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

2014 APPLICATION KIT FOR NEW GRANTS

UNDER THE

REHABILITATION SERVICES ADMINISTRATION

VOCATIONAL REHABILITATION SERVICE PROJECTS FOR AMERICAN INDIANS WITH DISABILITIES

CFDA NUMBER 84.250J

FORM APPROVED

OMB No. 1820-0018, EXP. DATE: 07/31/2016
SF FORM 424

DATED MATERIAL—OPEN IMMEDIATELY
CLOSING DATE: 09/02/2014

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SECTION A

DEAR COLLEAGUE LETTER

Dear Colleague,

The Secretary invites applications for new awards for fiscal year (FY) 2014 under the Vocational Rehabilitation Service Projects for American Indians with Disabilities (CFDA 84.250J). 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. All awards made under this authority are contingent on available funds as allocated by Congress.

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, 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 the information and the required forms necessary for applying and competing in the FY 2014 discretionary grant award competition. Applicants are advised to read all materials carefully, especially the Federal Register Notice (See Section B), which is the official competition announcement.

If an applicant procures the service of an outside consultant for the preparation of the application, the applicant must involve the current AIVRS staff, if applicable, and representation of the Tribal Council, if applicable, in preparing the application to ensure the proposed goals and objectives are realistic and accurately reflects the needs of the reservation. If the outside consultant is hired from outside of the tribe, please provide the resume of the individual as an attachment to the application.

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 form. The SF 424 form is included in this application package.

- Application Submission: Please note all applications for grants under this competition ***must*** be submitted electronically using Grants.gov. The requirements are briefly described after this letter and include helpful tips about submitting electronically using the Grants.gov site. Complete instructions are included in the Federal Register Notice under Other Submission Requirements (See Section B). When using the electronic grants process, it is imperative that you do not wait until the last minute to submit your grant. Please note that you must follow the Application Procedures as described in the Federal Register notice announcing this grant competition. Information (including dates and times) about how to submit your application electronically can also be found in Section H of this application package, Application Transmittal Instructions.

- Data Universal Numbering System (DUNS), Taxpayer Identification Number (TIN), and System for Awards Management (SAM): To do business with the Department of Education, you must have a DUNS number and a TIN number, as well as be registered in SAM. The complete instructions are included in the Federal Register Notice under IV. Application and Submission Information (See Section B) and in this application package.

- Eligible Applicants: The program regulations at 34 CFR § 371.2 provide that **"**Applications may be made only by the governing bodies of Indian Tribes (or consortia of those governing bodies) located on Federal or State reservations." An Indian tribe is defined in Section 7(19)(B) of the Act, "The term "Indian Tribe" means any Federal or State Indian tribe, band, rancheria, pueblo, colony, or community, including any Alaska native village or regional village corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act)." The term "consortium" is defined in 34 CFR § 371.4 to mean 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 a grant (See Eligible Applicant attachment in Section G). Section 121 of the Rehabilitation Act of 1973, as amended (the Rehabilitation Act) provides that grants may only be provided to "the governing bodies of Indian tribes located on Federal and State reservations (and consortia of such governing bodies)." The governing bodies of the Indian tribes must have control over any separate legal entity they establish to apply for the grant. Therefore, a separate legal entity that applies on behalf of a consortium of tribes under the AIVRS program must be controlled by the tribes.

  Applicants must submit documentation demonstrating that it is located on a Federal or State reservation, as interpreted by the Department to include a defined contiguous area of land where there is a concentration of tribal members and on which the tribal government is providing structured activities and services. If a separate legal entity submits an application, please include a signed resolution from each Tribe that is a member of the consortia that designates the separate legal entity to apply for the grant on their behalf. If there is not enough time to include a signed resolution from each Tribe, if successfully funded, the Grant Award Notification will be placed on hold until such time RSA receives the resolutions.

  Eligibility for funding under the grant is contingent upon a grantee's continuing eligibility under the program regulations. As described in section III of the Notice Inviting Applications, these regulations may be amended during the project period of these grants. On an annual basis and, as part of our process for making continuation awards under 34 CFR 75.253, which includes meeting substantial progress towards approved goals and objectives of the grant, the Department will review current grants and determine whether each grantee continues to meet substantial progress and the applicable eligibility requirements.

- Section 21 Requirement: Applicants are reminded that the Act requires all new applicants to 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 contact information for 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 Service 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 Performance Reporting Form via the Department of Education's Management Information System (MIS) database system.

- Job Training and Employment Common Measures: The common measures for job training and employment programs targeting adults are (1) entered employment (percentage employed after program exit); (2) retention in employment (percentage of those employed after exit that were still employed three months after program exit); (3) average weekly earnings (average earnings of those participants who are employed after exit); and (4) the annual cost per participant.

- Supplemental Measures: Each grantee will be required to collect and report data for supplemental measures as part of the annual performance report requirement, including information on: (1) the number of eligible individuals who were employed three months after achieving an employment outcome, (2) the number of eligible individuals who were employed six months after achieving an employment outcome, (3) the average weekly earnings at entry, and (4) the average weekly earnings of the individuals whose employment outcomes resulted in earnings.

- Abstract: Applications must include a one page abstract. The abstract is a critical component of the application and should 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 anticipated outcomes; and 7) The projected impacts.

- Selection Criteria: The program narrative must address each selection criteria as described in Section C of the grant application package. Failure to do so will put your application at a significant disadvantage. 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 is provided to describe the type of information you may wish to include. 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(a)-(k) in a separate section of the application titled "Special Application Requirements." An explanation of the special

requirements is described in Section D of the grant application package. Please be certain to carefully review this material and call for technical assistance if needed.

- Budget Forms: All applicants for multi-year projects are required to provide detailed budget information for each year of the total grant period requested (up to 60 months). The ED Form 524, Section I, requires a Budget Narrative for each year of the total grant period requested (up to 60 months). The Department will address funding levels of successful applicants for each year of the grant award.

- Match: The Federal share is 90 percent of the total cost of the project. Enter 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. Match is computed by dividing the requested Federal funds by 9 and the result equals the required match. Enter the match on Section B of the Budget Summary ED Form 524 and provide a budget narrative to describe the match.

- Bonus Points: Previously funded Tribes 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. Indicate the dates 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 .PDF format only, to your application that includes, but is not limited to, the following types of documents: Tribal resolutions, 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 program regulations that apply to this competition can be found in 34 C.F.R. § 371 and 369. These awards are also subject to the requirements of the Education Department General Administrative Regulations (EDGAR), 34 C.F.R. §§ 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

Two teleconferences will be available for applicants on the following dates. Please contact the Competition Manager for the teleconference number and passcode.

Date: July 22, 2014
Time: 11:00 AM
OR
Date: July 24, 2014
Time: 2:00 PM

If you have any questions about the information in this application kit, please contact the RSA Competition Manager August Martin at (202) 245-7410. If you use a TDD, call the Federal Relay Service, toll free, at 1-800-877-8339.

Thank you for your interest in this program.

Sincerely,

/s/
Thomas E. Finch, Ph.D., Director
Training and Service Programs Division

IMPORTANT – PLEASE READ FIRST

U.S. Department of Education
Grants.gov Submission Procedures and Tips for Applicants

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

ATTENTION – Adobe Forms and PDF Files Required

Applications submitted to Grants.gov for the Department of Education will be posted using Adobe forms. Therefore, applicants will need to download the latest version of Adobe reader (at least Adobe Reader 10.1.14). Information on computer and operating system compatibility with Adobe and links to download the latest version is available on Grants.gov at this link: http://www.grants.gov/web/grants/support/technical-support/software/adobe-reader-compatibility.html. We strongly recommend that you review these details on www.Grants.gov before completing and submitting your application. In addition, applicants should submit their application a day or two in advance of the closing date as detailed below. Also, applicants are required to upload their attachments in .pdf format only. (See details below under "Attaching Files – Additional Tips.") If you have any questions regarding this matter please email the Grants.gov Contact Center at support@grants.gov or call 1-800-518-4726.

1) REGISTER EARLY – **Grants.gov registration involves many steps including registration on SAM (www.sam.gov) which may take approximately one week to complete, but could take upwards of several weeks to complete, depending upon the completeness and accuracy of the data entered into the SAM database by an applicant. You may begin working on your application while completing the registration process, but you cannot submit an application until all of the Registration steps are complete. Please note that once your SAM registration is active, it will take 24-48 hours for the information to be available in Grants.gov, and before you can submit an application through Grants.gov.** For detailed information on the Registration Steps, please go to: http://www.grants.gov/web/grants/register.html [Note: Your organization will need to update its SAM registration annually (formerly Central Contractor Registry (CCR)*.]

   Primary information about SAM is available at www.sam.gov. However, to further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, the Department of Education has prepared a SAM.gov Tip Sheet which you can find at: http://www2.ed.gov/fund/grant/apply/sam-faqs.html

2) SUBMIT EARLY – We strongly recommend that you do not wait until the last day to submit your application. Grants.gov will put a date/time stamp on your application and then process it after it is fully uploaded. The time it takes to upload an application will vary depending on a number of factors including the size of the application and the speed

of your Internet connection, and the time it takes Grants.gov to process the application will vary as well. If Grants.gov rejects your application (see step three below), you will need to resubmit successfully before 4:30:00 p.m. Washington, DC time on the deadline date.

