secs. 12(c) and 101(a)(5) of the Act; 29 U.S.C. 711(c) and 721(a)(5))

(d) An order of selection of individuals with disabilities to be served under the program will be specified if services cannot be provided to all eligible American Indians with disabilities who apply.

(Authority: Secs. 12(c) and 101(a)(5) of the Act; 29 U.S.C. 711(c) and 721(a)(5))

(e) All vocational rehabilitation services will be provided according to an individualized written rehabilitation program which has been developed jointly by the representative of the service providing organization and each American Indian with disabilities being served.

(Authority: Secs. 12(c) and 101(a)(9) of the Act; 29 U.S.C. 711(c) and 721(a)(9))

(f) American Indians with disabilities living on Federal or State reservations where service programs are being carried out under this part will have an opportunity to participate in matters of general policy development and implementation affecting vocational rehabilitation service delivery on the reservation.

(Authority: Secs. 12(c) and 101(a)(18) of the Act; 29 U.S.C. 711(c) and 721(a)(18))

(g) Cooperative working arrangements will be developed with the designated State unit, or designated State units, as appropriate, which are providing vocational rehabilitation services to other individuals with disabilities who reside in the State or States being served.

(Authority: Secs. 12(c) and 101(a)(11) of the Act; 29 U.S.C. 711(c) and 721(a)(11))

(h) Any similar benefits available to American Indians with disabilities under any other program which might meet in whole or in part the cost of any vocational rehabilitation service will be fully considered in the provision of vocational rehabilitation services in accordance with 34 CFR part 361.

(Authority: Secs. 12(c) and 101(a)(8) of the Act; 29 U.S.C. 711(c) and 721(a)(8))

(i) Any American Indian with disabilities who is an applicant or recipient of services, and who is dissatisfied with a determination made by a counselor or coordinator under this program and files a request for a review, will be afforded a review under procedures developed by the grantee comparable to those under the provisions of section 102(d) (1)-(3) of the Act.

(Authority: Secs. 12(c) and 102(d) of the Act; 29 U.S.C. 711(c) and 722(d))

(j) Minimum standards will be established for community rehabilitation programs and providers of service which will be comparable to the standards set by the designated State unit or designated State units in the State or States in which the program is to be provided; and

(Authority: Secs. 12(c) and 101(a) (6) and (7) of the Act; 29 U.S.C. 711(c) and 721(a) (6) and (7))

(k) Maximum use will be made of public or other vocational or technical training facilities or other appropriate community resources.

(Authority: Secs. 12(c) and 101(a)(12) of the Act; 29 U.S.C. 711(c) and 721(a)(12))

[46 FR 5423, Jan. 19, 1981, as amended at 52 FR 30555, Aug. 14, 1987; 59 FR 8337, 8338, Feb. 18, 1994]

Subpart D--How Does the Secretary Make a Grant?

Sec. 371.31 How are grants awarded?

To the extent that funds have been appropriated under this program, the Secretary approves all applications which meet acceptable standards of program quality. If any application is not approved because of deficiencies in proposed program standards, the Secretary provides technical assistance to the applicant Indian tribe with respect to any areas of the proposal which were judged to be deficient.

(Authority: Secs. 12(c) and 130 of the Act; 29 U.S.C. 711(c) and 750)

Subpart E--What Conditions Apply to a Grantee Under This Program?

Sec. 371.40 What are the matching requirements?

(a) Federal share. Except as provided in paragraph (c) of this section, the Federal share may not be more than 90 percent of the total cost of the project.

(b) Non-Federal share. The non-Federal share of the cost of the project may be in cash or in kind, fairly valued.

(c) Waiver of non-Federal share. In order to carry out the purposes of the program, the Secretary may waive the non-Federal share requirement, in part or in whole, only if the applicant demonstrates that it does not have sufficient resources to contribute the non-Federal share of the cost of the project.

(Authority: Secs. 12(c) and 130(a) of the Act; 29 U.S.C. 711(c) and 750(a))

[52 FR 30556, Aug. 14, 1987]

Sec. 371.41 What are allowable costs?

(a) In addition to those allowable costs established in EDGAR Secs. 75.530-75.534, the following items are allowable costs under this program--

(1) Expenditures for the provision of vocational rehabilitation services and for the administration, including staff development, of a program of vocational rehabilitation services.

(2) Expenditures for services reflecting the cultural background of the American Indians being served, including treatment provided by native healing practitioners who are recognized as such by the tribal vocational rehabilitation program when the services are necessary to assist an individual with disabilities to achieve his or her vocational rehabilitation objective.

(b) Expenditures may not be made under this program to cover the costs of providing vocational rehabilitation services to individuals with disabilities not residing on Federal or State reservations.

(Authority: Secs. 12(c) and 130(a) of the Act; 29 U.S.C. 711(c) and 750(a))

[46 FR 5423, Jan. 19, 1981, as amended at 52 FR 30555, Aug. 14, 1987; 59 FR 8337, Feb. 18, 1994]

Sec. 371.42 How are services to be administered under this program?

(a) Directly or by contract. A grantee under this part may provide the vocational rehabilitation services directly or it may contract or otherwise enter into an agreement with a designated State unit, a community rehabilitation program, or another agency to assist in the implementation of the vocational rehabilitation service program for American Indians with disabilities.

(b) Inter-tribal agreement. A grantee under this part may enter into an inter-tribal arrangement with governing bodies of other Indian tribes for carrying out a project that serves more than one Indian tribe.

(c) Comparable service program. To the maximum extent feasible, services provided by a grantee under this part must be comparable to rehabilitation service provided under this title to other individuals with disabilities residing in the State.

