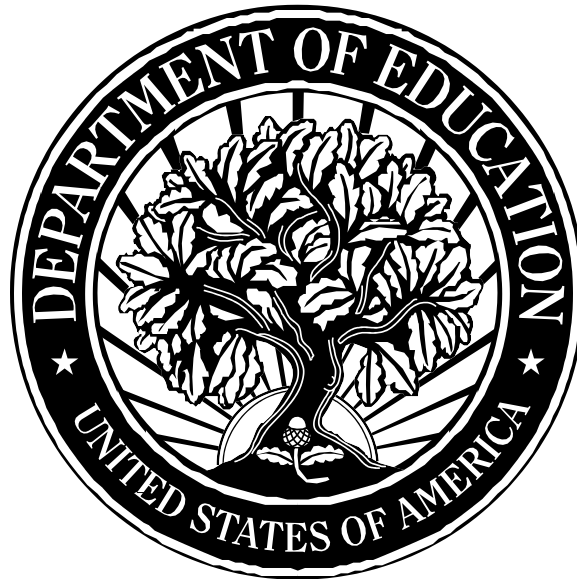


U.S. DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES  
WASHINGTON, D.C. 20202-2800

**2022 APPLICATION KIT FOR NEW GRANTS  
UNDER  
THE REHABILITATION SERVICES ADMINISTRATION  
AMERICAN INDIAN VOCATIONAL REHABILITATION SERVICES  
CFDA 84.250P**



FORM APPROVED  
OMB No. 1820-0018, EXP. DATE: 06/30/2022  
ED FORM 424, OMB APPROVED

DATED MATERIAL—OPEN  
IMMEDIATELY

**CLOSING DATE: March 16, 2022**

# CONTENTS

<b>SUBJECT</b>	<b>SECTION</b>
Dear Applicant Letter .....	A
Notice Inviting Applications for New Awards .....	B
Selection Criteria for Applications .....	C
Special Application Requirements .....	D
Program Statute (Sec. 102, 103, & 121) .....	E
Application Transmittal Instructions .....	F
Application Abstract Instructions .....	G
Application Forms .....	H
Part I:    Federal Assistance Face Page (SF-424)	
Part II:   Budget Information (ED 524)	
Part III:  Application Narrative	
Part IV:  Certifications and Disclosures:	
•    Certification Regarding Lobbying: Certification for Contracts, Grants, Loans and Cooperative Agreements;	
•    Disclosure of Lobbying Activities (SF-LLL)	
Important Notices/Information .....	I
•    Notice to All Applicants, Section 427 of the General Education Provisions Act (GEPA)	
•    The Government Performance and Results Act (GPRA)	
•    Electronic Notification Option for Grant Awards	
Additional Information .....	J
•    Applicant Checklist	
•    Common Questions and Answers	
•    Program Application Indirect Cost Instructions	
•    D-U-N-S Number Instructions	

Section A  
Dear Applicant Letter

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November 16, 2021

Dear Applicant,

This application package contains the information and the required forms necessary for applying and competing in the FY 2022 American Indian Vocational Rehabilitation Services (AIVRS), Assistance Listing Number 84.250P, grant competition authorized by Section 121 of the Rehabilitation Act of 1973, as amended, and implemented by the subsequent program regulations at 34 C.F.R. part 371.

The purpose of this program is to provide vocational rehabilitation (VR) services, including culturally appropriate services, to American Indians with disabilities residing on or near Federal or State reservations, consistent with such eligible individuals' strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, so that such individuals may prepare for, and engage in, high quality employment that will increase opportunities for economic self-sufficiency.

Applicants are advised to read all materials carefully, especially the Federal Register Notice Inviting Applications (See Section B), which is the official competition announcement. Please take time to review all applicable requirements, definitions, selection criteria, special application requirements, and application instructions thoroughly. Applicants are advised not to wait until the last day to submit an application due to the possibility of technical difficulties or other issues. If an applicant procures the service of an outside consultant for the preparation of the application, the Tribe submitting the application must ensure that the consultant coordinates with the current or proposed grant project staff and representation of the Tribal Council to ensure the proposed goals and objectives are realistic and accurately reflect the needs of the reservation. Additionally, the resume of the outside consultant must be included as an attachment to the application.

Please note the following:

- Notice Inviting Applications (NIA). The NIA is published in the Federal Register, contained in Section B of this Application Package, and is available to download and review.
- Application Submission: Common Instructions for Applicants to Department of Education Discretionary Grant Programs: Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the Federal Register on February 13, 2019, and available at [www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf](http://www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf), which contains requirements and information on how to submit an application.
- Grants.gov Application Submission and System for Awards Management (SAM) Registration: All applications for grants under this competition must be submitted electronically in the Grants.gov Apply site ([www.Grants.gov](http://www.Grants.gov)). The requirements are briefly described after this letter and include helpful tips for submitting an application electronically using the Grants.gov Apply site. Complete instructions are included in the Federal Register Notice in the section "Other Submission Requirements" (See Section B). When using the Grants.gov Apply site, you are advised to not wait until the last day to submit a grant application. You must follow the Application Procedures as described in the Federal Register notice announcing this grant competition. The "Please Read

First” in Section A of this application package contains information (including dates and times) about how to submit an application electronically. To conduct business with the Department of Education, applicants must have a DUNS number, a TIN number, and be registered in SAM. The complete instructions are included in the Federal Register Notice in section IV. Application and Submission Information (See Section B) and in this application package.

It has been observed that applications uploaded to Grants.gov in PDF format have a higher probability of uploading correctly than uploads in MS Word format. Please strongly consider uploading your application in Grants.gov in PDF format.

- Performance Measures: Under the Government Performance and Results Act of 1993 (GPRA), the Department has established four performance measures for the AIVRS program. The measures are:
  - 1) Of all those exiting the program, the percentage of individuals who leave the program with an employment outcome after receiving services under an individualized plan for employment (IPE);
  - 2) a) The percentage of individuals who leave the program with an employment outcome after receiving VR services under an IPE;  
b) The percentage of individuals who leave the program without an employment outcome after receiving services under an IPE;  
c) The percentage of individuals who have not left the program and are continuing to receive services under and IPE;
  - 3) The percentage of projects that demonstrate an average annual cost per employment outcome of no more than \$35,000; and
  - 4) The percentage of projects that demonstrate an average annual cost per participant of no more than \$10,000.

Each grantee is required to submit an annual performance report that contains the data necessary to measure the grantee’s performance on the GPRA measures.

- Abstract: Applications must include a one-page abstract as described in Section G of the grant application package. Please follow instructions for an appropriate and complete abstract.
- 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 each selection criteria is provided to describe the type of information you may wish to include.
- Special Application Requirements: In addition to the selection criteria, applicants are required to address the Special Application requirements at 34 C.F.R. § 371.21(a)-(k). The application package includes a Special Application Requirements form in Section D that must be completed. The form has a text box after each of the requirements for applicants to insert an assurance statement. An application is not complete without the assurances inserted into the Special Application Requirements form and will not be considered for review.

- **Budget Forms:** All applicants for multi-year projects are required to provide detailed budget figures and budget narrative for each year of the grant (up to 60 months) on the ED Form 524. The Department will address funding level requests of successful applicants for each year of the grant award and make appropriate funding recommendations in accordance to the availability of funds. Please note, the estimated average size of awards, described in the NIA, is the amount per year and not the aggregate amount for all five years.
- **Cost Share:** The Federal share is 90 percent of the total cost of the project. Enter the Federalshare of the project in Section A of the Budget Summary ED Form 524. The mandatory non-Federal share (Cost Share) is 10 percent of the total cost of the project and contributions may be provided in cash or in-kind. The cost share is calculated by dividing the requested Federal share by 9 and the result equals the required cost share (e.g., \$500,000 divided by 9 = \$55,555.56 or \$55,556 when rounded to the nearest dollar, which is the minimum required cost share amount). Enter the cost share on Section B of the Budget Summary ED Form 524and provide detailed budget figures and a budget narrative to describe the match for each year of the grant.
- **Competitive Preference Priority:** Previously funded Tribes are entitled to receive 5 additional competitive preference points. To receive the points, the applicant must indicate that the governing body of the Tribe, or the consortia of governing bodies, previously received an award under this program and the dates the Tribe was previously awarded. Indicate the dates in the appendices of the grant application and list it in the Table of Contents so it is easily located.
- **Appendix Section:** You may include an appendix section to your application, in PDF format, that includes, but is not limited to, the following types of documents: Tribal resolutions, map of service area, 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. part 371. Other regulations that apply to this program are: (a) the Education Department General Administrative Regulations (EDGAR) in 34 C.F.R. parts 75, 77, 81, 82, and 84; (b) the Office of Management and Budget Guidelines to Agencies on Government Debarment and Suspension (Nonprocurement) in 2 C.F.R. part 180, as adopted and amended as regulations of the Department in 2 C.F.R. part 3485; and (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 C.F.R. part 200, as adopted and amended as regulations of the Department in 2 C.F.R. part 3474.

### Review and Selection Process

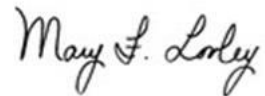
We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 C.F.R. § 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, 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.

Technical Assistance

If you have any questions about the information in this application kit, please contact the RSA Competition Manager, Joy Harris-Summerville, at (202) 245-8410 or by email at joy.harris@ed.gov. 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,

A handwritten signature in cursive script that reads "Mary F. Lovley".

Mary F. Lovley, Director  
Training and Service Programs Division

Section B  
Notice Inviting Applications  
For New Awards

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4000-01-U

DEPARTMENT OF EDUCATION

Applications for New Awards; American Indian Vocational  
Rehabilitation Services

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

ACTION: Notice.