Note: To submit successfully, you must provide the DUNS number on your application that was used when you registered as an Authorized Organization Representative (AOR) on Grants.gov. This DUNS number is typically the same number used when your organization registered with the CCR (Central Contractor Registry). If you do not enter the same DUNS number on your application as the DUNS you registered with, Grants.gov will reject your application.

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

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

Submission Problems – What should you do?

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

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

Helpful Hints When Working with Grants.gov

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

Please go to http://www.grants.gov/web/grants/about/contact-us.html for help with Grants.gov. For additional tips related to submitting grant applications, please refer to the Grants.gov Submit Application FAQs found on the Grants.gov http://www.grants.gov/web/grants/applicants/applicant-resources.html.

Dial-Up Internet Connections

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

MAC Users

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

Attaching Files – Additional Tips

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

- Ensure that you attach *.PDF files only* for any attachments to your application, and they must be in a read-only, non-modifiable format. PDF files are the only Education approved file type accepted as detailed in the Federal Register application notice. Applicants must submit individual .PDF files only when attaching files to their application. Specifically, the Department will not accept any attachments that contain files within a file, such as PDF Portfolio files, or an interactive or fillable .PDF file. Any attachments uploaded that are not .PDF files or are password protected files will not be read. If you need assistance converting your files to a .pdf format, please refer to the following Grants.gov webpage with links to conversion programs under the heading of additional resources: http://www.grants.gov/web/grants/support/technical-support/software/pdf-conversion-software.html

- Grants.gov cannot process an application that includes two or more files that have the same name within a grant submission. Therefore, each file uploaded to your application package should have a unique file name.

- When attaching files, applicants should follow the guidelines established by Grants.gov on the size and content of file names. Uploaded files must be less than 50 characters in the file name, contain no spaces, no special characters (example: -, &, *, %, /, #, \) including periods (.), blank spaces and accent marks. Applications submitted that do not comply with the Grants.gov guidelines will be rejected at Grants.gov and not forwarded to the Department.

- Applicants should limit the size of their file attachments. Documents submitted that contain graphics and/or scanned material often greatly increase the size of the file attachments and can result in difficulties opening the files. For reference, the average discretionary grant application package totals 1 to 2 MB. Therefore, you may want to check the total size of your package before submission.

*Please note that the Central Contractor Registry (CCR) was replaced by the System for Award Management (SAM) effective July 30, 2012. For more information on the migration of CCR data to SAM, grant applicants should read this information located on Grants.gov: http://grants-gov.blogspot.com/2012/07/information-about-pending-migration.html#!/2012/07/information-about-pending-migration.html

SECTION B

NOTICE INVITING APPLICATIONS FOR NEW AWARDS

4000-01-U

DEPARTMENT OF EDUCATION

Applications for New Awards; Vocational Rehabilitation Services Projects for American Indians with Disabilities

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

ACTION: Notice.

Overview Information:

Vocational Rehabilitation Services Projects for American Indians with Disabilities

Notice inviting applications for new awards for fiscal year (FY) 2014.

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

Dates:

Applications Available: July 18, 2014.

Deadline for Transmittal of Applications: September 2, 2014.

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.

This program also supports an important White House initiative issued in a Presidential Memorandum on Job-Driven Training for Workers on January 30, 2014.1 This memorandum emphasizes the importance of developing a workforce with the skills that employers need. The Vocational Rehabilitation Services Projects for American Indians with Disabilities program supports the initiative by providing training and other services to assist individuals with disabilities to prepare for and engage in gainful and competitive employment.

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(b)(4)).

Competitive Preference Priority: For FY 2014 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i) we award an additional 10 points to an application that meets this priority.

This priority is:

Continuation of Previously Funded Tribal Programs.

In making new awards under this program, we give priority

1 Obama, B.H., Presidential Memorandum on Job-Driven Training for Workers. The White House, Office of the Press Secretary. January 30, 2014. Available at: www.whitehouse.gov/the-press-office/2014/01/30/presidential-memorandum-job-driven-training-workers.

to applications for the continuation of 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, and 97. (b) The Education Department debarment and suspension regulations in 2 CFR part 3485. (c) The regulations for this program in 34 CFR parts 369 and 371.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $21,000,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2015 from the list of unfunded applicants from this competition.

Estimated Range of Awards: $340,000-$550,000.

Estimated Average Size of Awards: $425,000.

Estimated Number of Awards: 48.

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

Project Period: Up to 60 months.

Note: Eligibility for funding under the grant is contingent upon a grantee's continuing eligibility under the program regulations. As described in section III of this notice, these

regulations may be amended during the project period for these grants. On an annual basis and as part of our process for making continuation awards under 34 CFR 75.253, the Department will review current grants and determine whether each grantee continues to meet the applicable eligibility requirements.

III. Eligibility Information

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

Background:

On May 9, 2012, the U.S. Government Accountability Office (GAO) released a report, "Federal Funding for Non-Federally Recognized Tribes," GAO-12-348 (available at www.gao.gov/products/GAO-12-348), in which a question was raised concerning the Department's practice for determining eligibility under the American Indian Vocational Rehabilitation Services (AIVRS) program. In interpreting the term "reservation," the Department had included tribes that were located on a defined and contiguous area of land where there was a concentration of tribal members and on which the tribal government was providing structured activities and services, such as the tribal service areas identified in a tribe's grant application.

The Department agreed to comply with GAO's recommendation that the Secretary review the eligibility requirements for AIVRS

grants and take appropriate action on grants made to tribes that do not have Federal or State reservations.

For FYs 2012 and 2013, the Department decided not to conduct competitions for new awards under the AIVRS program while it was studying this issue. It extended any grants that were expiring at the end of FYs 2012 and 2013 and waived the regulatory prohibition on cost extensions so that these grantees could continue to receive grant funds while the Department was conducting its review. (77 FR 59085 (September 26, 2012); 78 FR 57066 (September 17, 2013))

On June 23, 2014, the Department published in the Federal Register a notice of proposed rulemaking (NPRM) that proposes, as one alternative, to amend the regulatory definition of "reservation," to limit the definition only to traditional Federal and State reservations and other land areas specifically listed in the statutory definition of "reservation" in 29 U.S.C. 741(c). (79 FR 35502) However, the NPRM also proposes an alternative definition of "reservation" consistent with the Department's long-standing interpretation that includes, in the definition of "reservation," a defined area of land recognized by a State or the Federal Government where there is a concentration of tribal members and on which the tribal government is providing structured activities and services.

Given the time needed to fully consider all comments to the NPRM in concert with comments received through tribal consultation, and before a final determination on the definition of "reservation" is reached, the Department decided that it is in the best interests of the program, its grantees, and the American Indians with disabilities they serve, to hold a competition for FY 2014. Because the Department has not published final regulations changing its definition of "reservation," the competition for FY 2014 will be conducted using the interpretation of "reservation" that the Department has used for many years. Consequently, an applicant that can demonstrate it is located on a defined and contiguous area of land where there is a concentration of tribal members and on which the tribal government is providing structured activities and services is eligible to apply. One way of demonstrating eligibility is to show that the U.S. Census identifies the applicant's land area as a State designated tribal statistical area or tribal designated statistical area.

Eligibility for funding under the grant beyond the initial year is contingent upon a grantee's continuing eligibility under the program regulations, as the regulations may be amended. On an annual basis and, as part of our process for making continuation awards under 34 CFR 75.253, the Department will

review current grants and determine whether each grantee continues to meet the applicable eligibility requirements.

2. Cost Sharing or Matching: Cost sharing is required by 34 CFR 371.40.

IV. Application and Submission Information

1. Address to Request Application Package: You can obtain an application package via the Internet or from the Education Publications Center (ED Pubs). To obtain a copy via the Internet, use the following address: www.ed.gov/fund/grant/apply/grantapps/index.html. To obtain a copy from ED Pubs, write, fax, or call the following: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1-877-433-7827. FAX: (703) 605-6794. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call, toll free: 1-877-576-7734.

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

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

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the 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. These include a requirement that the applicant submit documentation demonstrating that it is a federally or State recognized tribe and is located on a Federal or State reservation, as interpreted by the Department to include a defined and contiguous area of land where there is a concentration of tribal members and on which the tribal government is providing structured activities and services.

Note: Each application must describe how the Special Application Requirements stated at 34 CFR 371.21 will be met, including evidence that the applicant has or will obtain a formal cooperative agreement with the appropriate State VR agency or agencies that include strategies for collaboration and coordination of service provision.

3. Submission Dates and Times:

Applications Available: July 18, 2014.

Deadline for Transmittal of Applications: September 2, 2014.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception

to the electronic submission requirement, please refer to section IV. 7. Other Submission Requirements of this notice.