(Authority: Secs. 12(c) and 130 of the Act; 29 U.S.C. 711(c) and 750)

[52 FR 30556, Aug. 14, 1987, as amended at 59 FR 8337, 8338, Feb. 18, 1994]

Sec. 371.43 What other special conditions apply to this program?

(a) Any American Indian with disabilities who is eligible for service under this program but who wishes to be provided service by the designated State unit must be referred to the State unit for such services.

(b) Preference in employment in connection with the provision of vocational rehabilitation services under this section must be given to American Indians, with a special priority being given to American Indians with disabilities.

(c) The provisions of sections 5, 6, 7, and 102(a) of the Indian Self-Determination and Education Assistance Act also apply under this program. These provisions relate to grant reporting and audit requirements, maintenance of records, access to records, availability of required reports and information to Indian people served or represented,

repayment of unexpended Federal funds, criminal activities involving grants, penalties, wage and labor standards, preference requirements for American Indians in the conduct and administration of the grant, and requirements affecting requests of tribal organizations to enter into contracts.

For purposes of applying these requirements to this program, the Secretary carries out those responsibilities assigned to the Secretary of Interior.

(Authority: Secs. 12(c) and 130(b)(2) of the Act; 29 U.S.C. 711(c) and 750(b)(2))

[46 FR 5423, Jan. 19, 1981, as amended at 52 FR 30555, Aug. 14, 1987; 59 FR 8337, Feb. 18, 1994]

SECTION I

INSTRUCTIONS FOR APPLICATION FOR FEDERAL ASSISTANCE

APPLICATION FORMS

**U.S. Department of Education
Office of Special Education and Rehabilitative Services
Rehabilitation Services Administration**

**INSTRUCTIONS FOR AN APPLICATION FOR FEDERAL ASSISTANCE
(Nonconstruction Programs)**

The enclosed forms shall be used by all applicants for Federal Assistance under all Rehabilitation Services Administration programs. A separate application must be submitted for each grant sought. No grant may be awarded unless the completed application forms have been received. If an item does not appear to be relevant to the assistance requested, write "NA" for not applicable.

This application consists of four parts. These parts are organized in the same manner that the submitted application should be organized whether an electronic submission or a paper submission. These parts are as follows:

Part I: **424 Forms**
Application for Federal Assistance – (SF 424)
Department of Education Supplemental Information Form for SF 424

Part II: **524 Forms** -- Budget Information
Department of Education Budget Summary Form – (ED 524)
Sections A&B
Budget Narrative (if paper submission)

Part III: **Program Narrative**
Table of Contents
ED Abstract Narrative
Project Narrative
Special Application Requirements

Part IV: **Assurances, Certifications, and Disclosures**

Electronic submission requires:

- The ED Abstract Narrative Attachment Form is where you would attach your program abstract.
- The Project Narrative Attachment Form will include the narrative sections addressing the program selection criteria that will be used to evaluate applications submitted for this competition.

- The Budget Narrative Attachment Form is where you would attach a detailed line item budget and any supplemental budget information.
- The Other Narrative Attachment Form is where you would attach proposal appendices. Examples may include vitas/resumes, table of contents, letters of support, special application requirements, supplementary statements, and other requested appendices.

Each submitted application must include an index or table of contents and a one-page project abstract. Pages should be consecutively numbered.

According to the Paperwork Reduction Act of 1995, 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 1820-0018. The time required to complete this information collection is estimated to average 40 hours per response, including the time to review instructions, search existing data resources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Under terms of the Paperwork Reduction Act of 1980, as amended, and the regulations implementing that Act, the Department of Education invites comment on the public reporting burden in this collection of information. You may send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, D.C. 20202-4651; and to the Office of Management and Budget, Paperwork Reduction Project 1820-0018, Washington, D.C. 20503.

Application for Federal Assistance SF-424

Version 02

*1. Type of Submission:

- Preapplication
 Application
 Changed/Corrected Application

*2. Type of Application

- New
 Continuation
 Revision

* If Revision, select appropriate letter(s)

*Other (Specify)

3. Date Received:

4. Applicant Identifier:

5a. Federal Entity Identifier:

*5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

*a. Legal Name:

*b. Employer/Taxpayer Identification Number
(EIN/TIN):

*c. Organizational DUNS:

d. Address:

*Street 1: _____

Street 2: _____

*City: _____

County: _____

*State: _____

Province: _____

*Country: _____

*Zip / Postal Code _____

e. Organizational Unit:

Department Name:

Division Name:

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: _____ *First Name: _____

Middle Name: _____

*Last Name: _____

Suffix: _____

Title:

Organizational Affiliation:

*Telephone Number:

Fax Number:

*Email:

***9. Type of Applicant 1: Select Applicant Type:**

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

*Other (Specify)

***10 Name of Federal Agency:**

11. Catalog of Federal Domestic Assistance Number:

CFDA Title:

***12 Funding Opportunity Number:**

*Title:

13. Competition Identification Number:

Title:

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

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

16. Congressional Districts Of:

*a. Applicant:

*b. Program/Project:

17. Proposed Project:

*a. Start Date:

*b. End Date:

18. Estimated Funding (\$):

*a. Federal

*b. Applicant

*c. State

*d. Local

*e. Other

*f. Program Income

*g. TOTAL

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

a. This application was made available to the State under the Executive Order 12372 Process for review on _____

b. Program is subject to E.O. 12372 but has not been selected by the State for review.

c. Program is not covered by E. O. 12372

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

Yes

No

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

** I AGREE

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

Application for Federal Assistance SF-424

Version 02

Authorized Representative:

Prefix: _____

*First Name: _____

Middle Name: _____

*Last Name: _____

Suffix: _____

*Title:

*Telephone Number:

Fax Number:

* Email:

*Signature of Authorized Representative:

*Date Signed:

Application for Federal Assistance SF-424 Version 02

***Applicant Federal Debt Delinquency Explanation**

The following should contain an explanation if the Applicant organization is delinquent of any Federal Debt.