SUMMARY: The Department of Education (Department) is  
issuing a notice inviting applications for Federal fiscal  
year (FFY) 2022 for American Indian Vocational  
Rehabilitation Services (AIVRS)--Assistance Listing Number  
84.250P--to partner with Indian Tribes in providing  
eligible American Indians with disabilities with vocational  
rehabilitation (VR) services. This notice relates to the  
approved information collection under OMB control number  
1820-0018.

DATES:

Applications Available: November 16, 2021

Deadline for Transmittal of Applications: March 16, 2022.

Pre-Application Webinar Information: The Department will  
hold a pre-application meeting via webinar for prospective  
applicants on December 20, 2021, 2:00PM Eastern Time.

Details about the pre-application meeting will be available at  
<https://ncrtm.ed.gov/RSAGrantInfo.aspx>.

ADDRESSES: For the addresses for obtaining and submitting

an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the *Federal Register* on February 13, 2019 (84 FR 3768) and available at [www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf](http://www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf).

FOR FURTHER INFORMATION CONTACT: Joy Harris-Summerville, U.S. Department of Education, 400 Maryland Avenue, SW, room 5056E, Potomac Center Plaza, Washington, DC 20202-2800. Telephone: (202) 245-8240. Email: Joy.Harris@ed.gov.

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

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of this program is to make grants to the governing bodies of Indian tribes located on Federal and State reservations (and consortia of those governing bodies) to provide VR services, including culturally appropriate services, to American Indians with disabilities who reside on or near such reservations, consistent with such eligible individuals' strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, so that such individuals

may prepare for, and engage in, high-quality employment that will increase opportunities for economic self-sufficiency.

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 (Rehabilitation Act) (29 U.S.C. 741(b)(4)).

Competitive Preference Priority: For FY 2022, and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i), we award an additional five 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 to applications for the continuation of programs that have been funded under the AIVRS program.

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

Note: Projects will be awarded and must be operated in a manner consistent with the nondiscrimination requirements contained in the Federal civil rights laws.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 81, 82, and 84. (b) The Office of Management and Budget

Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The regulations for this program in 34 CFR part 371.

## II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: The Administration intends to use approximately \$4,369,250 for new awards for this program for FFY 2022. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

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

Estimated Range of Awards: \$300,000-\$550,000.

Estimated Average Size of Award: \$546,156.

Estimated Number of Awards: 8.

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

notice.

Project Period: Up to 60 months.

### III. Eligibility Information

1. Eligible Applicants: Applications may be made only by Indian Tribes (and consortia of those Indian Tribes) located on Federal and State reservations. The definition of "Indian Tribe" in section 7(19)(B) of the Rehabilitation Act is "any Federal or State Indian tribe, band, rancheria, pueblo, colony, or community, including any Alaskan native village or regional village corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act) and a tribal organization (as defined in section 4(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(1))."

"Reservation" is defined in 34 CFR 371.6 as "a Federal or State Indian reservation, public domain Indian allotment, former Indian reservation in Oklahoma, land held by incorporated Native groups, regional corporations and village corporations under the provisions of the Alaska Native Claims Settlement Act; or 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."

The applicant for an AIVRS grant must be--

(1) The governing body of an Indian Tribe, either on behalf of the Indian Tribe or on behalf of a consortium of Indian Tribes; or

(2) A Tribal organization that is a separate legal organization from an Indian Tribe.

To receive an AIVRS grant, a Tribal organization that is not a governing body of an Indian Tribe must--

(1) Have as one of its functions the vocational rehabilitation of American Indians with disabilities; and

(2) Have the approval of the Tribe to be served by such organization.

If a grant is made to the governing body of an Indian Tribe, either on its own behalf or on behalf of a consortium, or to a Tribal organization to perform services benefiting more than one Indian Tribe, the approval of each such Indian Tribe shall be a prerequisite to the making of such a grant.

2. a. Cost Sharing or Matching: Cost sharing is required by section 121(a) of the Rehabilitation Act and 34 CFR 371.40 at 10 percent of the total cost of the project.

b. Indirect Cost Rate Information: This program uses an unrestricted indirect cost rate. Applicants for this program are the governing bodies of Indian Tribes (or consortia of governing bodies) and have negotiated indirect cost rate agreements with a cognizant agency if indirect

costs will be charged to the grant. For more information regarding indirect costs, or to obtain a negotiated indirect cost rate, please see [www2.ed.gov/about/offices/list/ocfo/intro.html](http://www2.ed.gov/about/offices/list/ocfo/intro.html).

c. Administrative Cost Limitation: This program does not include any program-specific limitation on administrative expenses. All administrative expenses must be reasonable and necessary and conform to Cost Principles described in 2 CFR part 200 subpart E of the Uniform Guidance.

3. Subgrantees: A grantee under this competition may not award subgrants to entities to directly carry out project activities described in its application. While subgrants are not permitted, under 34 CFR 371.42(a), grantees are permitted to provide the VR services by contract or otherwise enter into an agreement with a designated State unit (DSU), a community rehabilitation program, or another agency to assist in the implementation of the Tribal VR program, as long as such contract or agreement is identified in the application.

#### IV. Application and Submission Information

1. Application Submission Instructions: Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the *Federal Register* on February 13,

2019 (84 FR 3768), and available at [www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf](http://www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf), which contain requirements and information on how to submit an application.

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

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

#### V. Application Review Information

1. Selection Criteria: The selection criteria for this competition are from 34 CFR 75.210, have a maximum score of 100 points, and are as follows:

(a) Need for Project and Significance (10 Points): The Secretary considers the need for and significance of the proposed project. In determining the need for and significance of the proposed project, the Secretary considers 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.

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

(4) 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.

(b) Quality of the Project Design (20 Points):

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

(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 establish linkages with other appropriate agencies and organizations providing services to the target population.

(c) Quality of Project Services (20 Points):

The Secretary considers the quality of the services to be provided by the proposed project. In determining the quality of the services to be provided by the proposed project, the Secretary considers 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.

In addition, the Secretary considers the following factors:

(1) 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.

(2) The likely impact of the services to be provided by the proposed project on the intended recipients of those services.

(3) 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.

(d) Quality of Project Personnel (15 Points):

The Secretary considers the quality of the personnel who will carry out the proposed project. In determining the quality of project personnel, the Secretary considers

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.

In addition, the Secretary considers the qualifications, including relevant training and experience, of key project personnel.

(e) Adequacy of Resources (10 Points):

The Secretary considers the adequacy of resources for the proposed project. In determining the adequacy of resources for the proposed project, the Secretary considers 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.

(f) Quality of the Management Plan (15 Points):

The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the

Secretary considers the following factors:

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

(3) 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.

(g) Quality of the Project Evaluation (10 Points):

The Secretary considers the quality of the evaluation to be conducted of the proposed project. In determining the quality of the evaluation, the Secretary considers the following factors:

(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.

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 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 (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

Applicants for the AIVRS program must provide evidence regarding the following special application requirements in 34 CFR 371.21(a)-(k). The application package includes a Special Application Requirements form in Section D that must be completed. An application is not complete without the Special Application Requirements form, provided in the

application package, and will not be considered for review without that completed form. These requirements are:

(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.

(b) All decisions affecting eligibility for vocational rehabilitation services, the nature and scope of available vocational rehabilitation services and the provision of such services will be made by a representative of the Tribal vocational rehabilitation program funded through this grant and such decisions will not be delegated to another agency or individual.

(c) Priority in the delivery of vocational rehabilitation services will be given to those American Indians with disabilities who are the most significantly 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 plan for employment which has been developed jointly by the representative of the Tribal vocational rehabilitation program and each

American Indian with disabilities being served.

(f) American Indians with disabilities living on or near Federal or State reservations where Tribal vocational rehabilitation 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 by the Tribal vocational rehabilitation program.

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

(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.

(i) Any American Indian with disabilities who is an applicant or recipient of services, and who is dissatisfied with a determination made by a representative of the Tribal vocational rehabilitation 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)(1)-(5) and (7) of the

Rehabilitation Act.

(j) The Tribal vocational rehabilitation program funded under this part must assure that any facility used in connection with the delivery of vocational rehabilitation services meets facility and program accessibility requirements consistent with the requirements, as applicable, of the Architectural Barriers Act of 1968, the Americans with Disabilities Act of 1990, section 504 of the Rehabilitation Act, and the regulations implementing these laws.

(k) The Tribal vocational rehabilitation program funded under this part must ensure that providers of vocational rehabilitation services are able to communicate in the native language of, or by using an appropriate mode of communication with, applicants and eligible individuals who have limited English proficiency, unless it is clearly not feasible to do so.

3. Risk Assessment and Specific Conditions:

Consistent with 2 CFR 200.206, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 200.208, the Secretary may impose specific conditions and, under 2 CFR 3474.10, in appropriate circumstances, high-risk 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 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. Integrity and Performance System: If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently \$250,000), under 2 CFR 200.206(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards--that is, the risk posed by you as an applicant--before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds \$10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2

CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed \$10,000,000.

5. In General: In accordance with the Office of Management and Budget's guidance located at 2 CFR part 200, all applicable Federal laws, and relevant Executive guidance, the Department will review and consider applications for funding pursuant to this notice inviting applications in accordance with:

(a) Selecting recipients most likely to be successful in delivering results based on the program objectives through an objective process of evaluating Federal award applications (2 CFR 200.205);

(b) Prohibiting the purchase of certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act of 2019 (Pub. L. No. 115-232) (2 CFR 200.216);

(c) Providing a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States (2 CFR 200.322); and

(d) Terminating agreements in whole or in part to the greatest extent authorized by law if an award no longer effectuates the program goals or agency priorities (2 CFR 200.340).

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. Open Licensing Requirements: Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately

identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works.

Additionally, a grantee or subgrantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20.

4. 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 multiyear 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](http://www.ed.gov/fund/grant/apply/appforms/appforms.html).