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

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

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. Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management: To do business with the Department of Education, you must--

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

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

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

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

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one-to-two business days.

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

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data entered into the SAM database by an entity. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to

obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov and before you can submit an application through Grants.gov.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at www.SAM.gov. To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: http://www2.ed.gov/fund/grant/apply/sam-faqs.html.

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

7. Other Submission Requirements: Applications for grants under this competition must be submitted electronically unless

you qualify for an exception to this requirement in accordance with the instructions in this section.

a. Electronic Submission of Applications.

Applications for grants under the AIVRS program, CFDA number 84.250J, must be submitted electronically using the Governmentwide Grants.gov Apply site at www.Grants.gov. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

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

You may access the electronic grant application for the AIVRS program at www.Grants.gov. You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.250, not 84.250J).

Please note the following:

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

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

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

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

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

- You must submit all documents electronically, including all information you typically provide on the following forms: the Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information--Non-Construction Programs (ED 524), and all necessary assurances and certifications.

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

- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).
- We may request that you provide us original signatures on forms at a later date.

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

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the

following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

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

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

Exception to Electronic Submission Requirement: You qualify for

an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because--

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

and

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

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

Address and mail or fax your statement to: August Martin, U.S. Department of Education, 400 Maryland Avenue, SW., Room 5049, Washington, DC 20202-2800. FAX: (202) 245-7592.

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

b. Submission of Paper Applications by Mail.

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

U.S. Department of Education
Application Control Center
Attention: (CFDA Number 84.250J)
LBJ Basement Level 1
400 Maryland Avenue, SW.
Washington, DC 20202-4260

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

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

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

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

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

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

(1) A private metered postmark.

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

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

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

c. Submission of Paper Applications by Hand Delivery.

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

U.S. Department of Education
Application Control Center
Attention: (CFDA Number 84.250J)
550 12th Street, SW.
Room 7039, Potomac Center Plaza
Washington, DC 20202-4260

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

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

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

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

V. Application Review Information

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

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

applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

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

3. Special Conditions: Under 34 CFR 80.12, the Secretary may impose special conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 34 CFR part 80; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. Award Notices: If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

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

2. Administrative and National Policy Requirements:

We identify administrative and national policy requirements in the application package and reference these and other requirements in the Applicable Regulations section of this notice.

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

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

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

4. Performance Measures: Under the Government Performance and Results Act of 1993 (GPRA), the Department has established three performance measures for the AIVRS 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 (APR Form) for the AIVRS program.

Job Training and Employment Common Measures:

In addition, the AIVRS APR Form requests data necessary to assess the AIVRS program's performance on supplemental measures that are comparable to the job training and employment common measures that were developed by the Office of Management and Budget in coordination with Federal agencies with job training programs. Each grantee is required to collect and report data for these supplemental measures as part of the annual performance report requirement, including information on: (1) the number of individuals who, during this reporting period, were still employed three months after achieving an employment outcome, (2) the number of individuals who, during this reporting period, were still employed six months after achieving

an employment outcome, (3) the average weekly earnings at entry, and (4) the average weekly earnings of the individuals whose employment outcomes resulted in earnings.

Note: For purposes of this section, the term "employment outcome" has the meaning provided in 34 CFR 369.4.

5. Continuation Awards: In making a continuation award, the Secretary considers, under 34 CFR 75.253, the extent to which a grantee has made "substantial progress toward meeting the objectives in its approved application." This consideration includes the review of a grantee's progress in meeting the targets and projected outcomes in its approved application, and whether the grantee has expended funds in a manner that is consistent with its approved application and budget and the cost principles described in the Office of Management and Budget (OMB) Circular A-87. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

On an annual basis and as part of our process for making continuation awards under 34 CFR 75.253, the Department will

review current grants and determine whether each grantee continues to meet the applicable eligibility requirements.

VII. Agency Contact

For Further Information Contact: August Martin, U.S. Department of Education, 400 Maryland Avenue, SW., room 5049, Potomac Center Plaza (PCP), Washington, DC 20202-2800. Telephone: (202) 245-7410 or by email: august.martin@ed.gov.

If you use a TDD or a TTY, call the Federal Relay Services (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 compact disc) 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 or a TTY, call the FRS, toll free, at 1-800-877-8339.

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

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

Dated:

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Michael K. Yudin,
Acting Assistant Secretary
for Special Education and
Rehabilitative Services.

SECTION C

Selection Criteria

APPLICATION SELECTION CRITERIA FOR VR SERVICES PROJECTS FOR AMERICAN INDIANS WITH DISABILITIES
(Section 121--CFDA 84.250J)

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 § 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 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 integrate with or build on similar or related efforts to improve relevant outcomes (as defined in 34 CFR 77.1(c)), using existing funding streams from other programs or policies supported by 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)

Review and Selection Process: We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality. In addition, under 34 CFR 80.12, the Secretary may impose special conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 34 CFR part 80; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

EXPLANATION OF SELECTION CRITERIA

Listed below are the criteria (a) through (h) that will be used by peer reviewers to rate and award scores to proposals for the Vocational Rehabilitation Service Project for American Indians with Disabilities 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 criterion.

IMPORTANT: Recipients of Vocational Rehabilitation Service Projects for American Indians with Disabilities grants provide services to American Indians with disabilities who reside on or near reservations. 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 (VR) services that will enable American Indians with disabilities to achieve employment outcomes. Barriers to the provision of VR 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 VR 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 integrate with or build on similar or related efforts to improve relevant outcomes (as defined in 34 CFR 77.1(c)), using existing funding streams from other programs or policies supported by 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 VR 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)-(k). 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 34 CFR § 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 34 CFR § 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: Describe how the program will, to the extent feasible, provide VR services that are comparable to those provided by State VR agencies, including providing a broad variety of VR services as described in section 103 of the Act. (See also Special Requirement 34 CFR § 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 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 VR counselors. For each 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 VR agency and the Technical Assistance and Continuing Education Centers.

(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 the 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 D

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 grant must provide assurances that they will meet the special application requirements stated at 34 CFR § 371.21(a)-(k). Each application will be reviewed by the Department of Education to determine whether the applicant has provided the required assurances.

INSTRUCTIONS

Listed below are the special application requirements at 34 CFR § 371.21(a)-(k), 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 § 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 (VR) 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 VR agency, services provided by tribal programs are not required to be identical to those provided by a State VR agency.
>
> **ASSURANCE STATEMENT:** A description of each of the VR 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 VR program. Staff of other tribal agencies and the project's advisory committee, if it has one, is 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 VR program. An individualized plan for employment (IPE) is a written agreement between the VR program unit and the eligible American Indian with a disability. The IPE specifies the individual's employment goal, the VR 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 VR agencies in the development of an IPE. (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 VR 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 VR 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 VR programs. Section 101(a)(11)(F) of the Act requires State VR agencies to enter into formal cooperative agreements with each recipient of a Vocational Rehabilitation Service Project for American Indians with Disability grant in the State. The agreement must describe strategies for collaboration and coordination in providing VR 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 the IPE;
- procedures for ensuring that American Indians who are individuals with disabilities and are living near a reservation or tribal service area are provided VR services; and
- provision 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 § 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 VR 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.

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

NOTE: In order to empower individuals with disabilities to maximize employment, economic self-sufficiency, independence, and inclusion and integration into society, as well as ensure culturally appropriate services are made available to American Indians with disabilities, the applicant must make use of public or other vocational or technical training facilities or other appropriate community resource on or near the reservation, as appropriate.

ASSURANCE STATEMENT: An assurance those public or other vocational or technical training facilities or other appropriate community resources will be used to the maximum use as possible.

For more information, please contact:

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SECTION E

STATUTORY PROVISIONS

SECTION 121:	AMERICAN INDIAN VOCATIONAL REHABILITATION SERVICES
SECTION 102(b):	INDIVIDUALIZED PLAN OF EMPLOYMENT
SECTION 103:	VOCATIONAL REHABILITATION SERVICES

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. 102(c)(5)(A)-(I) Procedures: Hearings

(c) Procedures

(5) Hearings

(A) Officer

A due process hearing described in paragraph (2) shall be conducted by an impartial hearing officer who shall issue a decision based on the provisions of the approved State plan, this Act (including regulations implementing this Act), and State regulations and policies that are consistent with the Federal requirements specified in this title. The officer shall provide the decision in writing to the applicant or eligible individual, or, as appropriate, the applicant's representative or individual's representative, and to the designated State unit.

(B) List

The designated State unit shall maintain a list of qualified impartial hearing officers who are knowledgeable in laws (including regulations) relating to the provision of vocational rehabilitation services under this title from which the officer described in subparagraph (A) shall be selected. For the purposes of maintaining such list, impartial hearing officers shall be identified jointly by--

(i) the designated State unit; and

(ii) members of the Council or commission, as appropriate, described in section 101(a)(21).

(C) Selection

Such an impartial hearing officer shall be selected to hear a particular case relating to a determination--

(i) on a random basis; or

(ii) by agreement between--

(I) the Director of the designated State unit and the individual with a disability; or
(II) in appropriate cases, the Director and the individual's representative.