INSTRUCTIONS FOR THE SF-424

Public reporting burden for this collection of information is estimated to average 60 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

This is a standard form (including the continuation sheet) required for use as a cover sheet for submission of preapplications and applications and related information under discretionary programs. Some of the items are required and some are optional at the discretion of the applicant or the Federal agency (agency). Required items are identified with an asterisk on the form and are specified in the instructions below. In addition to the instructions provided below, applicants must consult agency instructions to determine specific requirements.

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

Item	Entry:	Item	Entry:																								
	<p>a. Legal Name: (Required): Enter the legal name of applicant that will undertake the assistance activity. This is the name that the organization has registered with the Central Contractor Registry. Information on registering with CCR may be obtained by visiting the Grants.gov website.</p> <p>b. Employer/Taxpayer Number (EIN/TIN): (Required): Enter the Employer or Taxpayer Identification Number (EIN or TIN) as assigned by the Internal Revenue Service. If your organization is not in the US, enter 44-4444444.</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 the Grants.gov website.</p> <p>d. Address: Enter the complete address as follows: Street address (Line 1 required), City (Required), County, State (Required, if country is US), Province, Country (Required), Zip/Postal Code (Required, if country is US).</p> <p>e. Organizational Unit: Enter the name of the primary organizational unit (and department or division, if applicable) that will undertake the assistance activity, if applicable.</p> <p>f. Name and contact information of person to be contacted on matters involving this application: Enter the name (First and last name required), organizational affiliation (if affiliated with an organization other than the applicant organization), telephone number (Required), fax number, and email address (Required) of the person to contact on matters related to this application.</p>	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.																								
		19.	Is Application Subject to Review by State Under Executive Order 12372 Process? Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. Select the appropriate box. If "a." is selected, enter the date the application was submitted to the State																								
		20.	Is the Applicant Delinquent on any Federal Debt? (Required) Select the appropriate box. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes. If yes, include an explanation on the continuation sheet.																								
9.	<p align="center">Type of Applicant: (Required) Select up to three applicant type(s) in accordance with agency instructions.</p> <table border="0"> <tr> <td>A. State Government</td> <td>M. Nonprofit with 501C3 IRS Status (Other than Institution of Higher Education)</td> </tr> <tr> <td>B. County Government</td> <td>N. Nonprofit without 501C3 IRS Status (Other than Institution of Higher Education)</td> </tr> <tr> <td>C. City or Township Government</td> <td>O. Private Institution of Higher Education</td> </tr> <tr> <td>D. Special District Government</td> <td>P. Individual</td> </tr> <tr> <td>E. Regional Organization</td> <td>Q. For-Profit Organization (Other than Small Business)</td> </tr> <tr> <td>F. U.S. Territory or Possession</td> <td>R. Small Business</td> </tr> <tr> <td>G. Independent School District</td> <td>S. Hispanic-serving Institution</td> </tr> <tr> <td>H. Public/State Controlled Institution of Higher Education</td> <td>T. Historically Black Colleges and Universities (HBCUs)</td> </tr> <tr> <td>I. Indian/Native American Tribal Government (Federally Recognized)</td> <td>U. Tribally Controlled Colleges and Universities (TCCUs)</td> </tr> <tr> <td>J. Indian/Native American Tribal Government (Other than Federally Recognized)</td> <td>V. Alaska Native and Native Hawaiian Serving Institutions</td> </tr> <tr> <td>K. Indian/Native American Tribally Designated Organization</td> <td>W. Non-domestic (non-US) Entity</td> </tr> <tr> <td>L. Public/Indian Housing Authority</td> <td>X. Other (specify)</td> </tr> </table>	A. State Government	M. Nonprofit with 501C3 IRS Status (Other than Institution of Higher Education)	B. County Government	N. Nonprofit without 501C3 IRS Status (Other than Institution of Higher Education)	C. City or Township Government	O. Private Institution of Higher Education	D. Special District Government	P. Individual	E. Regional Organization	Q. For-Profit Organization (Other than Small Business)	F. U.S. Territory or Possession	R. Small Business	G. Independent School District	S. Hispanic-serving Institution	H. Public/State Controlled Institution of Higher Education	T. Historically Black Colleges and Universities (HBCUs)	I. Indian/Native American Tribal Government (Federally Recognized)	U. Tribally Controlled Colleges and Universities (TCCUs)	J. Indian/Native American Tribal Government (Other than Federally Recognized)	V. Alaska Native and Native Hawaiian Serving Institutions	K. Indian/Native American Tribally Designated Organization	W. Non-domestic (non-US) Entity	L. Public/Indian Housing Authority	X. Other (specify)	21.	Authorized Representative: (Required) To be signed and dated by the authorized representative of the applicant organization. Enter the name (First and last name required) title (Required), telephone number (Required), fax number, and email address (Required) of the person authorized to sign for the applicant. A copy of the governing body's authorization for you to sign this application as the official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)
A. State Government	M. Nonprofit with 501C3 IRS Status (Other than Institution of Higher Education)																										
B. County Government	N. Nonprofit without 501C3 IRS Status (Other than Institution of Higher Education)																										
C. City or Township Government	O. Private Institution of Higher Education																										
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K. Indian/Native American Tribally Designated Organization	W. Non-domestic (non-US) Entity																										
L. Public/Indian Housing Authority	X. Other (specify)																										