5. Performance Measures: For the purposes of the Government Performance and Results Act of 1993 (GPRA), and reporting under 34 CFR 75.110, the Department has established four performance measures for the AIVRS program. The measures are:

(a) Of all those exiting the program, the percentage of individuals who leave the program with an employment outcome after receiving services under an individualized plan for employment (IPE).

(b) (1) The percentage of individuals who leave the program with an employment outcome after receiving services under an IPE.

(2) The percentage of individuals who leave the program without an employment outcome after receiving services under an IPE.

(3) The percentage of individuals who have not left the program and are continuing to receive services under an IPE.

(c) The percentage of projects that demonstrate an average annual cost per employment outcome of no more than \$35,000.

(d) The percentage of projects that demonstrate an average annual cost of services per participant of no more than \$10,000.

Each grantee must annually report the data needed to measure its performance on the GPRA measures through the Annual Performance Reporting Form (APR Form) for the AIVRS program.

Note: For purposes of this section, the term "employment outcome" means, with respect to an individual, (a) entering or retaining full-time or, if appropriate, part-time competitive employment in the integrated labor market; (b) satisfying the vocational outcome of supported employment; or (c) satisfying any other vocational outcome the Secretary of Education may determine to be appropriate (including satisfying the vocational outcome of customized employment, self-employment, telecommuting, or business ownership). (Section 7(11) of the Rehabilitation Act (29 U.S.C. 705(11)).

6. Continuation Awards: In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also

considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

#### VII. Other Information

Accessible Format: On request to the program contact person listed under FOR FURTHER INFORMATION CONTACT, individuals with disabilities can obtain this document and a copy of the application package in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the *Federal Register*. You may access the official edition of the *Federal Register* and the Code of Federal Regulations at [www.govinfo.gov](http://www.govinfo.gov). 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 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](http://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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Katherine Neas,  
*Deputy Assistant Secretary,  
Delegated the authority to  
Perform the functions and duties  
Of the Assistant Secretary for the  
Office of Special Education and  
Rehabilitative Services.*

Section C  
Selection Criteria for Applications

## **SELECTION CRITERIA FOR APPLICATIONS**

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The Secretary uses the following selection criteria taken from 34 C.F.R. 75.210 to evaluate applications for new grants under this competition. The maximum score for all of these 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 105 points.)

The criteria are--

### **(a) NEED AND SIGNIFICANCE FOR PROJECT. (10 points)**

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In determining the need and significance for the proposed project, the Secretary considers 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.
- (3) The potential contribution of the proposed project to increased knowledge or understanding of rehabilitation problems, issues, or effective strategies.
- (4) 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: 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 service, 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.

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.

### **(b) QUALITY OF THE PROJECT DESIGN. (20 points)**

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In determining the quality of the design of the proposed project, the Secretary considers 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 establish linkages with other appropriate agencies and organizations providing services to the target population.

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 outcome. The overall project design should be compatible with the assurance statements made in response to the special application requirements at 34 C.F.R. § 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 VR agencies 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.

**(c) QUALITY OF PROJECT SERVICES. (20 points)**

- (1) In determining the quality of the services to be provided by the proposed project, the Secretary considers 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) In addition, the Secretary considers the following factors:
  - (a) 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.
  - (b) The likely impact of the services to be provided by the proposed project on the intended recipients of those services.
  - (c) 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.

**(d) QUALITY OF PROJECT PERSONNEL. (15 points)**

- (1) In determining the quality of project personnel, the Secretary considers 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) In addition, the Secretary considers the following factors:
  - (a) The qualifications, including relevant training and experience, of key project personnel.

Explanation: Job descriptions of each position requested for this project must be included within the application in order to show whether the intended personnel are qualified to occupy the proposed positions.

**(e) ADEQUACY OF RESOURCES.**

**(10 points)**

In determining the adequacy of resources for the proposed project, the Secretary considers 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.

**(f) QUALITY OF THE MANAGEMENT PLAN.**

**(15 points)**

In determining the quality of the management plan for the proposed project, the Secretary considers 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 adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project.
- (3) 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.

**(g) QUALITY OF THE PROJECT EVALUATION**

**(10 points)**

In determining the quality of the evaluation, the Secretary considers the following factors:

- (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.

**Review and Selection Process:** We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 C.F.R. 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 2 C.F.R. 200.207, 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 2 C.F.R. part 200, Subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

Section D  
Special Application Requirements

**SPECIAL APPLICATION REQUIREMENTS FOR AMERICAN INDIAN VOCATIONAL REHABILITATION SERVICE PROGRAM**

Applicants for the American Indian Vocational Rehabilitation Service Program grant must provide evidence that they will meet the special application requirements stated at 34 C.F.R. § 371.21(a)-(k). Each application will be reviewed by the Department of Education to determine whether the applicant has provided the required assurances.

Listed below are the special application requirements at 34 C.F.R. § 371.21(a)-(k), explanatory notes, and instructions for the content of the required assurance statements. Provide the assurance statements in the text box provided.

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**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.**

**NOTE:** "Vocational rehabilitation services" are defined in section 103 of the Rehabilitation Act of 1998, as amended. (A copy of section 103 is enclosed, see Section E.) 34 C.F.R. § 371.41(a)(2) allows expenditures for vocational rehabilitation (VR) services reflecting the cultural background of the American Indians being served. Applicants should plan to provide those VR services, including culturally appropriate 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, including culturally appropriate services.

**Tribe's Assurance Statement:**

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**371.21(b): All decisions affecting eligibility for vocational rehabilitation services, the nature and scope of available vocational rehabilitation services and the provision of such services, will be made by a representative of the Tribal vocational rehabilitation program funded through this grant and such decisions will not be delegated to another agency or individual.**

**NOTE:** Decisions about the eligibility of American Indians with disabilities and the services that eligible individuals receive can be made only by the staff of the Tribal vocational rehabilitation (TVR) program. Staff of other Tribal programs are not authorized to make these decisions.

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

**Tribe's Assurance Statement:**

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**371.21(c): Priority in the delivery of vocational rehabilitation services will be given to those American Indians with disabilities who are the most significantly disabled.**

**ASSURANCE STATEMENT:** 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.

**Tribe's Assurance Statement:**

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**371.21 (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.**

**ASSURANCE STATEMENT:** A description of the order of selection, prioritized on the basis of significance of disability, and giving the highest priority to those who are most significantly disabled.

**Tribe's Assurance Statement:**

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**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 Tribal vocational rehabilitation program and each American Indian with disabilities being served.**

**NOTE:** An individualized plan for employment (IPE) is a written agreement between the TVR 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 in Section E.)

**ASSURANCE STATEMENT:** An assurance statement that IPEs will be jointly developed for all eligible American Indians with disabilities.

**Tribe's Assurance Statement:**

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**371.21(f): American Indians with disabilities living on or near Federal or State reservations where Tribal vocational rehabilitation 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 by the Tribal vocational rehabilitation program.**

**NOTE:** In addition to providing services to American Indians with disabilities living on the reservation, the Rehabilitation Act of 1973, as amended, 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 American Indians with disabilities live. Opportunities for participation of American Indians with disabilities living on or near the reservation can be provided by any approach deemed reasonable by the Tribal Council.

**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.

**Tribe's Assurance Statement:**

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

**NOTE:** The Rehabilitation Act of 1973, as amended, includes the requirement for collaboration between Tribal and State VR programs. Section 101(a)(11)(H) of the Act requires State VR agencies to enter into formal cooperative agreements with each grant recipient 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.

**Tribe's Assurance Statement:**

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**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.**

**NOTE:** As defined in 34 C.F.R. § 371.6, "comparable services and benefits" means "(i) services and benefits, including accommodations and auxiliary aids and services that are - A) provided or paid for, in whole or in part, by other Federal, State, or local public agencies, by health insurance, or by employee benefits; B) available to the individual at the time needed to ensure the progress of the individual toward achieving the employment outcome in the individual's individualized plan for employment; and C) commensurate to the services that the individual would otherwise receive from the Tribal Vocational Rehabilitation unit. (ii) For the purposes of this definition, comparable benefits do not include awards and scholarships based on merit."

**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.

**Tribe's Assurance Statement:**

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**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 representative of the Tribal vocational rehabilitation 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)(1)-(5) and (7) 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 or 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 in Section E.)

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

**Tribe's Assurance Statement:**

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**371.21(j): The Tribal vocational rehabilitation program funded under this part must assure that any facility used in connection with the delivery of vocational rehabilitation services meets facility and program accessibility requirements consistent with the requirements, as applicable, of the Architectural Barriers Act of 1968, the American with Disabilities Act of 1990, section 504 of the Act, and the regulations implementing these laws.**

**NOTE:** Tribes are not protected under the Americans with Disabilities Act (ADA); however, in accordance with the laws cited above, Tribes are required to ensure facilities that are used to deliver vocational rehabilitation services must be accessible to all applicants and individuals determined to be eligible.

**ASSURANCE STATEMENT:** A description of how the applicant will assure facilities used in connection with the delivery of vocational rehabilitation services are accessible.

**Tribe's Assurance Statement:**

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**371.21(k): The Tribal vocational rehabilitation program funded under this part must ensure that providers of vocational rehabilitation services are able to communicate in the native language of, or by using an appropriate mode of communication with, applicants and eligible individuals who have limited English proficiency, unless it is clearly not feasible to do so.**

**ASSURANCE STATEMENT:** An assurance that all applicants and eligible individuals will have vocational rehabilitation services available to them in their native language or the appropriate modes of communication.