(D) Procedures for seeking review

A State may establish procedures to enable a party involved in a hearing under this paragraph to seek an impartial review of the decision of the hearing officer under subparagraph (A) by--

(i) the chief official of the designated State agency if the State has established both a designated State agency and a designated State unit under section 101(a)(2); or

(ii) an official from the office of the Governor.

(E) Review request

If the State establishes impartial review procedures under subparagraph (D), either party may request the review of the decision of the hearing officer within 20 days after the decision.

(F) Reviewing official

The reviewing official described in subparagraph (D) shall--

(i) in conducting the review, provide an opportunity for the submission of additional evidence and information relevant to a final decision concerning the matter under review;

(ii) not overturn or modify the decision of the hearing officer, or part of the decision, that supports the position of the applicant or eligible individual unless the reviewing official concludes, based on clear and convincing evidence, that the decision of the impartial hearing officer is clearly erroneous on the basis of being contrary to the approved State plan, this Act (including regulations implementing this Act) or any State regulation or policy that is consistent with the Federal requirements specified in this title;

(iii) make a final decision with respect to the matter in a timely manner and provide such decision in writing to the applicant or eligible individual, or, as appropriate, the applicant's representative or individual's representative, and to the designated State unit, including a full report of the findings and the grounds for such decision; and

(iv) not delegate the responsibility for making the final decision to any officer or employee of the designated State unit.

(G) Finality of hearing decision

A decision made after a hearing under subparagraph (A) shall be final, except that a party may request an impartial review if the State has established procedures for such review under subparagraph (D) and a party involved in a hearing may bring a civil action under subparagraph (J).

(H) Finality of review

A decision made under subparagraph (F) shall be final unless such a party brings a civil action under subparagraph (J).

(I) Implementation

If a party brings a civil action under subparagraph (J) to challenge a final decision of a hearing officer under subparagraph (A) or to challenge a final decision of a State reviewing official under subparagraph (F), the final decision involved shall be implemented pending review by the court.

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, follow-up 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 or therapeutic 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.

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.

SECTION F

Program Regulations (34 CFR §§ 369 and 371)

TITLE 34--EDUCATION

REHABILITATIVE SERVICES, DEPARTMENT OF EDUCATION

PART 369--VOCATIONAL REHABILITATION SERVICE PROJECTS--Table of Contents

Subpart A--General

Sec. 369.1 What are the Vocational Rehabilitation Service Projects?

(a) These programs provide financial assistance for the support of special project activities for providing vocational rehabilitation services and related services to individuals with disabilities and other persons.
(b) The Secretary awards financial assistance through the following programs--

(1) Vocational Rehabilitation Service Projects for American Indians with Disabilities (34 CFR part 371).
(2) Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals with Disabilities.
(3) Vocational Rehabilitation Service Projects for Migratory Agricultural and Seasonal Farmworkers with Disabilities.
(4) Special Projects and Demonstrations for Providing Transitional Rehabilitation Services to Youths with Disabilities (34 CFR part 376).
(5) Projects for Initiating Special Recreation Programs for Individuals with Disabilities.
(6) Projects with Industry (34 CFR part 379).

Sec. 369.2 Who is eligible for assistance under these programs?

(a) Vocational rehabilitation service projects for American Indians with disabilities. Governing bodies of Indian tribes and consortia of those governing bodies located on Federal and State reservations are eligible for assistance to support projects for providing vocational rehabilitation services to American Indians with disabilities.
(b) Special projects and demonstrations for providing vocational rehabilitation services to individuals with disabilities. States and public and other nonprofit agencies and organizations are eligible for expanding or otherwise improving vocational rehabilitation services to individuals with disabilities.
(c) Vocational rehabilitation service projects for migratory agricultural workers and seasonal farmworkers with disabilities. State vocational rehabilitation agencies, local agencies administering vocational rehabilitation programs under written agreements with State agencies, and nonprofit agencies working in collaboration with State vocational rehabilitation agencies are eligible for assistance to support projects for providing vocational rehabilitation services to migratory agricultural workers or seasonal farmworkers with disabilities.

(d) Projects for initiating special recreation programs for individuals with disabilities. State and other public agencies and private nonprofit agencies and organizations are eligible for assistance to support projects for initiating special recreation programs for individuals with disabilities.
(e) Projects with industry. Any designated State unit, labor union, community rehabilitation program provider, Indian tribe or tribal organization employer, trade association, or other agency or organization with the capacity to create and expand job and career opportunities for individuals with disabilities is eligible for assistance to support a project with industry.
(f) Special projects and demonstrations for providing transitional rehabilitation services to youths with disabilities. State and other public and nonprofit agencies and organizations are eligible for assistance under this program.

Sec. 369.3 What regulations apply to these programs?

The following regulations apply to the programs listed in Sec. 369.1(b):

(a) The Education Department General Administrative Regulations (EDGAR) as follows:
(1) 34 CFR part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations).
(2) 34 CFR part 75 (Direct Grant Programs).
(3) 34 CFR part 77 (Definitions that Apply to Department Regulations).
(4) 34 CFR part 79 (Intergovernmental Review of Department of Education Programs and Activities); except the part 79 does not apply to the Vocational Rehabilitation Service Program for American Indians with Disabilities.
(5) 34 CFR part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments).
(6) 34 CFR part 81 (General Education Provisions Act--Enforcement).
(7) 34 CFR part 82 (New Restrictions on Lobbying).
(8) 34 CFR part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).
(9) 34 CFR part 86 (Drug-Free Schools and Campuses).

(b) The regulations in this part 369.

(c) The regulations in 34 CFR parts 371, 372, 373, 374, 375, 376, 378, and 379, as appropriate.

Sec. 369.4 What definitions apply to these programs?

(a) The following definitions in 34 CFR part 77 apply to the programs under Vocational Rehabilitation Service Projects--

Applicant
Application
Award
Budget Period
Department
EDGAR

Nonprofit
Profit
Project Period
Public
Secretary
Work of Art

(b) The following definitions also apply to programs under Vocational Rehabilitation Service Projects:

Act means the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), as amended.

Community rehabilitation program means a program that provides directly or facilitates the provision of vocational rehabilitation services to individuals with disabilities, and that provides, singly or in combination, for an individual with a disability to enable the individual to maximize opportunities for employment, including career advancement--

(1) Medical, psychiatric, psychological, social, and vocational services that are provided under one management;
(2) Testing, fitting, or training in the use of prosthetic and orthotic devices;
(3) Recreational therapy;
(4) Physical and occupational therapy;
(5) Speech, language and hearing therapy;
(6) Psychiatric, psychological and social services, including positive behavior management;
(7) Assessment for determining eligibility and vocational rehabilitation needs;
(8) Rehabilitation technology;
(9) Job development, placement, and retention services;
(10) Evaluation or control of specific disabilities;
(11) Orientation and mobility services for individuals who are blind;
(12) Extended employment;
(13) Psychosocial rehabilitation services;
(14) Supported employment services and extended services;
(15) Services to family members when necessary to the vocational rehabilitation of the individual;
(16) Personal assistance services; or
(17) Services similar to the services described in paragraphs (1) through (16) of this definition.

Employment outcome means entering or retaining full-time or, if appropriate, part-time competitive employment in the integrated labor market, the practice of a profession, self-employment, homemaking, farm or family work (including work for which payment is in kind rather than cash), extended employment in a community rehabilitation program, supported employment, or other gainful work.
Individual who is blind means a person who is blind within the meaning of the law relating to vocational rehabilitation in each State.

Individual with a disability means any individual who--

(1) Has a physical or mental impairment that for that individual constitutes or results in a substantial impediment to employment; and

(2) Can benefit in terms of an employment outcome from vocational rehabilitation services provided under title I, III, VI, or VIII of the Act.

Individual with a severe disability means an individual with a disability--

(1) Who has a severe physical or mental impairment that seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome;

(2) Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and

(3) Who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia and other spinal cord conditions, sickle-cell anemia, specific learning disabilities, end-stage renal disease, or another disability or combination of disabilities determined to cause comparable substantial functional limitation.

Physical and mental restoration services means--

(1) Medical or corrective surgical treatment for the purpose of correcting or modifying substantially a physical or mental condition that is stable or slowly progressive and constitutes a substantial impediment to employment and that is likely, within a reasonable period of time, to be corrected or substantially modified as a result of the medical or surgical treatment;

(2) Diagnosis and treatment for mental or emotional disorders by qualified personnel in accordance with State licensure laws;

(3) Dentistry;

(4) Nursing services;

(5) Necessary hospitalization (either inpatient or outpatient care) in connection with surgery or treatment and clinic services;

(6) Convalescent or nursing home care;

(7) Drugs and supplies;

(8) Prosthetic, orthotic, or other assistive devices, including hearing aids essential to obtaining or retaining employment;

(9) Eyeglasses and visual services, including visual training, and the examination and services necessary for the prescription and provision of eyeglasses, contact lenses, microscopic lenses, telescopic lenses, and other special visual aids, prescribed by qualified persons under State licensure laws, that are selected by the individual;

(10) Podiatry;

(11) Physical therapy;

(12) Occupational therapy;

(13) Speech and hearing therapy;

(14) Psychological services;

(15) Therapeutic recreation services;
(16) Medical or medically related social work services;
(17) Treatment of either acute or chronic medical complications and emergencies that are associated with or arise out of the provision of physical and mental restoration services or that are inherent in the condition under treatment;
(18) Special services for the treatment of individuals with end-stage renal disease, including transplantation, dialysis, artificial kidneys, and supplies; and
(19) Other medical or medically related rehabilitation services, including art therapy, dance therapy, music therapy, and psychodrama.