INSTRUCTIONS FOR DEPARTMENT OF EDUCATION SUPPLEMENTAL INFORMATION FOR SF 424

1. **Project Director.** Name, address, telephone and fax numbers, and e-mail address of the person to be contacted on matters involving this application.
2. **Novice Applicant.** Check “Yes” or “No” only if assistance is being requested under a program that gives special consideration to novice applicants. Otherwise, **leave blank.**

Check “Yes” if you meet the requirements for novice applicants specified in the regulations in 34 CFR 75.225 and included on the attached page entitled “Definitions for Department of Education Supplemental Information for SF 424.” By checking “Yes” the applicant certifies that it meets these novice applicant requirements. Check “No” if you do not meet the requirements for novice applicants.

3. **Human Subjects Research.** (See I. A. “Definitions” in attached page entitled “Definitions for Department of Education Supplemental Information For SF 424.”)

If Not Human Subjects Research. Check “No” if research activities involving human subjects are not planned at any time during the proposed project period. The remaining parts of Item 3 are then not applicable.

If Human Subjects Research. Check “Yes” if research activities involving human subjects are planned at any time during the proposed project period, either at the applicant organization or at any other performance site or collaborating institution. Check “Yes” even if the research is exempt from the regulations for the protection of human subjects. (See I. B. “Exemptions” in attached page entitled “Definitions for Department of Education Supplemental Information For SF 424.”)

- 3a. **If Human Subjects Research is Exempt from the Human Subjects Regulations.** Check “Yes” if all the research activities proposed are designated to be exempt from the regulations. Insert the exemption number(s) corresponding to one or more of the six exemption categories listed in I. B. “Exemptions.” In addition, follow the instructions in II. A. “Exempt Research Narrative” in the attached page entitled “Definitions for Department of Education Supplemental Information For SF 424.”
- 3a. **If Human Subjects Research is Not Exempt from Human Subjects Regulations.** Check “No” if some or all of the planned research activities are covered (not exempt). In addition, follow the instructions in II. B. “Nonexempt Research Narrative” in the page entitled “Definitions for Department of Education Supplemental Information For SF 424
- 3a. **Human Subjects Assurance Number.** If the applicant has an approved Federal Wide (FWA) on file with the Office for Human Research Protections (OHRP), U.S. Department of Health and Human Services, that covers the specific activity, insert the number in the space provided. If the applicant does not have an approved assurance on file with OHRP, enter “None.” In this case, the applicant, by signature on the SF-424, is declaring that it will comply with 34 CFR 97 and proceed to obtain the human subjects assurance upon request by the designated ED official. If the application is recommended/selected for funding, the designated ED official will request that the applicant obtain the assurance within 30 days after the specific formal request.

Note about Institutional Review Board Approval. ED does not require certification of Institutional Review Board approval with the application. However, if an application that involves non-exempt human subjects research is recommended/selected for funding, the designated ED official will request that the applicant obtain and send the certification to ED within 30 days after the formal request.

Paperwork Burden Statement.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1890-0017. The time required to complete this information collection is estimated to average between 15 and 45 minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the estimate(s) or suggestions for improving this form, please write to: U.S. Department of Education, Washington, D.C. 20202-4700. If you have comments or concerns regarding the status of your individual submission of this form write directly to: Joyce I. Mays, Application Control Center, U.S. Department of Education, Potomac Center Plaza, 550 12th Street, S.W. Room 7076, Washington, D.C. 20202-4260.

**DEFINITIONS FOR DEPARTMENT OF EDUCATION
SUPPLEMENTAL INFORMATION FOR SF 424**

**(ATTACHMENT TO INSTRUCTIONS FOR
SUPPLEMENTAL INFORMATION FOR SF 424)**

DEFINITIONS:

Novice Applicant (See 34 CFR 75.225). For discretionary grant programs under which the Secretary gives special consideration to novice applications, a novice applicant means any applicant for a grant from ED that—

- Has never received a grant or subgrant under the program from which it seeks funding;
- Has never been a member of a group application, submitted in accordance with 34 CFR 75.127-75.129, that received a grant under the program from which it seeks funding; and
- Has not had an active discretionary grant from the Federal government in the five years before the deadline date for applications under the program. For the purposes of this requirement, a grant is active until the end of the grant's project or funding period, including any extensions of those periods that extend the grantee's authority to obligate funds.

In the case of a group application submitted in accordance with 34 CFR 75.127-75.129, a group includes only parties that meet the requirements listed above.

PROTECTION OF HUMAN SUBJECTS IN RESEARCH

I. Definitions and Exemptions

A. Definitions.

A research activity involves human subjects if the activity is research, as defined in the Department's regulations, and the research activity will involve use of human subjects, as defined in the regulations.

—Research

The ED Regulations for the Protection of Human Subjects, Title 34, Code of Federal Regulations, Part 97, define research as "a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge." If an activity follows a deliberate plan whose purpose is to develop or contribute to generalizable knowledge it is research. Activities which meet this definition constitute research whether or not they are conducted or supported under a program that is considered research for other purposes. For example, some demonstration and service programs may include research activities.