**Tribe's Assurance Statement:**

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Section E  
Program Statute  
Sections 102, 103, and 121

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**SEC. 102. ELIGIBILITY AND INDIVIDUALIZED PLAN FOR EMPLOYMENT.**

**(a) ELIGIBILITY.—**

**(1) CRITERION FOR ELIGIBILITY.—**An individual is eligible for assistance under this title if the individual—

(A) has undergone an assessment for determining eligibility and vocational rehabilitation needs and as a result has been determined to be an individual with a disability under section 7(20)(A); and

(B) requires vocational rehabilitation services to prepare for, secure, retain, advance in, or regain employment that is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. For purposes of an assessment for determining eligibility and vocational rehabilitation needs under this Act, an individual shall be presumed to have a goal of an employment outcome.

**(2) PRESUMPTION OF BENEFIT.—**

**(A) APPLICANTS.—**For purposes of this section, an individual shall be presumed to be an individual that can benefit in terms of an employment outcome from vocational rehabilitation services under section 7(20)(A).

**(B) RESPONSIBILITIES.—**Prior to determining under this subsection that an applicant described in subparagraph (A) is unable to benefit due to the severity of the individual's disability or that the individual is ineligible for vocational rehabilitation services, the designated State unit shall explore the individual's abilities, capabilities, and capacity to perform in work situations, through the use of trial work experiences, as described in section 7(2)(D), with appropriate supports provided through the designated State unit. Such experiences shall be of sufficient variety and over a sufficient period of time to determine the eligibility of the individual. In providing the trial experiences, the designated State unit shall provide the individual with the opportunity to try different employment experiences, including supported employment, and the opportunity to become employed in competitive integrated employment.

**(3) PRESUMPTION OF ELIGIBILITY.—**

**(A) IN GENERAL.—**For purposes of this section, an individual who has a disability or is blind as determined pursuant to title II or title XVI of the Social Security Act (42 U.S.C. 401 et seq. and 1381 et seq.) shall be—

(i) considered to be an individual with a significant disability under section 7(21)(A); and

(ii) presumed to be eligible for vocational rehabilitation services under this title (provided that the individual intends to achieve an employment outcome consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual) unless the designated State unit involved can demonstrate by clear and convincing evidence that such individual is incapable of benefiting in terms of an employment outcome due to the severity of the individual's disability (as of the date of the determination).

**(B) CONSTRUCTION.—**Nothing in this paragraph shall be construed to create an entitlement to any vocational rehabilitation service.

**(4) USE OF EXISTING INFORMATION.—**

**(A) IN GENERAL.—**To the maximum extent appropriate and consistent with the requirements of this part, for purposes of determining the eligibility of an individual for vocational rehabilitation services under this title and developing the individualized plan for employment described in subsection (b) for the individual, the designated State unit shall use information that is existing and current (as of the date of the determination of eligibility or of the development of the individualized plan for employment), including

information available from other programs and providers, particularly information used by education officials and the Social Security Administration, information provided by the individual and the family of the individual, and information obtained under the assessment for determining eligibility and vocational rehabilitation needs.

(B) DETERMINATIONS BY OFFICIALS OF OTHER AGENCIES.—Determinations made by officials of other agencies, particularly education officials described in section 101(a)(11)(D), regarding whether an individual satisfies one or more factors relating to whether an individual is an individual with a disability under section 7(20)(A) or an individual with a significant disability under section 7(21)(A) shall be used, to the extent appropriate and consistent with the requirements of this part, in assisting the designated State unit in making such determinations.

(C) BASIS.—The determination of eligibility for vocational rehabilitation services shall be based on—

- (i) the review of existing data described in section 7(2)(A)(i); and
- (ii) to the extent that such data is unavailable or insufficient for determining eligibility, the provision of assessment activities described in section 7(2)(A)(ii).

(5) DETERMINATION OF INELIGIBILITY.—If, after the designated State unit carries out the activities described in paragraph (2)(B), a review of existing data, and, to the extent necessary, the assessment activities described in section 7(2)(A)(ii), an individual who applies for services under this title is determined not to be eligible for the services, or if an eligible individual receiving services under an individualized plan for employment is determined to be no longer eligible for the services—

(A) the ineligibility determination shall be an individualized one, based on the available data, and shall not be based on assumptions about broad categories of disabilities;

(B) the ineligibility determination involved shall be made only after providing an opportunity for full consultation with the individual or, as appropriate, the individual's representative;

(C) the individual or, as appropriate, the individual's representative, shall be informed in writing (supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual) of the ineligibility determination, including—

(i) the reasons for the determination, including the clear and convincing evidence that forms the basis for the determination of ineligibility; and

(ii) a description of the means by which the individual may express, and seek a remedy for, any dissatisfaction with the determination, including the procedures for review by an impartial hearing officer under subsection (c);

(D) the individual shall be provided with a description of services available from the client assistance program under section 112 and information on how to contact that program; and

(E) any ineligibility determination that is based on a finding that the individual is incapable of benefiting in terms of an employment outcome shall be reviewed—

(i) within 12 months; and

(ii) thereafter, if such a review is requested by the individual or, if appropriate, by the individual's representative.

(6) TIMEFRAME FOR MAKING AN ELIGIBILITY DETERMINATION.—The designated State unit shall determine whether an individual is eligible for vocational rehabilitation services under this title within a reasonable period of time, not to exceed 60 days, after the individual has submitted an application for the services unless—

- (A) exceptional and unforeseen circumstances beyond the control of the designated State unit preclude making an eligibility determination within 60 days and the designated State unit and the individual agree to a specific extension of time; or
- (B) the designated State unit is exploring an individual’s abilities, capabilities, and capacity to perform in work situations under paragraph (2)(B).

(b) DEVELOPMENT OF AN 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 from a qualified vocational rehabilitation counselor or, as appropriate, a disability advocacy organization 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)(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) INDIVIDUALS DESIRING TO ENTER THE WORKFORCE.—For an individual entitled to benefits under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) on the basis of a disability or blindness, the designated State unit shall provide to the individual general information on additional supports and assistance for individuals with disabilities desiring to enter the workforce, including assistance with benefits planning.

(3) MANDATORY PROCEDURES.—

- (A) WRITTEN DOCUMENT.—An individualized plan for employment shall be a written document prepared on forms provided by the designated State unit.
- (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;

(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); and

(iii) amended, as necessary, to include the postemployment services and service providers that are necessary for the individual to maintain or regain employment, consistent with the individual’s strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

(F) TIMEFRAME FOR COMPLETING THE INDIVIDUALIZED PLAN FOR EMPLOYMENT.—The individualized plan for employment shall be developed as soon as possible, but not later than a deadline of 90 days after the date of the determination of eligibility described in paragraph (1), unless the designated State unit and the eligible individual agree to an extension of that deadline to a specific date by which the individualized plan for employment shall be completed.

(4) 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, consistent with the general goal of competitive integrated employment (except that in the case of an eligible individual who is a student, the description may be a description of the student’s projected postschool employment outcome);

(B)

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

(I) needed to achieve the employment outcome, including, as appropriate—

(aa) the provision of assistive technology devices and assistive technology services (including referrals described in section 103(a)(3) to the device reutilization programs and demonstrations described in subparagraphs (B) and (D) of section 4(e)(2) of the Assistive Technology Act of 1998 (29 U.S.C. 3003(e)(2)) through agreements developed under section 101(a)(11)(I); and

- (bb) personal assistance services (including training in the management of such services);
  - (II) in the case of a plan for an eligible individual that is a student, the specific transition services and supports needed to achieve the student's employment outcome or projected postschool employment outcome; and
  - (III) 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;
- (G) as determined to be necessary, a statement of projected need for post-employment services; and
- (H) for an individual who also is receiving assistance from an employment network under the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19), a description of how responsibility for service delivery will be divided between the employment network and the designated State unit.

(c) PROCEDURES.—

- (1) IN GENERAL.—Each State shall establish procedures for mediation of, and procedures for review through an impartial due process hearing of, determinations made by personnel of the designated State unit that affect the provision of vocational rehabilitation services to applicants or eligible individuals. The procedures shall allow an applicant or an eligible individual the opportunity to request mediation, an impartial due process hearing, or both procedures.
- (2) NOTIFICATION.—

(A) RIGHTS AND ASSISTANCE.—The procedures shall provide that an applicant or an eligible individual or, as appropriate, the applicant’s representative or individual’s representative shall be notified of—

- (i) the right to obtain review of determinations described in paragraph (1) in an impartial due process hearing under paragraph (5);
- (ii) the right to pursue mediation with respect to the determinations under paragraph (4);
- (iii) the availability of assistance from the client assistance program under section 112; and
- (iv) any applicable State limit on the time by which a request for mediation under paragraph (4) or a hearing under paragraph (5) shall be made, and any required procedure by which the request shall be made.

(B) TIMING.—Such notification shall be provided in writing—

- (i) at the time an individual applies for vocational rehabilitation services provided under this title;
- (ii) at the time the individualized plan for employment for the individual is developed; and
- (iii) upon reduction, suspension, or cessation of vocational rehabilitation services for the individual.

(3) EVIDENCE AND REPRESENTATION.—The procedures required under this subsection shall, at a minimum—

- (A) provide an opportunity for an applicant or an eligible individual, or, as appropriate, the applicant’s representative or individual’s representative, to submit at the mediation session or hearing evidence and information to support the position of the applicant or eligible individual; and
- (B) include provisions to allow an applicant or an eligible individual to be represented in the mediation session or hearing by a person selected by the applicant or eligible individual.

(4) MEDIATION.—

(A) PROCEDURES.—Each State shall ensure that procedures are established and implemented under this subsection to allow parties described in paragraph (1) to disputes involving any determination described in paragraph (1) to resolve such disputes through a mediation process that, at a minimum, shall be available whenever a hearing is requested under this subsection.

(B) REQUIREMENTS.—Such procedures shall ensure that the mediation process—

- (i) is voluntary on the part of the parties;
- (ii) is not used to deny or delay the right of an individual to a hearing under this subsection, or to deny any other right afforded under this title; and
- (iii) is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

(C) LIST OF MEDIATORS.—The State shall maintain a list of individuals who are qualified mediators and knowledgeable in laws (including regulations) relating to the provision of vocational rehabilitation services under this title, from which the mediators described in subparagraph (B) shall be selected.