Physical or mental impairment means a physical or mental condition which materially limits, contributes to limiting or, if not corrected, will probably result in limiting an individual's employment activities or vocational functioning.

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.

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

State plan means the State plan for vocational rehabilitation services. (34 CFR part 361)

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

Substantial impediment to employment means that a physical or mental impairment (in light of attendant medical, psychological, vocational, educational, and other related factors) significantly restricts an individual's occupational performance by preventing his preparing for, obtaining, or retaining employment consistent with his capacities and abilities.

Vocational rehabilitation services: (1) When provided to an individual, means any goods or services necessary to render an individual with a disability employable, including, but not limited to, the following--
(i) An assessment for determining eligibility and vocational rehabilitation needs by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology;

(ii) Counseling, guidance, and work-related placement services for individuals with disabilities, including job search assistance, placement assistance, job retention services, personal assistance services, and follow-up, follow-along, and specific diagnosis services necessary to assist such individuals to maintain, regain, or advance in employment;
(iii) Vocational and other training services for individuals with disabilities, including personal and vocational adjustment, books, or other training materials;
(iv) Services to the families of such individuals with disabilities, if necessary to the adjustment or rehabilitation of such individuals;
(v) Physical and mental restoration services;
(vi) Maintenance for additional costs incurred while participating in rehabilitation;
(vii) Interpreter services and note-taking services for individuals who are deaf, including tactile interpreting for individuals who are deaf-blind;
(viii) Reader services and note-taking services for those individuals who are determined to be blind after an examination by qualified personnel under State licensure laws;
(ix) Recruitment and training services to provide new employment opportunities in the fields of rehabilitation, health, welfare, public safety and law enforcement, and other appropriate service employment;
(x) Rehabilitation teaching services and orientation and mobility services for individuals who are blind;
(xi) Occupational licenses, tools, equipment, and initial stocks and supplies;
(xii) Transportation in connection with the rendering of any vocational rehabilitation service;
(xiii) Telecommunications, sensory, and other technological aids and devices;
(xiv) Rehabilitation technology services;
(xv) Referral and other services designed to assist individuals with disabilities in securing needed services from other agencies;
(xvi) Transition services that promote or facilitate the accomplishment of long-term rehabilitation goals and intermediate rehabilitation objectives;
(xvii) On-the-job or other related personal assistance services provided while an individual with a disability is receiving vocational rehabilitation services; and
(xviii) Supported employment services.

(2) When provided for the benefit of groups of individuals, Vocational rehabilitation services also means--

(i) In the case of any type of small business enterprise operated by individuals with the most severe disabilities under the supervision of the State unit, management services, and supervision and acquisition of vending facilities or other equipment, and initial stocks and supplies;
(ii) The establishment, development, or improvement of community rehabilitation programs, including, under special circumstances, the construction of a rehabilitation facility to provide services that promote integration and competitive employment;
(iii) The provision of services, including services provided at community rehabilitation programs, that promise to contribute substantially to the rehabilitation of a group of individuals but that are not related directly to the individualized written rehabilitation program of any one individual with disabilities;
(iv) The use of existing telecommunications systems;

(v) The use of services providing recorded material for persons who are blind and captioned films or video cassettes for persons who are deaf; and
(vi) Technical assistance and support services to businesses that are not subject to title I of the Americans with Disabilities Act of 1990 and that are seeking to employ individuals with disabilities.

Subpart B [Reserved]

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

Sec. 369.20 What are the application procedures for these programs?

The Secretary gives the appropriate State vocational rehabilitation unit an opportunity to review and comment on applications submitted from within the State that it serves. The procedures to be followed by the applicant and the State are in EDGAR Sections 75.155-75.159.

Sec. 369.21 What application requirement applies to these programs?

Each applicant for a grant under a program covered by this part must include in its application a description of the manner in which it will address the needs of individuals with disabilities from minority backgrounds.

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

Sec. 369.30 How does the Secretary evaluate an application?

The Secretary evaluates an application under the procedures in 34 CFR part 75.

Sec. 369.32 What other factors does the Secretary consider in reviewing an application?

In addition to the selection criteria used in accordance with the procedures in 34 CFR part 75, the Secretary, in making awards under these programs, considers such factors as--
(a) The geographical distribution of projects in each program category throughout the country; and
(b) The past performance of the applicant in carrying out similar activities under previously awarded grants, as indicated by such factors as compliance with grant conditions, soundness of programmatic and financial management practices and attainment of established project objectives.

Subpart E--What Conditions Must Be Met by a Grantee?

Sec. 369.42 What special requirements affect provision of services to individuals with disabilities?

(a) Vocational rehabilitation services provided in projects assisted under these programs must be provided in the same manner as services provided under the State plan for vocational rehabilitation services under 34 CFR part 361.
(b) Each grantee under a program covered by this part must advise applicants for or recipients of services under its project, or as appropriate, the parents, family members, guardians, advocates, or authorized representatives of those individuals, of the availability and purposes of the State's Client Assistance Program, including information on seeking assistance from that program.

Sec. 369.43 What are the affirmative action plan requirements affecting grantees?

A recipient of Federal assistance must develop and implement an affirmative action plan to employ and advance in employment qualified individuals with disabilities. This plan must provide for specific action steps, timetables, and complaint and enforcement procedures necessary to assure affirmative action.

Sec. 369.44 What wage and hour standards apply to community rehabilitation programs?

All applicable Federal and State wage and hour standards must be observed in projects carried out in community rehabilitation programs.

Sec. 369.45 What are the special requirements pertaining to the membership of project advisory committees?

If an advisory committee is established under a project, its membership must include persons with disabilities or their representatives and other individuals to be assisted within the project, providers of services, and other appropriate individuals.

Sec. 369.46 What are the special requirements pertaining to the protection, use, and release of personal information?

(a) All personal information about individuals served by any project under this part, including lists of names, addresses, photographs, and records of evaluation, must be held confidential.

(b) The use of information and records concerning individuals must be limited only to purposes directly connected with the project, including project evaluation activities. This information may not be disclosed, directly or indirectly, other than in the administration of the project unless the consent of the agency providing the information and the individual to whom the information applies, or his or her representative, have been obtained in writing. The Secretary or other Federal or State officials responsible for enforcing legal requirements have access to this information without written consent being obtained. The final product of the project may not reveal any personal identifying information without written consent of the individual or his or her representative.

Sec. 369.47 What are the special requirements affecting the collection of data from State agencies?

If the collection of data is necessary either from individuals with disabilities being served by two or more State agencies or from employees of two or more of these agencies, the project director must submit requests for the data to appropriate representatives of the affected agencies, as determined by the Secretary. This requirement also applies to employed project staff and individuals enrolled in courses of study supported under this part.

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?

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.

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.

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.

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.

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

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.

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).

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.

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.

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.

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.

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.

(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.

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

(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.

(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.

(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.

(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.

(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.

(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.

(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

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

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.

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.

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.

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.

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.

SECTION G

General Information on Completing an Application

GENERAL INFORMATION ON COMPLETING AN APPLICATION

1. The purpose and goal of the project is to provide vocational rehabilitation (VR) services to American Indians with disabilities to empower consumers to prepare for and obtain gainful employment.

2. Applicants must address the Special Application Requirements. In your application, include these assurances in a separate section titled "Special Application Requirements".

3. The Section 121 projects must deliver a wide variety of VR 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 bind or place in binders the 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 is 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. Include a budget breakdown and narrative for each year funding is requested.

7. 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.

8. 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 it takes to complete the evaluation of submitted applications varies 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., 84.250J) 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.

Eligible Applicant for Submitting a Proposal
FOR A SECTION 121 GRANT

Indian tribes located on federal or state reservations 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 –

NOTE: Section 121 of the Rehabilitation Act of 1973, as amended (the Rehabilitation Act) provides that grants may only be provided to "the governing bodies of Indian tribes located on Federal and State reservations (and consortia of such governing bodies)." The governing bodies of the Indian tribes must have control over any separate legal entity they establish to apply for the grant. Therefore, a separate legal entity that applies on behalf of a consortium of tribes under the AIVRS program must be controlled by the tribes.