—Human Subject

The regulations define human subject as "a living individual about whom an investigator (whether professional or student) conducting research obtains (1) data through intervention or interaction with the individual, or (2) identifiable private information." (1) If an activity involves obtaining information about a living person by manipulating that person or that person's environment, as might occur when a new instructional technique is tested, or by communicating or interacting with the individual, as occurs with surveys and interviews, the definition of human subject is met. (2) If an activity involves obtaining private information about a living person in such a way that the information can be linked to that individual (the identity of the subject is or may be readily determined by the investigator or associated with the information), the definition of human subject is met. [Private information includes information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information which has been provided for specific purposes by an individual and which the individual can reasonably expect will not be made public (for example, a school health record).]

B. Exemptions.

Research activities in which the only involvement of human subjects will be in one or more of the following six categories of exemptions are not covered by the regulations:

- (1) Research conducted in established or commonly accepted educational settings, involving normal educational practices, such as (a) research on regular and special education instructional strategies, or (b) research on the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods.
- (2) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior, unless: (a) information obtained is recorded in such a manner that human subjects can be identified, directly or through identifiers linked to the subjects; and (b) any disclosure of the human subjects' responses outside the research could reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, or reputation. If the subjects are children, exemption 2 applies only to research involving educational tests and observations of public behavior when the investigator(s) do not participate in the activities being observed. Exemption 2 does not apply if children are surveyed or interviewed or if the research involves observation of public behavior and the investigator(s) participate in the activities being observed. [Children are defined as persons who have not attained the legal age for consent to treatments or procedures involved in the research, under the applicable law or jurisdiction in which the research will be conducted.]
- (3) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior that is not exempt under section (2) above, if the human subjects are elected or appointed public officials or candidates for public office; or federal statute(s) require(s) without exception that the confidentiality of the personally identifiable information will be maintained throughout the research and thereafter.
- (4) Research involving the collection or study of existing data, documents, records, pathological specimens, or diagnostic specimens, if these sources are publicly available or if the information is recorded by the investigator in a manner that subjects cannot be identified, directly or through identifiers linked to the subjects.
- (5) Research and demonstration projects which are conducted by or subject to the approval of department or agency heads, and which are designed to study, evaluate, or otherwise examine: (a) public benefit or service programs; (b) procedures for obtaining benefits or services under those programs; (c) possible changes in or alternatives to those programs or procedures; or (d) possible changes in methods or levels of payment for benefits or services under those programs.
- (6) Taste and food quality evaluation and consumer acceptance studies, (a) if wholesome foods without additives are consumed or (b) if a food is consumed that contains a food ingredient at or below the level and for a use found to be safe, or agricultural chemical or environmental contaminant at or below the level found to be safe, by the Food and Drug Administration or approved by the Environmental Protection Agency or the Food Safety and Inspection Service of the U.S. Department of Agriculture.

II. Instructions for Exempt and Nonexempt Human Subjects Research Narratives

If the applicant marked "Yes" for Item 3 of Department of Education Supplemental Information for SF 424, the applicant must provide a human subjects "exempt research" or "nonexempt research" narrative. Insert the narrative(s) in the space provided. If you have multiple projects and need to provide more than one narrative, be sure to label each set of responses as to the project they address.

A. Exempt Research Narrative.

If you marked "Yes" for item 3 a. and designated exemption numbers(s), provide the "exempt research" narrative. The narrative must contain sufficient information about the involvement of human subjects in the proposed research to allow a determination by ED that the designated exemption(s) are appropriate. The narrative must be succinct.

B. Nonexempt Research Narrative.

If you marked “No” for item 3 a. you must provide the “nonexempt research” narrative. The narrative must address the following seven points. Although no specific page limitation applies to this section of the application, be succinct.

- (1) **Human Subjects Involvement and Characteristics:** Provide a detailed description of the proposed involvement of human subjects. Describe the characteristics of the subject population, including their anticipated number, age range, and health status. Identify the criteria for inclusion or exclusion of any subpopulation. Explain the rationale for the involvement of special classes of subjects, such as children, children with disabilities, adults with disabilities, persons with mental disabilities, pregnant women, prisoners, institutionalized individuals, or others who are likely to be vulnerable
- (2) **Sources of Materials:** Identify the sources of research material obtained from individually identifiable living human subjects in the form of specimens, records, or data. Indicate whether the material or data will be obtained specifically for research purposes or whether use will be made of existing specimens, records, or data.
- (3) **Recruitment and Informed Consent:** Describe plans for the recruitment of subjects and the consent procedures to be followed. Include the circumstances under which consent will be sought and obtained, who will seek it, the nature of the information to be provided to prospective subjects, and the method of documenting consent. State if the Institutional Review Board (IRB) has authorized a modification or waiver of the elements of consent or the requirement for documentation of consent.
- (4) **Potential Risks:** Describe potential risks (physical, psychological, social, legal, or other) and assess their likelihood and seriousness. Where appropriate, describe alternative treatments and procedures that might be advantageous to the subjects.
- (5) **Protection Against Risk:** Describe the procedures for protecting against or minimizing potential risks, including risks to confidentiality, and assess their likely effectiveness. Where appropriate, discuss provisions for ensuring necessary medical or professional intervention in the event of adverse effects to the subjects. Also, where appropriate, describe the provisions for monitoring the data collected to ensure the safety of the subjects.
- (6) **Importance of the Knowledge to be Gained:** Discuss the importance of the knowledge gained or to be gained as a result of the proposed research. Discuss why the risks to subjects are reasonable in relation to the anticipated benefits to subjects and in relation to the importance of the knowledge that may reasonably be expected to result.
- (7) **Collaborating Site(s):** If research involving human subjects will take place at collaborating site(s) or other performance site(s), name the sites and briefly describe their involvement or role in the research.