(D) COST.—The State shall bear the cost of the mediation process.

(E) SCHEDULING.—Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute.

(F) AGREEMENT.—An agreement reached by the parties to the dispute in the mediation process shall be set forth in a written mediation agreement.

(G) CONFIDENTIALITY.—Discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding. The parties to the mediation process may be required to sign a confidentiality pledge prior to the commencement of such process.

(H) CONSTRUCTION.—Nothing in this subsection shall be construed to preclude the parties to such a dispute from informally resolving the dispute prior to proceedings under this paragraph or paragraph (5), if the informal process used is not used to deny or delay the right of the applicant or eligible individual to a hearing under this subsection or to deny any other right afforded under this title.

(5) HEARINGS.—

(A) OFFICER.—A due process hearing described in paragraph (2) shall be conducted by an impartial hearing officer who, on reviewing the evidence presented, shall issue a written decision based on the provisions of the approved State plan, requirements specified in 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 written decision to the applicant or eligible individual, or, as appropriate, the applicant's representative or individual's representative, and to the designated State unit. The impartial hearing officer shall have the authority to render a decision and require actions regarding the applicant's or eligible individual's vocational rehabilitation services under this title.

(B) LIST.—The designated State unit shall maintain a list of qualified impartial hearing officers who are knowledgeable about Federal 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.

(J) CIVIL ACTION.—

(i) IN GENERAL.—Any party aggrieved by a final decision described in subparagraph (I), may bring a civil action for review of such decision. The action may be brought in any State court of competent jurisdiction or in a district court of the United States of competent jurisdiction without regard to the amount in controversy.

(ii) PROCEDURE.—In any action brought under this subparagraph, the court—

(I) shall receive the records relating to the hearing under subparagraph (A) and the records relating to the State review under subparagraphs (D) through (F), if applicable;

(II) shall hear additional evidence at the request of a party to the action; and

(III) basing the decision of the court on the preponderance of the evidence, shall grant such relief as the court determines to be appropriate.

(6) HEARING BOARD.—

(A) IN GENERAL.—A fair hearing board, established by a State before January 1, 1985, and authorized under State law to review determinations or decisions under this Act, is authorized to carry out the responsibilities of the impartial hearing officer under this subsection.

(B) APPLICATION.—The provisions of paragraphs (1), (2), and (3) that relate to due process hearings do not apply, and paragraph (5) (other than subparagraph (J)) does not apply, to any State to which subparagraph (A) applies.

(7) IMPACT ON PROVISION OF SERVICES.—Unless the individual with a disability so requests, or, in an appropriate case, the individual's representative, so requests, pending a decision by a mediator, hearing officer, or reviewing officer under this subsection, the designated State unit

shall not institute a suspension, reduction, or termination of services being provided for the individual, including evaluation and assessment services and plan development, unless such services have been obtained through misrepresentation, fraud, collusion, or criminal conduct on the part of the individual, or the individual's representative.

**(8) INFORMATION COLLECTION AND REPORT.—**

(A) IN GENERAL.—The Director of the designated State unit shall collect information described in subparagraph (B) and prepare and submit to the Commissioner a report containing such information. The Commissioner shall prepare a summary of the information furnished under this paragraph and include the summary in the annual report submitted under section 13. The Commissioner shall also collect copies of the final decisions of impartial hearing officers conducting hearings under this subsection and State officials conducting reviews under this subsection.

(B) INFORMATION.—The information required to be collected under this subsection includes—

- (i) a copy of the standards used by State reviewing officials for reviewing decisions made by impartial hearing officers under this subsection;
- (ii) information on the number of hearings and reviews sought from the impartial hearing officers and the State reviewing officials, including the type of complaints and the issues involved;
- (iii) information on the number of hearing decisions made under this subsection that were not reviewed by the State reviewing officials; and
- (iv) information on the number of the hearing decisions that were reviewed by the State reviewing officials, and, based on such reviews, the number of hearing decisions that were— (I) sustained in favor of an applicant or eligible individual; (II) sustained in favor of the designated State unit; (III) reversed in whole or in part in favor of the applicant or eligible individual; and (IV) reversed in whole or in part in favor of the designated State unit.

(C) CONFIDENTIALITY.—The confidentiality of records of applicants and eligible individuals maintained by the designated State unit shall not preclude the access of the Commissioner to those records for the purposes described in subparagraph (A).

(d) POLICIES AND PROCEDURES.—Each designated State agency, in consultation with the State Rehabilitation Council, if the State has such a council, shall, consistent with section 100(a)(3)(C), develop and implement written policies and procedures that enable each individual who is an applicant for or eligible to receive vocational rehabilitation services under this title to exercise informed choice throughout the vocational rehabilitation process carried out under this title, including policies and procedures that require the designated State agency—

- (1) to inform each such applicant and eligible individual (including students with disabilities who are making the transition from programs under the responsibility of an educational agency to programs under the responsibility of the designated State unit), through appropriate modes of communication, about the availability of, and opportunities to exercise, informed choice, including the availability of support services for individuals with cognitive or other disabilities who require assistance in exercising informed choice, throughout the vocational rehabilitation process;
- (2) to assist applicants and eligible individuals in exercising informed choice in decisions related to the provision of assessment services under this title;
- (3) to develop and implement flexible procurement policies and methods that facilitate the provision of services, and that afford eligible individuals meaningful choices among the methods used to procure services, under this title;
- (4) to provide or assist eligible individuals in acquiring information that enables those individuals to exercise informed choice under this title in the selection of—

- (A) the employment outcome;
  - (B) the specific vocational rehabilitation services needed to achieve the employment outcome;
  - (C) the entity that will provide the services;
  - (D) the employment setting and the settings in which the services will be provided; and
  - (E) the methods available for procuring the services; and
- (5) to ensure that the availability and scope of informed choice provided under this section is consistent with the obligations of the designated State agency under this title.

**SEC. 103. VOCATIONAL REHABILITATION SERVICES.**

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

- (1) an assessment for determining eligibility and vocational rehabilitation needs by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology;
- (2) counseling and guidance, including information and support services to assist an individual in exercising informed choice consistent with the provisions of section 102(d);
- (3) referral and other services to secure needed services from other agencies through agreements developed under section 101(a)(11), if such services are not available under this title;
- (4) job-related services, including job search and placement assistance, job retention services, followup services, and followalong 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 development system, to eligible individuals who are pursuing selfemployment 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 transition from school to postsecondary life, such as achievement of an employment outcome in competitive integrated employment, or pre-employment transition services;
- (16) supported employment services;
- (17) customized employment;
- (18) encouraging qualified individuals who are eligible to receive services under this title to pursue advanced training in a science, technology, engineering, or mathematics (including computer science) field, medicine, law, or business;
- (19) services to the family of an individual with a disability necessary to assist the individual to achieve an employment outcome; and (20) 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) 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 described in this section that promote integration into the community and that prepare individuals with disabilities for competitive integrated employment, including supported employment and customized employment.
- (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)(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 to businesses that are seeking to employ individuals with disabilities.

(6) Consultation and technical assistance services to assist State educational agencies and local educational agencies in planning for the transition of students with disabilities from school to postsecondary life, including employment.

(7) Transition services to youth with disabilities and students with disabilities, for which a vocational rehabilitation counselor works in concert with educational agencies, providers of job training programs, providers of services under the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), entities designated by the State to provide services for individuals with developmental disabilities, centers for independent living (as defined in section 702), housing and transportation authorities, workforce development systems, and businesses and employers.

(8) The establishment, development, or improvement of assistive technology demonstration, loan, reutilization, or financing programs in coordination with activities authorized under the Assistive Technology Act of 1998 (29 U.S.C. 3001 et seq.) to promote access to assistive technology for individuals with disabilities and employers.

(9) Support (including, as appropriate, tuition) for advanced training in a science, technology, engineering, or mathematics (including computer science) field, medicine, law, or business, provided after an individual eligible to receive services under this title, demonstrates—

(A) such eligibility;

(B) previous completion of a bachelor's degree program at an institution of higher education or scheduled completion of such degree program prior to matriculating in the program for which the individual proposes to use the support; and

(C) acceptance by a program at an institution of higher education in the United States that confers a master's degree in a science, technology, engineering, or mathematics (including computer science) field, a juris doctor degree, a master of business administration degree, or a doctor of medicine degree, except that the limitations of subsection (a)(5) that apply to training services shall apply to support described in this paragraph, and nothing in this paragraph shall prevent any designated State unit from providing similar support to individuals with disabilities within the State who are eligible to receive support under this title and who are not served under this paragraph.

## **PART C—AMERICAN INDIAN VOCATIONAL REHABILITATION SERVICES**

### **VOCATIONAL REHABILITATION SERVICES GRANTS**

#### **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 (referred to in this section as "eligible individuals"), consistent with such eligible individuals' strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, so that such individuals may prepare for, and engage in, high-quality employment that will increase opportunities for economic self-sufficiency. 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 therefor 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;

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

(D) 10 contains assurances that—

(i) all decisions affecting eligibility for vocational rehabilitation services, the nature and scope of available vocational rehabilitation services and the provision of such services will, consistent with this title, be made by a representative of the tribal vocational rehabilitation program funded through the grant; and

(ii) such decisions will not be delegated to another agency or individual.

(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)

(1) From the funds appropriated and made available to carry out this part for any fiscal year, beginning with fiscal year 2015, the Commissioner shall first reserve not less than 1.8 percent and not more than 2 percent of the funds to provide training and technical assistance to governing bodies described in subsection (a) for such fiscal year.