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 applicant's reservation; or

2) To provide VR services to American Indians with disabilities living on or near the applicant's 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 amended 34 C.F.R. § 371.4 and means, "two or more eligible governing bodies of Indian tribes that apply for an award under this program by either: (i) Designating one governing body to apply for the grant; or (ii) Establishing and designating a separate legal entity to apply for the grant. The tribes applying under this option must include written authorization from the governing bodies of all the tribes that are members of the consortium designating the applicant tribe or separate legal entity to apply on their behalf. 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 located on federal or state reservations 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 of 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 amended 34 C.F.R. § 371.4 as, "two or more eligible governing bodies of Indian tribes that apply for an award under this program by either: (i) Designating one governing body to apply for the grant; or (ii) Establishing and designating a separate legal entity to apply for the grant." 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 (official name of the governing body of the tribe included in the consortium) designates the (official name of the tribe or separate legal entity actually submitting the application) to apply for the AIVRS project on behalf of the tribe. The AIVRS project to be administered under this grant by the consortium will provide services to American Indians with disabilities who reside on the reservation of each of the tribes included in this consortium.

Project Abstract Requirements

Applicants are required to submit a **one page** project abstract with their application. The abstract must include the following information:

1) Name of Applicant (Tribe or Consortia of Tribes applying for award, not the individual submitting the application)

2) City and State were the Applicant is located

3) The Congressional District where the Applicant is located (number)

4) The name of the principle Project Director and the percentage of time the Director will manage the project.

5) Per the Adarand decision (Adarand Constructors, Inc. V. Pena 515 U.S. 200), the Department of Education does not allow the selection of staff or program participants on the basis of race or national origin/ethnicity. For this reason, applicants must ensure that any discussion of hiring or program participation distinguishes between increasing the pool of applicants and actually selecting staff or participants, based on race or national origin/ethnicity, for the program. The abstract should include a clear assurance that demonstrates the applicant understands that while outreach activities may attempt to increase the pool of qualified, eligible minority candidates, they will not admit or provide funding to applicants solely on the basis of race, ethnicity, or disability. RSA will disqualify and not consider for funding any applicant that indicates that it will hire or train a certain number or percentage of minority candidates.

Questions regarding the project abstract or any other components of the application should be directed to the Competition manager before the closing date.

SECTION H

Application Transmittal Instructions

IMPORTANT – PLEASE READ FIRST

U.S. Department of Education

Grants.gov Submission Procedures and Tips for Applicants

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

ATTENTION – Adobe Forms and PDF Files Required
Applications submitted to Grants.gov for the Department of Education will be posted using Adobe forms. Therefore, applicants will need to download the latest version of Adobe reader (at least Adobe Reader 10.1.14). (Please note that in early 2013, Grants.gov discovered an issue with the newest version of Adobe Reader XI but it was subsequently resolved.) Information on computer and operating system compatibility with Adobe and links to download the latest version is available on Grants.gov at this link: compatibility table. We strongly recommend that you review these details on www.Grants.gov before completing and submitting your application. In addition, applicants should submit their application a day or two in advance of the closing date as detailed below. Also, applicants are required to upload their attachments in .pdf format only. (See details below under "Attaching Files – Additional Tips.") If you have any questions regarding this matter please email the Grants.gov Contact Center at support@grants.gov or call 1-800-518-4726.

4) **REGISTER EARLY** – Grants.gov registration involves many steps including registration on SAM (www.sam.gov) which may take approximately one week to complete, but could take upwards of several weeks to complete, depending upon the completeness and accuracy of the data entered into the SAM database by an applicant. You may begin working on your application while completing the registration process, but you cannot submit an application until all of the Registration steps are complete. Please note that once your SAM registration is active, it will take 24-48 hours for the information to be available in Grants.gov, and before you can submit an application through Grants.gov. For detailed information on the Registration Steps, please go to: http://www.grants.gov/web/grants/register.html [Note: Your organization will need to update its SAM registration annually (formerly Central Contractor Registry (CCR).]

   Primary information about SAM is available at www.sam.gov . However, to further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account the Department of Education has prepared a SAM.gov Tip Sheet which you can find at : http://www2.ed.gov/fund/grant/apply/sam-faqs.html

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

   Note: To submit successfully, you must provide the DUNS number on your application that was used when you registered as an Authorized Organization Representative (AOR) on Grants.gov. This DUNS number is typically the same number used when your organization registered with the SAM (formerly CCR -Central Contractor Registry). If you do not enter the same DUNS number on your application as the DUNS you registered with, Grants.gov will reject your application.

6) **VERIFY SUBMISSION IS OK** – You will want to verify that Grants.gov received your application submission on time and that it was validated successfully. To see the date/time your application was received, login to Grants.gov and click on the Track My Application link. For a successful submission, the

date/time received should be earlier than 4:30:00 p.m. Washington, DC time, on the deadline date, AND the application status should be: Validated, Received by Agency, or Agency Tracking Number Assigned. Once the Department of Education receives your application from Grants.gov, an Agency Tracking Number (PR/award number) will be assigned to your application and will be available for viewing on Grants.gov's Track My Application link.

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

Submission Problems – What should you do?

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

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

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

Helpful Hints When Working with Grants.gov

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

Please go to http://www.grants.gov/web/grants/about/contact-us.html for help with Grants.gov. For additional tips related to submitting grant applications, please refer to the Grants.gov Submit Application FAQs found on the Grants.gov http://www.grants.gov/web/grants/support/general-support/faqs.html.

Dial-Up Internet Connections

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

MAC Users

For MAC compatibility information, review the Operating System Platform Compatibility Table at the following Grants.gov link: http://www.grants.gov/web/grants/support/technical-support/recommended-software.html. **If electronic submission is required and you are concerned about your ability to submit electronically as a non-windows user, please follow instructions in the Federal Register notice to obtain an exception to the electronic**

submission requirement no later than two weeks before the application deadline date. (See the Federal Register notice for detailed instructions.)

Attaching Files – Additional Tips

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

1. Ensure that you attach ***.PDF files only*** for any attachments to your application, and they must be in a **read-only, non-modifiable format**. PDF files are the only Education approved file type accepted as detailed in the Federal Register application notice. Applicants must submit individual .PDF files only when attaching files to their application. Specifically, the Department will not accept any attachments that contain files within a file, such as PDF Portfolio files, or an interactive or fillable .PDF file. Any attachments uploaded that are not .PDF files or are password protected files will not be read. If you need assistance converting your files to a .pdf format, please refer to the following Grants.gov webpage with links to conversion programs under the heading of additional resources: http://www.grants.gov/web/grants/support/technical-support/software/pdf-conversion-software.html

2. Grants.gov cannot process an application that includes two or more files that have the same name within a grant submission. Therefore, each file uploaded to your application package should have a unique file name.
3. When attaching files, applicants should follow the guidelines established by Grants.gov on the size and content of file names. Uploaded files must be less than 50 characters, contain no spaces, no special characters (example: -, &, *, %, /, #, \) including periods (.), blank spaces and accent marks. Applications submitted that do not comply with the Grants.gov guidelines will be rejected at Grants.gov and not forwarded to the Department.

4. Applicants should limit the size of their file attachments. Documents submitted that contain graphics and/or scanned material often greatly increase the size of the file attachments and can result in difficulties opening the files. For reference, the average discretionary grant application package totals 1 to 2 MB. Therefore, you may want to check the total size of your package before submission.

INSTRUCTIONS FOR TRANSMITTING APPLICATIONS:

If you want to apply for a grant and be considered for funding, you must meet the following deadline requirements:

Applications Sent by Mail

You must mail the original and two copies of the application on or before the deadline date to:

U. S. Department of Education
Application Control Center
Attention: CFDA# 250J
LBJ Basement Level 1
400 Maryland Avenue, SW
Washington, DC 20202-4260

(Optional)—To help expedite our review of your application, we would appreciate your voluntarily including an additional three copies of your application.

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

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

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

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

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

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; U. S. Postal Service Express Mail; or a courier service) 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 instructions for "Applications Delivered by Hand."

Applications Delivered by Hand

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

U. S. Department of Education
Application Control Center
Attention: CFDA# 250J
550 12th Street, SW
PCP - Room 7039
Washington, DC 20202-4260

(Optional)—To help expedite our review of your application, we would appreciate your voluntarily including an additional three copies of your application.

The Application Control Center accepts application deliveries daily between 8:00 a.m. and 4:30 p.m. (Washington, DC time), except Saturdays, Sundays and Federal holidays. A person delivering an application must show identification to enter the building.

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COMMON QUESTIONS AND ANSWERS

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

Q. CAN WE GET AN EXTENSION OF THE DEADLINE?

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

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

A. Applicants should clearly indicate in Block 11 of the face page of their application (Standard Form 424) the CFDA number and alpha suffix (e.g., 84.250) and the title of the program or priority in which the application should be considered. If this information is not provided, your application may inadvertently be assigned and reviewed under a different competition from the one you intended.

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

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

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

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

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

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

Q. HOW DOES THE DEPARTMENT REVIEW AN APPLICATION?

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

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

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

Q. HOW LONG SHOULD AN APPLICATION BE?

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

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

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

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

Q. HOW SHOULD MY APPLICATION BE ORGANIZED?

A. The application should be organized to follow the sequence of the components in the Forms Section of this application package. A table of contents and a one-page abstract summarizing the project should precede the program narrative. For the instructions addressing the program narrative, including explanations of each of the selection criteria,

see Part III of the Forms Section of this application package. The selection criteria should be addressed in the order in which they appear in the instructions for the application narrative.