Copies of the Department of Education’s Regulations for the Protection of Human Subjects, 34 CFR Part 97 and other pertinent materials on the protection of human subjects in research are available from the Grants Policy and Oversight Staff, Office of the Chief Financial Officer, U.S. Department of Education, Washington, D.C. 20202-4250, telephone: (202) 245-6120, and on the U.S. Department of Education’s Protection of Human Subjects in Research Web Site: <http://www.ed.gov/about/offices/list/OCFO/humansub.html>

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

ED 524



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

OMB Control Number:
1890-0004
Expiration Date: 10-31-2007

Name of Institution/Organization

Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

**SECTION A - BUDGET SUMMARY
U.S. DEPARTMENT OF EDUCATION FUNDS**

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs*						
11. Training Stipends						
12. Total Costs (lines 9-11)						

***Indirect Cost Information (To Be Completed by Your Business Office):**

If you are requesting reimbursement for indirect costs on line 10, please answer the following questions:

(1) Do you have an Indirect Cost Rate Agreement approved by the Federal government? Yes No

(2) If yes, please provide the following information:

Period Covered by the Indirect Cost Rate Agreement: From: ___/___/_____ To: ___/___/_____ (mm/dd/yyyy)

Approving Federal agency: ED Other (please specify): _____

(3) For Restricted Rate Programs (check one) -- Are you using a restricted indirect cost rate that:

Is included in your approved Indirect Cost Rate Agreement? or Complies with 34 CFR 76.564(c)(2)?

ED 524

Name of Institution/Organization	Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.
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**SECTION B - BUDGET SUMMARY
NON-FEDERAL FUNDS**

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (Lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (Lines 9-11)						

SECTION C – BUDGET NARRATIVE (see instructions)

INSTRUCTIONS FOR ED 524

General Instructions

This form is used to apply to individual U.S. Department of Education (ED) discretionary grant programs. Unless directed otherwise, provide the same budget information for each year of the multi-year funding request. Pay attention to applicable program specific instructions, if attached. Please consult with your Business Office prior to submitting this form.

Section A - Budget Summary U.S. Department of Education Funds

All applicants must complete Section A and provide a breakdown by the applicable budget categories shown in lines 1-11.

Lines 1-11, columns (a)-(e): For each project year for which funding is requested, show the total amount requested for each applicable budget category.

Lines 1-11, column (f): Show the multi-year total for each budget category. If funding is requested for only one project year, leave this column blank.

Line 12, columns (a)-(e): Show the total budget request for each project year for which funding is requested.

Line 12, column (f): Show the total amount requested for all project years. If funding is requested for only one year, leave this space blank.

Indirect Cost Information:

If you are requesting reimbursement for indirect costs on line 10, this information is to be completed by your

Business Office. (1): Indicate whether or not your organization has an Indirect Cost Rate Agreement that was approved by the Federal government. (2): If you checked "yes" in (1), indicate in (2) the beginning and ending dates covered by the Indirect Cost Rate Agreement. In addition, indicate whether ED or another Federal agency (Other) issued the approved agreement. If you check "Other," specify the name of the Federal agency that issued the approved agreement. (3): If you are applying for a grant under a Restricted Rate Program (34 CFR 75.563 or 76.563), indicate whether you are using a restricted indirect cost rate that is included on your approved Indirect Cost Rate Agreement or whether you are using a restricted indirect cost rate that complies with 34 CFR 76.564(c)(2). Note: State or Local government agencies may not use the provision for a restricted indirect cost rate specified in 34 CFR 76.564(c)(2). Check only one response. Leave blank, if this item is not applicable.

Section B - Budget Summary Non-Federal Funds

If you are required to provide or volunteer to provide matching funds or other non-Federal resources to the project, these should be shown for each applicable budget category on lines 1-11 of Section B.

Lines 1-11, columns (a)-(e): For each project year, for which matching funds or other contributions are provided, show the total contribution for each applicable budget category.

Lines 1-11, column (f): Show the multi-year total for each budget category. If non-Federal contributions are provided for only one year, leave this column blank.

Line 12, columns (a)-(e): Show the total matching or other contribution for each project year.

Line 12, column (f): Show the total amount to be contributed for all years of the multi-year project. If non-Federal contributions are provided for only one year, leave this space blank.

Section C - Budget Narrative

[Attach separate sheet(s)]

Pay attention to applicable program specific instructions, if attached.

1. Provide an itemized budget breakdown, and justification by project year, for each budget category listed in Sections A and B. For grant projects that will be divided into two or more separately budgeted major activities or sub-projects, show for each budget category of a project year the breakdown of the specific expenses attributable to each sub-project or activity.
2. If applicable to this program, provide the rate and base on which fringe benefits are calculated.
3. If you are requesting reimbursement for indirect costs on line 10, this information is to be completed by your Business Office. Specify the estimated amount of the base to which the indirect cost rate is applied and the total indirect expense. Depending on the grant program to which you are applying and/or your approved Indirect Cost Rate Agreement, some direct cost budget categories in your grant application budget may not be included in the base and multiplied by your indirect cost rate. For example, you must multiply the indirect cost rates of

"Training grants" (34 CFR 75.562) and grants under programs with "Supplement not Supplant" requirements ("Restricted Rate" programs) by a "modified total direct cost" (MTDC) base (34 CFR 75.563 or 76.563). Please indicate which costs are included and which costs are excluded from the base to which the indirect cost rate is applied.

When calculating indirect costs (line 10) for "Training grants" or grants under "Restricted Rate" programs, you must refer to the information and examples on ED's website at:

<http://www.ed.gov/fund/grant/apply/appforms/appforms.html>.