(2) From the funds reserved under paragraph (1), the Commissioner shall make grants to, or enter into contracts or other cooperative agreements with, entities that have experience in the operation of vocational rehabilitation services programs under this section to provide such training and technical assistance with respect to developing, conducting, administering, and evaluating such programs.

(3) The Commissioner shall conduct a survey of the governing bodies regarding training and technical assistance needs in order to determine funding priorities for such grants, contracts, or cooperative agreements.

(4) To be eligible to receive a grant or enter into a contract or cooperative agreement under this section, such an entity shall submit an application to the Commissioner at such time, in such manner, and containing a proposal to provide such training and technical assistance, and containing such additional information as the Commissioner may require. The Commissioner shall provide for peer review of applications by panels that include persons who are not government employees and who have experience in the operation of vocational rehabilitation services programs under this section.

(d) 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.

# Section F

## Application Transmittal Instructions

## IMPORTANT – PLEASE READ FIRST

### U.S. Department of Education

#### ***(a) 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.

#### **Browser Support**

The latest versions of Microsoft Internet Explorer (IE), Mozilla Firefox, Google Chrome, and Apple Safari are supported for use with Grants.gov. However, these web browsers undergo frequent changes and updates, so we recommend you have the latest version when using Grants.gov. Legacy versions of these web browsers may be functional, but you may experience issues.

1. For additional information or updates, please see the Grants.gov Browser information in the Applicant FAQs: <http://www.grants.gov/web/grants/applicants/applicant-faqs.html#browser>

#### **ATTENTION – Workspace, Adobe Forms and PDF Files**

Grants.gov applicants can apply online using Workspace. Workspace is a shared, online environment where members of a grant team may simultaneously access and edit different web forms within an application. For each funding opportunity announcement (FOA), you can create individual instances of a workspace.

Below is an overview of applying on Grants.gov. For access to complete instructions on how to apply for opportunities, refer to: <https://www.grants.gov/web/grants/applicants/workspace-overview.html>

- 1) Create a Workspace: Creating a workspace allows you to complete it online and route it through your organization for review before submitting.
- 2) Complete a Workspace: Add participants to the workspace to work on the application together, complete all the required forms online or by downloading PDF versions, and check for errors before submission. The Workspace progress bar will display the state of your application process as you apply. As you apply using Workspace, you may click the blue question mark icon near the upper-right corner of each page to access context-sensitive help.
  - a. Adobe Reader: If you decide not to apply by filling out web forms you can download individual PDF forms in Workspace. The individual PDF forms can be downloaded and saved to your local device storage, network drive(s), or external drives, then accessed through Adobe Reader.  
NOTE: Visit the Adobe Software Compatibility page on Grants.gov to download the appropriate version of the software at: <https://www.grants.gov/web/grants/applicants/adobe-software-compatibility.html>
  - b. Mandatory Fields in Forms: In the forms, you will note fields marked with an asterisk and a different background color. These fields are mandatory fields that must be completed to successfully submit your application.
  - c. Complete SF-424 Fields First: The forms are designed to fill in common required fields across other forms, such as the applicant name, address, and DUNS Number. Once it is completed, the information will transfer to the other forms.
- 3) Submit a Workspace: An application may be submitted through workspace by clicking the Sign and Submit button on the Manage Workspace page, under the Forms tab. Grants.gov recommends submitting your

application package at least 24-48 hours prior to the close date to provide you with time to correct any potential technical issues that may disrupt the application submission.

- 4) **Track a Workspace Submission:** After successfully submitting a workspace application, a Grants.gov Tracking Number (GRANTXXXXXXXX) is automatically assigned to the application. The number will be listed on the Confirmation page that is generated after submission. Using the tracking number, access the Track My Application page under the Applicants tab or the Details tab in the submitted workspace.

For additional training resources, including video tutorials, refer to <https://www.grants.gov/web/grants/applicants/applicant-training.html>

### Helpful Reminders

- 1) **REGISTER EARLY** – Grants.gov registration involves many steps including registration on SAM ([www.sam.gov](http://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.]

Primary information about SAM is available at [www.sam.gov](http://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 to Grants.gov before 11:59:59 p.m. Eastern 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. If you do not enter the same DUNS number on your application as the DUNS you registered with, Grants.gov will reject your application.**

- 3) **VERIFY SUBMISSION IS OK** – You will want to verify that Grants.gov received your application submission on time and that it was validated successfully. To see the date/time your application was received, login to Grants.gov and click on the Track My Application link. For a successful submission, the date/time received should be earlier than 11:59:59 p.m. Eastern 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 11:59:59 p.m. Eastern 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/encountering-error-messages.html>. For more detailed information on troubleshooting Adobe errors, you can review the Adobe Reader Software Tip Sheet at:

<http://www.grants.gov/web/grants/applicants/adobe-software-compatibility.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 email at: <mailto:support@grants.gov> or access the Grants.gov Self-Service Knowledge Base web portal at: <https://grants-portal.psc.gov/Welcome.aspx?pt=Grants>

If electronic submission is required, you must submit an electronic application before 11:59:59 p.m. Eastern Time, 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. 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. (See the Federal Register notice for detailed instructions.)

### **Helpful Hints When Working with Grants.gov**

Please go to <http://www.grants.gov/web/grants/support.html> for help with Grants.gov. For additional tips related to submitting grant applications, please refer to the Grants.gov Applicant FAQs found at this Grants.gov link: <http://www.grants.gov/web/grants/applicants/applicant-faqs.html> as well as additional information on Workspace at <https://www.grants.gov/web/grants/applicants/applicant-faqs.html#workspace>.

### **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.)

### **Attaching Files – Additional Tips**

Please note the following tips related to attaching files to your application:

- When you submit your application electronically, you must upload any narrative sections and all other attachments to your application as files in either Portable Document Format (PDF) or Microsoft Word. Although applicants have the option of uploading any narrative sections and all other attachments to their application in either PDF or Microsoft Word, we **recommend** applicants submit all documents as read-only flattened PDFs, meaning any fillable PDF files must be saved and submitted as non-fillable PDF files and not as interactive or fillable PDF files, to better ensure applications are processed in a more timely, accurate, and efficient manner.
- 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 file names must be fewer than 50 characters, and, in general, applicants should not use any special characters. However, Grants.gov does allow for the following UTF-8 characters when naming your attachments: A-Z, a-z, 0-9, underscore, hyphen, space, period, parenthesis, curly braces, square brackets, ampersand, tilde, exclamation point, comma, semi colon, apostrophe, at sign, number sign, dollar sign, percent sign, plus sign, and equal sign. 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 with all attachments is less than 5 MB. Therefore, you may want to check the total size of your package before submission.

# Section G

## Application Abstract Instructions

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## PROJECT ABSTRACT

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

- 1) Name of Applicant (agency or institution applying for award, not the individual submitting the application)
- 2) City and State where the agency or institution is located
- 3) The Congressional District(s) where the agency or institution is located (number)
- 4) The name of the principle Project Director and the percentage of time the Director will manage the project
- 5) The purpose of the project
- 6) The proposed number of individuals who will receive services under an IPE for each budget period
- 7) The proposed number of individuals who will obtain employment outcomes for each of the budget periods of the project
- 8) Any innovative strategies proposed

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 Forms

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

**INSTRUCTIONS FOR AN  
APPLICATION FOR FEDERAL ASSISTANCE**

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**(Nonconstruction Programs)**

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

This application consists of four parts. These parts are organized in the same manner that the submitted application should be organized. These parts are as follows:

<b>Part I</b>	Federal Assistance Application Face Page (SF-424)
<b>Part II</b>	Budget Information (ED 524)
<b>Part III</b>	Program Narrative
<b>Part IV</b>	Certifications and Disclosures

Electronic submission requires that narratives and other files be attached to the following attachment forms as per the instruction in this document such as:

- One-page abstract must be attached to the "Department of Education Abstract Form"
- Program narratives must be attached to the "Program Narrative Attachment Form"
- Budget narratives must be attached to the "Budget Narrative Attachment Form"
- All vitas, table of contents, letters, certifications, supplementary statements, position descriptions, and other requested appendices must be attached to the "Other Attachment Form"

**NOTE:** Please do not attach any narratives, supporting files or application components to the Standard Form (SF-424). Although this form accepts attachments, the Department of Education will only review materials/files attached to the attachment forms listed above.

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

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 1820-0018. The time required to complete this information collection is estimated to average 40 hours per response, including the time to review instructions, search existing data resources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Under terms of the Paperwork Reduction Act of 1995, as amended, and the regulations implementing that Act, the Department of Education invites comment on the public reporting burden in this collection of information. You may send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the:

U.S. Department of Education  
Information Management and Compliance Division  
Washington, DC 20202-4651

APPLICATION FOR FEDERAL ASSISTANCE SF-424	
<b>*1. Type of Submission:</b> <input type="checkbox"/> Preapplication <input type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	
<b>*2. Type of Application:</b> * If Revision, select appropriate letter(s): <input type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision <b>*Other (Specify):</b> _____	
<b>*3. Date Received:</b> Completed by Grants.gov upon submission	<b>4. Applicant Identifier:</b>
<b>5a. Federal Entity Identifier:</b>	<b>*5b. Federal Award Identifier:</b>
<b>State Use Only:</b>	
<b>6. Date Received by State:</b>	<b>7. State Application Identifier:</b>
<b>8. APPLICANT INFORMATION:</b>	
<b>*a. Legal Name:</b>	
<b>*b. Employer/Taxpayer Identification Number (EIN/TIN):</b>	<b>*c. Organizational DUNS:</b>
<b>b. Address:</b>	
*Street 1:	
Street 2:	
*City:	
County/Parish:	
*State:	
Province:	
*Country:	
*Zip / Postal Code:	
<b>c. Organizational Unit:</b>	
Department Name:	Division Name:
<b>d. Name and contact information of person to be contacted on matters involving this application:</b>	
Prefix: _____	*First Name: _____
Middle Name: _____	
*Last Name: _____	
Suffix: _____	
Title: _____	