Q. IS TRAVEL ALLOWED UNDER THESE PROJECTS?

A. Travel is an allowable cost. However, all requests for travel will be reviewed; the highest priority for travel will be given for travel directly related to the training or services being provided. As a general rule, travel is seldom approved for attending conferences, except for RSA sponsored conferences that project directors are requested to attend.

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

A. Yes. Applicants are required to match $1 for every $9 provided by the Federal government under the AIVRS program grant. To calculate, divide the amount being requested by the number 9 and the result is the required amount of match.

Q. HOW DO I PROVIDE AN ASSURANCE?

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

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

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

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

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

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

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

Q. IS A RECOMMENDED APPLICATION GUARANTEED FUNDING?

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

Q. ONCE MY APPLICATION HAS BEEN REVIEWED BY THE REVIEW PANEL, CAN YOU TELL ME THE OUTCOME?

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

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

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

AIVRS Projects
COMPETITION MANAGER

RSA Contact:

August Martin
Competition Manager
U.S. Department of Education, RSA
Potomac Center Plaza, Room 5049, Washington, DC 20202-2800

Telephone: (202) 245-7410

e-mail: August.Martin@ed.gov

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

APPLICATION CHECKLIST AND COMMON QUESTIONS AND ANSWERS

Applicant Checklist

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

___ Application for Federal Assistance (SF424)

___ Department of Education Supplemental Information for SF424

___ Department of Education Budget Information Non-Construction Programs Form – Sections A & B (ED524)

Note: Have you addressed all Application Requirements including Selection Criteria and Priorities?

___ Special Application Requirements (34 CFR 371.21 (a)-(k))

___ Narrative addressing GEPA Section 427

___ Evidence of contact with State VR agency or agencies in developing cooperative agreement

___ Assurances and Certifications

- ___ Assurances for Non-Construction Programs (SF424B)
- ___ Lobbying Disclosure Form (SF LLL) (if applicable; refer to instructions)
- ___ Certification Regarding Lobbying (ED 80-0013)

SECTION I

Forms and Instructions for

An Application for Federal Assistance

Part I: Application for Federal Assistance (SF-424)

OMB Number: 4040-0004
Expiration Date: 08/31/2016

Application for Federal Assistance SF-424

*1. Type of Submission:	*2. Type of Application:	* If Revision, select appropriate letter(s):
☐ Preapplication	☐ New	
☐ Application	☐ Continuation	*Other (Specify):
☐ Changed/Corrected Application	☐ Revision	

* 3. Date Received:	4. Applicant Identifier:
Completed by Grants.gov upon submission	

5a. Federal Entity Identifier:	*5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:	7. State Application Identifier:

8. APPLICANT INFORMATION:

*a. Legal Name:

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

d. Address:

*Street 1:

Street 2:

*City:

County/Parish:

*State:

Province:

*Country:

*Zip / Postal Code:

e. Organizational Unit:

Department Name:	Division Name:
Department Name:	Division Name:

Application for Federal Assistance SF-424

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

Prefix: _____ *First Name: _____

Middle Name: _____

*Last Name: _____

Suffix: _____

Title:

Organizational Affiliation:

*Telephone Number: Fax Number:

*Email:

9. Type of Applicant 1: Select Applicant Type:

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

*Other (Specify)

***10 Name of Federal Agency:**

11. Catalog of Federal Domestic Assistance Number:

_____

CFDA Title:

_____

***12 Funding Opportunity Number**:

_____

*Title:

_____

Application for Federal Assistance SF-424

13. Competition Identification Number:

_____

Title:

_____

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

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

Attach supporting documents as specified in agency instructions.

16. Congressional Districts Of:

*a. Applicant: *b. Program/Project:

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

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.

Application for Federal Assistance SF-424

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

☐ Yes ☐ No

If "Yes", provide explanation and attach.

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

☐ ** I AGREE

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

Authorized Representative:

Prefix: _____ *First Name: _____

Middle Name: _____

*Last Name: _____

Suffix: _____

*Title:

*Telephone Number: | Fax Number:

* Email:

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

INSTRUCTIONS FOR THE SF-424

This is a standard form required for use as a cover sheet for submission of pre-applications and applications and related information under discretionary programs. Some of the items are required and some are optional at the discretion of the applicant or the federal agency (agency). Required fields on the form are identified with an asterisk (*) and are also specified as “Required” in the instructions below. In addition to these instructions, applicants must consult agency instructions to determine other specific requirements.

Item	Entry:	Item:	Entry:
1.	**Type of Submission:** (Required) Select one type of submission in accordance with agency instructions. • Pre-application • Application • Changed/Corrected Application – Check if this submission is to change or correct a previously submitted application. Unless requested by the agency, applicants may not use this form to submit changes after the closing date.	10.	**Name Of Federal Agency**: (Required) Enter the name of the federal agency from which assistance is being requested with this application.
		11.	**Catalog Of Federal Domestic Assistance Number/Title:** Enter the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested, as found in the program announcement, if applicable.
2.	**Type of Application**: (Required) Select one type of application in accordance with agency instructions. • 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. A. Increase Award D. Decrease Duration B. Decrease Award E. Other (specify) C. Increase Duration	12.	**Funding Opportunity Number/Title:** (Required) Enter the Funding Opportunity Number and title of the opportunity under which assistance is requested, as found in the program announcement.
		13.	**Competition Identification Number/Title:** Enter the competition identification number and title of the competition under which assistance is requested, if applicable.
		14.	**Areas Affected By Project:** This data element is intended for use only by programs for which the area(s) affected are likely to be different than the place(s) of performance reported on the SF-424 Project/Performance Site Location(s) Form. Add attachment to enter additional areas, if needed.
3.	**Date Received:** Leave this field blank. This date will be assigned by the Federal agency.	15.	**Descriptive Title of Applicant’s Project:** (Required) Enter a brief descriptive title of the project. If appropriate, attach a map showing project location (e.g., construction or real property projects). For pre-applications, attach a summary description of the project.
4.	**Applicant Identifier:** Enter the entity identifier assigned buy the Federal agency, if any, or the 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**: 15a. (Required) Enter the applicant’s congressional district. 15b. Enter all district(s) affected by the program or project. Enter in the format: 2 characters state abbreviation – 3 characters district number, e.g., CA-005 for California 5th district, CA-012 for California 12 district, NC-103 for North Carolina’s 103 district. If all congressional districts in a state are affected, enter “all” for the district number, e.g., MD-all for all congressional districts in Maryland. If nationwide, i.e. all districts within all states are affected, enter US-all. If the program/project is outside the US, enter 00-000. This optional data element is intended for use only by programs for which the area(s) affected are likely to be different than place(s) of performance reported on the SF-424 Project/Performance Site Location(s) Form. Attach an additional list of program/project congressional districts, if needed.
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:		
	a. Legal Name: (Required) Enter the legal name of applicant that will undertake the assistance activity. This is the organization that has registered with the Central Contractor Registry (CCR). Information on registering with CCR may be obtained by visiting www.Grants.gov.	17.	**Proposed Project Start and End Dates**: (Required) Enter the proposed start date and end date of the project.
	b. Employer/Taxpayer Number (EIN/TIN): (Required) Enter the employer or taxpayer identification number (EIN or TIN) as assigned by the Internal Revenue Service. If your organization is not in the US, enter 44-4444444.	18.	**Estimated Funding:** (Required) Enter the amount requested, or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines, as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses.

Item	Entry:	Item:	Entry:
	c. Organizational DUNS: (Required) Enter the organization's DUNS or DUNS+4 number received from Dun and Bradstreet. Information on obtaining a DUNS number may be obtained by visiting www.Grants.gov.	19.	**Is Application Subject to Review by State Under Executive Order 12372 Process?** (Required**)** Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. Select the appropriate box. If "a." is selected, enter the date the application was submitted to the State.
	d. Address: Enter address: Street 1 (Required); city (Required); County/Parish, State (Required if country is US), Province, Country (Required), 9-digit zip/postal code (Required if country US).	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 federal debt include; but, may not be limited to: delinquent audit disallowances, loans and taxes. If yes, include an explanation in an attachment.
	e. Organizational Unit: Enter the name of the primary organizational unit, department or division that will undertake the assistance activity.	21.	**Authorized Representative**: To be signed and dated by the authorized representative of the applicant organization. Enter the first and last name (Required); prefix, middle name, suffix. Enter title, telephone number, email (Required); and fax number. A copy of the governing body's authorization for you to sign this application as the official representative must be on file in the applicant's office. (Certain federal agencies may require that this authorization be submitted as part of the application.)
	f. Name and contact information of person to be contacted on matters involving this application: Enter the first and last name (Required); prefix, middle name, suffix, title. Enter organizational affiliation if affiliated with an organization other than that in 7.a. Telephone number and email (Required); fax number.		
9.	Type of Applicant: (Required) Select up to three applicant type(s) in accordance with agency instructions.		
	A. State Government B. County Government C. City or Township Government D. Special District Government E. Regional Organization F. U.S. Territory or Possession G. Independent School District H. Public/State Controlled Institution of Higher Education I. Indian/Native American Tribal Government (Federally Recognized) J. Indian/Native American Tribal Government (Other than Federally Recognized) K. Indian/Native American Tribally Designated Organization L. Public/Indian Housing Authority M. Nonprofit N. Private Institution of Higher Education O. Individual P. For-Profit Organization (Other than Small Business) Q. Small Business R. Hispanic-serving Institution S. Historically Black Colleges and Universities (HBCUs) T. Tribally Controlled Colleges and Universities (TCCUs) U. Alaska Native and Native Hawaiian Serving Institutions V. Non-US Entity W. Other (specify)		