4. 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 1890-0004. The time required to complete this information collection is estimated to vary from 13 to 22 hours per response, with an average of 17.5 hours per response, including the time to review instructions, search existing data sources, gather the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: U.S. Department of Education, Washington, D.C. 20202-4651. If you have comments or concerns regarding the status of your individual submission of this form, write directly to (insert program office), U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202.

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.

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).

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
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1721 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans and Cooperative Agreements.

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

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

Statement for Loan Guarantees and Loan Insurance.

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

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

Applicant's Organization	
Printed Name of Authorized Representative	Printed Title of Authorized Representative
Signature	Date

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION -- LOWER TIER COVERED TRANSACTIONS

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

department or agency with which this transaction originated.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms, covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transactions, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to, check the Nonprocurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0014, 9/90 (Replaces GCS-009 (REV.12/88), which is obsolete)

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: _____ <small>Congressional District, if known: _____</small>	5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime: _____ <small>Congressional District, if known: _____</small>	
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,

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503

OMB Control No. 1890-0007 (Exp. 11/30/2007)

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.

GRANTS

Applicants for grants from the U.S. Department of Education (ED) have to compete for limited funds. Deadlines assure all applicants that they will be treated fairly and equally, without last minute haste. For these reasons, ED must set strict deadlines for grant applications. Prospective applicants can avoid disappointment if they understand that:

Failure to meet a deadline will mean that an applicant will be rejected without any consideration.

The rules, including the deadline, for applying for each grant are published, individually, in the Federal Register. A one-year subscription to the Register may be obtained by sending \$555.00 to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402-9371. (Send check or money order only, no cash or stamps.) In addition, the Federal Register is available on-line for free on Government Printing Office (GPO) Access: <http://www.gpoaccess.gov/fr/index.html>. Depository Library location and Federal Register services: <http://www.archives.gov/>.

The instructions in the Federal Register must be followed exactly. Do not accept any other advice you may receive. No ED employee is authorized to extend any deadline published in the Register. No ED employees are authorized to extend any deadline published in the Federal Register. Questions regarding submission of applications may be addressed to:

U.S. Department of Education
Application Control Center
Washington, DC 20202-4725

CONTRACTS

Competitive procurement actions undertaken by the ED are governed by the Federal Acquisition Regulations and implementing Department of Education Acquisition Regulations.

Generally, prospective competitive procurement actions are synopsisized in the Commerce Business Daily (CBD). Prospective offerors are therein advised of the nature of the procurement and where to apply for copies of the Request for Proposals (RFP). All of ED's RFP's are now available on-line for downloading at the following url: <http://www.ed.gov/fund/contract/apply/currrfp.html>.

Offerors are advised to be guided solely by the contents of the CBD synopsis and the instructions contained in the RFP. Questions regarding the submission of offers should be addressed to the Contracts Specialist identified on the face page of the RFP. Offers are judged in competition with others, and failure to conform with any substantive requirements of the RFP will result in rejection of the offer without any consideration whatever.

Do not accept any advice you receive that is contrary to instructions contained in either the CBD synopsis or the RFP. No ED employee is authorized to consider a proposal which is non-responsive to the RFP. A subscription to the CBD is available for \$208.00 per year via second class mailing or \$261.00 per year via first class mailing. Information included in the Federal Acquisition Regulation is contained in Title 48, Code of Federal Regulations, Chapter 1 (\$49.00). The foregoing publication may be obtained by sending your check or money order only, no cash or stamps, to:

Superintendent of Documents
U.S. Government Printing Office
Washington, DC 20402-9371

In addition, the Commerce Business Daily is available on-line for free at the following url: <http://cbdnet.access.gpo.gov/>. The Federal Acquisition Regulations are available on-line at the following url: www.arnet.gov/far/ In an effort to be certain this important information is widely disseminated, this notice is being included in all ED mail to the public. You may therefore, receive more than one notice. If you do, we apologize for any annoyance it may cause you.

ED FORM 5348, ¾

PROGRAM PERFORMANCE MEASURES UNDER THE GOVERNMENT PERFORMANCE AND RESULTS ACT (GPRA)

What is GPRA

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

How has the United States Department of Education responded to the GPRA Requirements?

As required by GPRA, the United States Department of Education (the Department) has prepared a strategic plan for 2002-2007. This plan reflects the Department's priorities and integrates them with its mission and program authorities and describes how the Department will work to improve education for all children and adults in the United States. The Department's goals, as listed in the plan, are:

- Goal 1: **Create a Culture of Achievement:** Create a culture of achievement throughout the nation's education system by effectively implementing the new law, the No Child Left Behind Act of 2001, and by basing all federal education programs on its principles: accountability, flexibility, expanded parental options and doing what works.
- Goal 2: **Improve Student Achievement:** Improve student achievement for all groups of students by putting reading first, expanding high-quality mathematics and science teaching, reforming high schools, and boosting teacher and principal quality, thereby closing the achievement gap.
- Goal 3: **Develop Safe Schools and Strong Character:** Establish disciplined and drug-free education environments that foster the development of good character and citizenship.
- Goal 4: **Transform Education into an Evidence-based Field:** Strengthen the quality of education research.
- Goal 5: **Enhance the Quality of and Access to Postsecondary and Adult Education:** Increase opportunities for students and the effectiveness of institutions.
- Goal 6: **Establish Management Excellence:** Create a culture of accountability throughout the Department of Education.