**APPLICATION FOR FEDERAL ASSISTANCE SF-424**

\*Telephone Number:  Fax Number:

\*Email:

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

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

\*Other (Specify)

**\*10 Name of Federal Agency:**

**11. Catalog of Federal Domestic Assistance Number:**

\_\_\_\_\_

CFDA Title:

\_\_\_\_\_

**\*12 Funding Opportunity Number:**

\_\_\_\_\_

\*Title:

\_\_\_\_\_

**13. Competition Identification Number:**

\_\_\_\_\_

Title:

\_\_\_\_\_

**APPLICATION FOR FEDERAL ASSISTANCE SF-424**

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

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

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	<span style="border: 2px solid red; display: inline-block; width: 150px; height: 15px;"></span>
*b. Applicant	<span style="border: 2px solid red; display: inline-block; width: 150px; height: 15px;"></span>
*c. State	<span style="border: 2px solid red; display: inline-block; width: 150px; height: 15px;"></span>
*d. Local	<span style="border: 2px solid red; display: inline-block; width: 150px; height: 15px;"></span>
*e. Other	<span style="border: 2px solid red; display: inline-block; width: 150px; height: 15px;"></span>
*f. Program Income	<span style="border: 2px solid red; display: inline-block; width: 150px; height: 15px;"></span>
*g. TOTAL	<span style="border: 2px solid red; display: inline-block; width: 150px; height: 15px;"></span>

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

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

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

Yes       No

If "Yes", provide explanation and attach.

**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\*\***

**APPLICATION FOR FEDERAL ASSISTANCE SF-424**

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
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## 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:
1.	<p><b>Type of Submission:</b> (Required) Select one type of submission in accordance with agency instructions.</p> <ul style="list-style-type: none"> <li><input type="radio"/> <b>Pre-application</b></li> <li><input type="radio"/> <b>Application</b></li> <li><input type="radio"/> <b>Changed/Corrected Application</b>—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.</li> </ul>
2.	<p><b>Type of Application:</b> (Required) Select one type of application in accordance with agency instructions.</p> <ul style="list-style-type: none"> <li><input type="radio"/> <b>New</b>—An application that is being submitted to an agency for the first time.</li> <li><input type="radio"/> <b>Continuation</b> - An extension for an additional funding/budget period for a project with a projected completion date. This can include renewals.</li> <li><input type="radio"/> <b>Revision</b> - 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. "f"Other" is selected, please specify in text box provided. <ul style="list-style-type: none"> <li>A. Increase Award</li> <li>B. Decrease Award</li> <li>C. Increase Duration</li> <li>D. Decrease Duration</li> <li>E. Other (specify)</li> </ul> </li> </ul>
3.	<p><b>Date Received:</b> Leave this field blank. This date will be assigned by the Federal agency.</p>
4.	<p><b>Applicant Identifier:</b> Enter the entity identifier assigned by the Federal agency, if any, or the applicant's control number if applicable.</p>
5.	<p><b>a. Federal Entity Identifier:</b> Enter the number assigned to your organization by the federal agency, if any.</p> <p><b>B .Federal Award Identifier:</b> 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.</p>
6.	<p><b>Date Received by State:</b> Leave this field blank. This date will be assigned by the state, if applicable.</p>
7.	<p><b>State Application Identifier:</b> Leave this field blank. This identifier will be assigned by the state, if applicable.</p>

Item	Entry:																										
8.	<p><b>Applicant Information:</b> Enter the following in accordance with agency instructions:</p> <p><b>a. Legal Name:</b> (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 <a href="http://www.Grants.gov">www.Grants.gov</a>.</p> <p><b>b. Employer/Taxpayer Number (EIN/TIN):</b> (Required) Enter the employer or taxpayer identification number (EIN or TIN) as assigned by the Internal Revenue Service. If your organization is not in the US, enter 44-4444444.</p> <p><b>c. Organizational DUNS:</b> (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 <a href="http://www.Grants.gov">www.Grants.gov</a>.</p> <p><b>d. Address:</b> Enter address: Street 1 (Required); city (Required); County/Parish, State (Required if country is US), Province, Country (Required), 9-digit zip/postal code (Required if country US).</p> <p><b>e. Organizational Unit:</b> Enter the name of the primary organizational unit, department or division that will undertake the assistance activity.</p> <p><b>f. Name and contact information of person to be contacted on matters involving this application:</b> Enter the first and last name (Required); prefix, middle name, suffix, title. Enter organizational affiliation if affiliated with an organization other than that in 7.a. Telephone number and email (Required); fax number.</p>																										
9.	<p>Type of Applicant: (Required) Select up to three applicant type(s) in accordance with agency instructions.</p> <table border="0" data-bbox="211 840 1518 1428"> <tr> <td data-bbox="211 903 860 934">A. State Government</td> <td data-bbox="876 840 1518 871">K. Indian/Native American Tribally Designated Organization</td> </tr> <tr> <td data-bbox="211 945 860 976">B. County Government</td> <td data-bbox="876 882 1518 913">L. Public/Indian Housing Authority</td> </tr> <tr> <td data-bbox="211 987 860 1018">C. City or Township Government</td> <td data-bbox="876 924 1518 955">M. Nonprofit</td> </tr> <tr> <td data-bbox="211 1029 860 1060">D. Special District Government</td> <td data-bbox="876 966 1518 997">N. Private Institution of Higher Education</td> </tr> <tr> <td data-bbox="211 1071 860 1102">E. Regional Organization</td> <td data-bbox="876 1008 1518 1039">O. Individual</td> </tr> <tr> <td data-bbox="211 1113 860 1144">F. U.S. Territory or Possession</td> <td data-bbox="876 1050 1518 1081">P. For-Profit Organization (Other than Small Business)</td> </tr> <tr> <td data-bbox="211 1155 860 1186">G. Independent School District</td> <td data-bbox="876 1092 1518 1123">Q. Small Business</td> </tr> <tr> <td data-bbox="211 1197 860 1228">H. Public/State Controlled Institution of Higher Education</td> <td data-bbox="876 1134 1518 1165">R. Hispanic-serving Institution</td> </tr> <tr> <td data-bbox="211 1239 860 1270">I. Indian/Native American Tribal Government (Federally Recognized)</td> <td data-bbox="876 1176 1518 1207">S. Historically Black Colleges and Universities (HBCUs)</td> </tr> <tr> <td data-bbox="211 1281 860 1312">J. Indian/Native American Tribal Government (Other than Federally Recognized)</td> <td data-bbox="876 1218 1518 1249">T. Tribally Controlled Colleges and Universities (TCCUs)</td> </tr> <tr> <td></td> <td data-bbox="876 1260 1518 1291">U. Alaska Native and Native Hawaiian Serving Institutions</td> </tr> <tr> <td></td> <td data-bbox="876 1302 1518 1333">V. Non-US Entity</td> </tr> <tr> <td></td> <td data-bbox="876 1344 1518 1375">W. Other (specify)</td> </tr> </table>	A. State Government	K. Indian/Native American Tribally Designated Organization	B. County Government	L. Public/Indian Housing Authority	C. City or Township Government	M. Nonprofit	D. Special District Government	N. Private Institution of Higher Education	E. Regional Organization	O. Individual	F. U.S. Territory or Possession	P. For-Profit Organization (Other than Small Business)	G. Independent School District	Q. Small Business	H. Public/State Controlled Institution of Higher Education	R. Hispanic-serving Institution	I. Indian/Native American Tribal Government (Federally Recognized)	S. Historically Black Colleges and Universities (HBCUs)	J. Indian/Native American Tribal Government (Other than Federally Recognized)	T. Tribally Controlled Colleges and Universities (TCCUs)		U. Alaska Native and Native Hawaiian Serving Institutions		V. Non-US Entity		W. Other (specify)
A. State Government	K. Indian/Native American Tribally Designated Organization																										
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C. City or Township Government	M. Nonprofit																										
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J. Indian/Native American Tribal Government (Other than Federally Recognized)	T. Tribally Controlled Colleges and Universities (TCCUs)																										
	U. Alaska Native and Native Hawaiian Serving Institutions																										
	V. Non-US Entity																										
	W. Other (specify)																										
10.	<p><b>Name Of Federal Agency:</b> (Required) Enter the name of the federal agency from which assistance is being requested with this application.</p>																										
11.	<p><b>Catalog Of Federal Domestic Assistance Number/Title:</b> 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.</p>																										
12.	<p><b>Funding Opportunity Number/Title:</b> (Required) Enter the Funding Opportunity Number and title of the opportunity under which assistance is requested, as found in the program announcement.</p>																										
13.	<p><b>Competition Identification Number/Title:</b> Enter the competition identification number and title of the competition under which assistance is requested, if applicable.</p>																										
14.	<p><b>Areas Affected By Project:</b> 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.</p>																										

Item	Entry:
15.	<p><b>Descriptive Title of Applicant’s Project:</b> (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.</p>
16.	<p><b>Congressional Districts Of:</b> 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’s 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.</p>
17.	<p><b>Proposed Project Start and End Dates:</b> (Required)  Enter the proposed start date and end date of the project.</p>
18.	<p><b>Estimated Funding:</b> (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.</p>
19.	<p><b>Is Application Subject to Review by State Under Executive Order 12372 Process?</b> (Required)  Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. Select the appropriate box. If “a.” is selected, enter the date the application was submitted to the State.</p>
20.	<p><b>Is the Applicant Delinquent on any Federal Debt?</b>  (Required) Select the appropriate box. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of federal debt include; but, may not be limited to: delinquent audit disallowances, loans and taxes. If yes, include an explanation in an attachment.</p>
21.	<p><b>Authorized Representative:</b>  To be signed and dated by the authorized representative of the applicant organization. Enter the first and last name (Required); prefix, middle name, suffix. Enter title, telephone number, email (Required); and fax number. A copy of the governing body’s authorization for you to sign this application as the official representative must be on file in the applicant’s office. (Certain federal agencies may require that this authorization be submitted as part of the application.)</p>

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# SUPPLEMENTAL INFORMATION REQUIRED FOR THE DEPARTMENT OF EDUCATION

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## 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

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## 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

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## 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.