SUPPLEMENTAL INFORMATION REQUIRED FOR THE

DEPARTMENT OF EDUCATION

1. Project Director:

Name: _____

Prefix: _____

*First Name: _____

Middle Name: _____

*Last Name: _____

Suffix: _____

Address

*Street1: _____

Street2: _____

*City: _____

County: _

*State: _____ *Zip Code: _____ *Country: _____

*Phone Number (give area code): _____

Fax Number (give area code): _____

E-mail Address: _____

2. Applicant Experience:

Novice Applicant?: Yes ☐ No ☐ Not applicable to this program ☐

3. Human Subjects Research:

Are any research activities involving human subjects planned at any time during the proposed project Period? Yes ☐ No ☐

Are ALL the research activities proposed designated to be exempt from the regulations? Yes ☐ Provide Exemption(s) #: No ☐ Provide Assurance #, if available:

Please attach an explanation narrative:

Instructions for Department of Education Supplemental Information for SF 424

1. Project Director.

Name, address, telephone and fax numbers, and e-mail address of the person to be contacted on matters involving this application.

2. Novice Applicant.

Check **"Yes"** or "**No**" only if assistance is being requested under a program that gives special consideration to novice applicants. Otherwise, **leave blank.**

Check "**Yes"** if you meet the requirements for novice applicants specified in the regulations in 34 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 Form 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 Form 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, DC 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
55012th St. SW, Room PCP 7076
Washington, DC 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 U.S. Department of Education, Protection of Human Subjects Coordinator, Office of the Chief Financial Officer, LBJ Building, 400 Maryland Avenue, SW, Washington, D.C. 20202-4250, telephone: (202) 260-3353, and on the U.S. Department of Education's Protection of Human Subjects in Research Web Site: http://www.ed.gov/about/offices/list/ocfo/humansub.html

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

Part II: Budget Information (ED 524)

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

OMB Control Number: 1894-0008
Expiration Date: 06-30-2017

Name of Institution/Organization: _____

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

SECTION A—BUDGET SUMMARY
U.S. DEPARTMENT OF EDUCATION FUNDS

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

*Indirect Cost Information (To Be Completed by Your Business Office):
If you are requesting reimbursement for indirect costs on line 10, please answer the following questions:

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

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

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

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

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

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

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

SECTION B—BUDGET SUMMARY
NON-FEDERAL FUNDS

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

SECTION C—BUDGET NARRATIVE
(see instructions)

Instructions for ED Form 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” requirement ("Restricted Rate" programs) by a “modified total direct cost” (MTDC) base (34 CFR 75.563 or 76.563). Please indicate which costs are included and which costs are excluded from the base to which the indirect cost rate is applied.

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

www.ed.gov/fund/grant/apply/appforms/appforms.html.

You may also contact 202-377-3838 for additional information regarding calculating indirect cost rates or general indirect cost rate information.

4. Provide other explanations or comments you deem necessary.

PAPERWORK BURDEN STATEMENT

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is **1890-0004**. The time required to complete this information collection is estimated to vary from 13 to 22 hours per response, with an average of 17.5 hours per response, including the time to review instructions, search existing data sources, gather the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:

U.S. Department of Education
Washington, DC 20202-4651

If you have comments or concerns regarding the status of your individual submission of this form, write directly to:

Rehabilitation Services Administration
U.S. Department of Education
400 Maryland Ave., SW
Washington, DC 20202

Part III: Program Narrative

Part IV: Assurances

OMB Approval No. 0348-0040

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

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

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §§874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12 Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1721 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead- based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

Standard Form 424B (Rev. 7-97)

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

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

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

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

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

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

Approved by OMB
0348-0046

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: ☐ Prime ☐ Subawardee Tier, if Known: _____ **Congressional District, if known:** _____	**5. If Reporting Entity in No. 4 is Subawardee,** Enter Name and Address of Prime: _____ **Congressional District, if known:** _____	
6. Federal Department/Agency: _____	**7. Federal Program Name/Description:** _____ _____ CFDA Number, *if applicable*: _____	
8. Federal Action Number, *if known:*	**9. Award Amount**, *if known:* **$**	
10. a. Name and Address of Lobbying Registrant *(if individual, last name, first name, MI):* _____	**10. b. Individuals Performing Services** *(including address if different from No. 10a)* *(last name, first name, MI):* _____	
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.

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

SECTION J

OTHER IMPORTANT INFORMATION

NOTICE TO ALL APPLICANTS

The purpose of this enclosure is to inform you about a new provision in the Department of Education's General Education Provisions Act (GEPA) that applies to applicants for new grant awards under Department programs. This provision is Section 427 of GEPA, enacted as part of the Improving America's Schools Act of 1994 (Public Law (P.L.) 103-382).

To Whom Does This Provision Apply?

Section 427 of GEPA affects applicants for new grant awards under this program. **ALL APPLICANTS FOR NEW AWARDS MUST INCLUDE INFORMATION IN THEIR APPLICATIONS TO ADDRESS THIS NEW PROVISION IN ORDER TO RECEIVE FUNDING UNDER THIS PROGRAM.**

(If this program is a State-formula grant program, a State needs to provide this description only for projects or activities that it carries out with funds reserved for State-level uses. In addition, local school districts or other eligible applicants that apply to the State for funding need to provide this description in their applications to the State for funding. The State would be responsible for ensuring that the school district or other local entity has submitted a sufficient section 427 statement as described below.)

What Does This Provision Require?

Section 427 requires each applicant for funds (other than an individual person) to include in its application a description of the steps the applicant proposes to take to ensure equitable access to, and participation in, its Federally-assisted program for students, teachers, and other program beneficiaries with special needs. This provision allows applicants discretion in developing the required description. The statute highlights six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, or age. Based on local circumstances, you should determine whether these or other barriers may prevent your students, teachers, etc. from such access or participation in, the Federally-funded project or activity. The description in your application of steps to be taken to overcome these barriers need not be lengthy; you may provide a clear and succinct description of how you plan to address those barriers that are applicable to your circumstances. In addition, the information may be provided in a single narrative, or, if appropriate, may be discussed in connection with related topics in the application.

Section 427 is not intended to duplicate the requirements of civil rights statutes, but rather to ensure that, in designing their projects, applicants for Federal funds address equity concerns that may affect the ability of certain potential beneficiaries to fully participate in the project and to achieve to high standards. Consistent with program requirements and its approved application, an applicant may use the Federal funds awarded to it to eliminate barriers it identifies.

What are Examples of How an Applicant Might Satisfy the Requirement of This Provision?

The following examples may help illustrate how an applicant may comply with Section 427.

(1) An applicant that proposes to carry out an adult literacy project serving, among others, adults with limited English proficiency, might describe in its application how it intends to distribute a brochure about the proposed project to such potential participants in their native language.

(2) An applicant that proposes to develop instructional materials for classroom use might describe how it will make the materials available on audio tape or in braille for students who are blind.

(3) An applicant that proposes to carry out a model science program for secondary students and is concerned that girls may be less likely than boys to enroll in the course, might indicate how it intends to conduct "outreach" efforts to girls, to encourage their enrollment.

We recognize that many applicants may already be implementing effective steps to ensure equity of access and participation in their grant programs, and we appreciate your cooperation in responding to the requirements of this provision.

Estimated Burden Statement for GEPA Requirements

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. Public reporting burden for this collection of information is estimated to average 1.5 hours 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. The obligation to respond to this collection is required to obtain or retain benefit (Public Law 103-382). Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, 400 Maryland Ave., SW, Washington, DC 20210-4537 or email ICDocketMgr@ed.gov and reference the OMB Control Number 1894-0005.

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

D-U-N-S Number Instructions

D-U-N-S No.: Please provide the applicant's D-U-N-S Number. You can obtain your D-U-N-S Number at no charge by calling 1-800-333-0505 or by completing a D-U-N-S Number Request Form. The form can be obtained via the Internet at the following URL:

http://fedgov.dnb.com/webform/displayHomePage.do

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

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

Grant Application Receipt Acknowledgement

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

U.S. Department of Education

Application Control Center

202-245-6288

Grant and Contract Funding Information

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

ED Internet Home Page: www.ed.gov