SURVEY ON ENSURING EQUAL OPPORTUNITY FOR APPLICANTS

Purpose

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

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

Instructions for Submitting the Survey

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

Applicant's (Organization) Name: _____

Applicant's DUNS Number: _____

Federal Program: _____ CFDA Number: _____

- | | | | | | | | |
|---|---|--|--|--|--|--|--|
| <p>1. Has the applicant ever received a grant or contract from the Federal government?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> | <p>5. Is the applicant a local affiliate of a national organization?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> | | | | | | |
| <p>2. Is the applicant a faith-based organization?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> | <p>6. How many full-time equivalent employees does the applicant have?
<i>(Check only one box.)</i></p> <table border="0"><tbody><tr><td><input type="checkbox"/> 3 or Fewer</td><td><input type="checkbox"/> 15-50</td></tr><tr><td><input type="checkbox"/> 4-5</td><td><input type="checkbox"/> 51-100</td></tr><tr><td><input type="checkbox"/> 6-14</td><td><input type="checkbox"/> over 100</td></tr></tbody></table> | <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 |
| <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>3. Is the applicant a secular organization?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> | <p>7. What is the size of the applicant's annual budget?
<i>(Check only one box.)</i></p> <table border="0"><tbody><tr><td><input type="checkbox"/> Less Than \$150,000</td></tr><tr><td><input type="checkbox"/> \$150,000-\$299,999</td></tr><tr><td><input type="checkbox"/> \$300,000-\$499,999</td></tr><tr><td><input type="checkbox"/> \$500,000-\$999,999</td></tr><tr><td><input type="checkbox"/> \$1,000,000-\$4,999,999</td></tr><tr><td><input type="checkbox"/> \$5,000,000 or more</td></tr></tbody></table> | <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 |
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| <input type="checkbox"/> \$1,000,000-\$4,999,999 | | | | | | | |
| <input type="checkbox"/> \$5,000,000 or more | | | | | | | |
| <p>4. Does the applicant have 501(c)(3) status?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</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.

OMB No. 1890-0014 Exp. 02/28/09

APPLICATION CHECKLIST AND COMMON QUESTIONS AND ANSWERS

Application Checklist

Does your application include each of the following?

- Cover page (SF 424)
- Budget form (ED Form 524)
- Program specific budget form [if applicable]
- Budget narrative [if applicable]
- Program narrative, including abstract and responses to the selection criteria
- Assurances and Certifications [list]

Did You --

- Provide one (1) original plus two 2 copies of the application (One original and six copies are requested)?
- Include all required forms with original signatures and dates?
- Submit a copy of the application to the State Single Point of Contact, if applicable?

Mail* Application To: **OR** Hand-deliver* Application To:

**American Indian
Vocational Rehabilitation Services**
ATTN: 84.250A
U.S. Department of Education
Application Control Center
400 Maryland Avenue, SW
Washington, DC 20202-4260

**American Indian
Vocational Rehabilitation Services**
ATTN: 84.250A
U.S. Department of Education
Application Control Center
550 12th Street, SW, Room 7041
Washington, DC 20202-4260

COMMON QUESTIONS AND ANSWERS

Below are some examples of questions and answers that programs may include in their application booklets. Programs may want to add others. Generally speaking, questions and answers should not repeat information that is given elsewhere in the application. However, there may be exceptions to this generality. Questions and answers should not be subregulatory and should not take the place of instructions.

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 office conducts a peer review of all eligible applications sent to a program competition, ranks the applications and recommends the highest ranked applications for funding, with exceptions, as provided by law if necessary. 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, which is called a slate, of recommended projects and funding amounts. RSA staff discusses the recommendations with the successful applicants and awards the grants.

Q. What happens to my application if the Department finds it to be ineligible?

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

Q. How does the Department review an application?

A. Each application is assessed by knowledgeable persons from outside the Department, and sometimes inside the Department, and is asked for their judgments about the quality and significance of the proposed project. These persons represent a diversity of disciplines and institutional, regional, and cultural backgrounds. The judgment 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 responsible 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, which are given in Section F of this application package. Reviewers are instructed to use only the published criteria.

Q. Is a recommended application guaranteed funding?

A. No. Funding is not final until discussions have been successfully concluded and a grant award notification has been signed by the grants office and mailed to the applicant.

Q. How long does it take the Department to complete the review process?

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

Q. How does 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. Can changes in the size of subsequent year awards be made after the multi-year budget has been negotiated?

A. Yes, a grantee can renegotiate his or her multi-year budget and may be awarded additional funds if sufficient justification is presented to the Secretary and funds are available. Also, funds can be decreased if it is determined that the multi-year budget was overestimated.

Q. How will funding continuation decisions be made if the Department is phasing out the use of non-competing continuation applications after fiscal year 1995?

A. Grantees will be required to complete annual performance reports that describe the projects' accomplishments, evaluations, and finances. These performance reports, along with other information, will be used by the Department to decide whether to continue funding projects

DUNS NUMBER INSTRUCTIONS

D-U-N-S No.: Please provide the applicant's D-U--N-S Number. You can obtain your D-U-N-S Number at not charge by calling **1-800-333-0505** or by completing a D-U-N-S Number Request Form. The form can be obtained via the Internet at the following URL:

<http://www.dnb.com/dbis/about/intlduns.htm>

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

DUN & Bradstreet, a global information services provider, has assigned D-U-N-S number to over 43 million companies worldwide.

GRANT APPLICATION RECEIPT ACKNOWLEDGEMENT

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

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

GRANT AND CONTRACT FUNDING INFORMATION

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

ED Internet Home Page <http://www.ed.gov>