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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

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According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1820-0018. Public reporting burden for this collection of information is estimated to average 40 hours per response, including the time to review instructions, search existing data resources, gather and maintain the data needed, and complete and review the information collection. The obligation to respond to this collection is required to obtain or retain a benefit (P.L. 93-112, Sec. Titles I and II). If you have comments or concerns regarding the status of your individual submission of this application please contact the Program Office address/contact information identified in the Notice Inviting Applications directly. (Note: Please do not return the completed *instrument, form, application or survey* to this address.)

**If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-4537 or email [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov) and reference the OMB Control Number 1820-0018.

**If you have comments or concerns regarding the status of your individual submission of this form, write directly to:** Rehabilitation Services Administration (RSA) Discretionary Grant Programs, Office of Special Education and Rehabilitative Services, U.S. Department of Education, 400 Maryland Avenue, SW, Potomac Center Plaza, room 5071C, Washington D.C. 20202-2800.

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# DEFINITIONS FOR DEPARTMENT OF EDUCATION SUPPLEMENTAL INFORMATION FOR SF 424

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(Attachment to Instructions for Supplemental Information for SF 424)

## DEFINITIONS

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### 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

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### 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.

the protection of human subjects in research are available from:

Grants Policy and Oversight Staff  
Office of the Chief Financial Officer  
U.S. Department of Education  
Washington, DC 20202-4250

Telephone: 202-245-6120

This is also available on the U.S. Department of Education's Protection of Human Subjects in Research [Web Site](#):

[www.ed.gov/about/offices/list/OCFO/humansub.html](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).

Copies of the Department of Education's Regulations for the Protection of Human Subjects, 34 CFR Part 97 and other pertinent materials on



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

OMB Control  
Number: 1894-0008  
Expiration Date:  
09/30/2023

Name of Applicant 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)	Project Year 6 (f)	Project Year 7 (g)	Total (h)
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 *Enter Rate Applied:								
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 and provide a copy of your Indirect Cost Rate Agreement:  
Period Covered by the Indirect Cost Rate Agreement: From: \_\_\_/\_\_\_/\_\_\_ To: \_\_\_/\_\_\_/\_\_\_ (mm/dd/yyyy)  
Approving Federal agency:  ED  Other (please specify): \_\_\_\_\_ The Indirect Cost Rate is \_\_\_\_\_%
- (3) If this is your first Federal grant, and you do not have an approved indirect cost rate agreement, are not a State, Local government or Indian Tribe, and are not funded under a training rate program or a restricted rate program, do you want to use the de minimis rate of 10% of MTDC?  Yes  No. If yes, you must comply with the requirements of 2 CFR § 200.414(f).
- (4) If you do not have an approved indirect cost rate agreement, do you want to use the temporary rate of 10% of budgeted salaries and wages?  Yes  No. If yes, you must submit a proposed indirect cost rate agreement within 90 days after the date your grant is awarded, as required by 34 CFR § 75.560.
- (5) For Restricted Rate Programs (check one) -- Are you using a restricted indirect cost rate that:  Is included in your approved Indirect Cost Rate Agreement?  
Or  Complies with 34 CFR 76.564(c)(2)? The Restricted Indirect Cost Rate is \_\_\_\_\_%
- (6) For Training Rate Programs (check one) -- Are you using a rate that:  Is based on the training rate of 8 percent of MTDC (See EDGAR § 75.562(c)(4))? Or  Is included in your approved Indirect Cost Rate Agreement, because it is lower than the training rate of 8 percent of MTDC (See EDGAR § 75.562(c)(4)).

Name of Applicant 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)	Project Year 6 (f)	Project Year 7 (g)	Total (h)
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 *Enter Rate Applied:								
11. Training Stipends								
12. Total Costs(Lines 9-11)								

**SECTION C – BUDGET NARRATIVE** (see instructions)

Name of Applicant 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.

**IF APPLICABLE: SECTION D – LIMITATION ON ADMINISTRATIVE EXPENSES**

(1) List administrative cost cap (x%): \_\_\_\_\_

(2) What does your administrative cost cap apply to? \_\_\_(a) indirect and direct costs or \_\_\_(b) only direct costs

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Project Year 6 (f)	Project Year 7 (g)	Total (h)
1. Personnel Administrative								
2. Fringe Benefits Administrative								
3. Travel Administrative								
4. Contractual Administrative								
5. Construction Administrative								
6. Other Administrative								
7. Total Direct Administrative Costs (lines 1-6)								
8. Indirect Costs *Enter Rate Applied:								
9. Total Administrative Costs								
10. Total Percentage of Administrative Costs								

# Instructions for ED 524

## General Instructions

This form is used to apply to individual U.S. Department of Education (ED) discretionary grant programs. Unless directed otherwise, provide the same budget information for each year of the multi-year funding request. Pay attention to applicable program specific instructions, if attached. You may access the Education Department General Administrative Regulations cited within these instructions at: [https://www.ecfr.gov/cgi-bin/text-idx?SID=0b63ce6f20cacbf480e5596fdf289e3&mc=true&tpl=/ecfrbrowse/Title34/34cfr75\\_main\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?SID=0b63ce6f20cacbf480e5596fdf289e3&mc=true&tpl=/ecfrbrowse/Title34/34cfr75_main_02.tpl). You may access requirements from 2 CFR 200, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards” cited within these instructions at: [https://www.ecfr.gov/cgi-bin/text-idx?SID=6214841a79953f26c5c230d72d6b70a1&tpl=/ecfrbrowse/Title02/2cfr200\\_main\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?SID=6214841a79953f26c5c230d72d6b70a1&tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl). .  
**You must consult with your Business Office prior to submitting this form.**

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

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

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

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

Line 13, columns (a)-(e): Show the total budget request for each project year for which funding is requested.

Line 13, 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 the indirect cost rate to be charged to the grant must be entered in the applicable field on line 10, and the following information is to be completed by your Business Office.

(1): Indicate whether or not your organization has an Indirect Cost Rate Agreement that was approved by the Federal government. If you checked “no,” ED generally will authorize grantees to use a temporary rate of 10 percent of budgeted salaries and wages (**complete (4) of this section when using the temporary rate**) subject to the following limitations:

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

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

(2): If you checked “yes” in (1), provide a copy of your Indirect Cost Rate Agreement and indicate in (2) the beginning and ending dates covered by the Indirect Cost Rate Agreement. In addition, indicate whether ED, another Federal agency (Other) or State agency issued the approved agreement. If you check “Other,” specify the name of the Federal or other agency that issued the approved agreement.

(3): If you check “no” in (1), indicate in (3) if you want to use the de minimis rate of 10 percent of MTDC (see 2CFR § 200.68). If you use the de minimis rate, you are subject to the provisions in 2 CFR § 200.414(f). Note, you may only use the 10 percent de minimis rate if you are a first-time Federal grant recipient, and you do not have an Approved Indirect Cost Rate Agreement. You may not use the de minimis rate if you are a State, Local government, or Indian Tribe, or if your grant is funded under a training rate or restricted rate program.

(5): 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.

(6): For Training Rate Programs, ED regulations limit **non-governmental entities** to the recovery of indirect costs on training grants to the grantee’s actual indirect costs, as determined by its negotiated rate agreement, or 8 percent of a MTDC, whichever is lower (see EDGAR § 75.562(c)(4)). The 8 percent limit also applies to cost-type contracts under grants, if these contracts are for training as defined in EDGAR § 75.562(a). If a **non-governmental entity** that receives a grant under a training grant program does not have an approved indirect cost rate and wants to recover indirect costs, it may use a temporary rate of 10 percent of budgeted direct salaries and wages, but it must submit an indirect cost rate proposal to its cognizant agency for indirect costs within 90 days after ED issues the GAN. After the 90-day period, the government entity may not charge its grant for indirect costs until it has negotiated an indirect cost rate agreement.

## Section B - Budget Summary Non-Federal Funds

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

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

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

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

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

**Section C - Budget Narrative [Attach separate sheet(s)]**  
**Pay attention to applicable program specific instructions,**  
**if attached.**

1. Provide an itemized budget breakdown, and justification by project year, for each budget category listed in Sections A and B. For grant projects that will be divided into two or more separately budgeted major activities or sub-projects, show for each budget category of a project year the breakdown of the specific expenses attributable to each sub-project or activity.
2. For non-Federal funds or resources listed in Section B that are used to meet a cost-sharing or matching requirement or provided as a voluntary cost-sharing or matching commitment, you must include:
  - a. The specific costs or contributions by budget category;
  - b. The source of the costs or contributions; and
  - c. In the case of third-party in-kind contributions, a description of how the value was determined for the donated or contributed goods or services.

[Please review cost sharing and matching regulations found in 2 CFR 200.306.]

3. If applicable to this program, provide the rate and base on which fringe benefits are calculated.
4. If you are requesting reimbursement for indirect costs on line 10, this information is to be completed by your Business Office. Specify the estimated amount of the base to which the indirect cost rate is applied and the total indirect expense. Depending on the grant program to which you are applying and/or your approved Indirect Cost Rate Agreement, some direct cost budget categories in your grant application budget may not be included in the base and multiplied by your indirect cost rate. For example, you must multiply the indirect cost rates of "Training grants" (34 CFR 75.562) and grants under programs with "Supplement not Supplant" requirements ("Restricted Rate" programs) by a "modified total direct cost" (MTDC) base (34 CFR 75.563 or 76.563). Please indicate which costs are included and which costs are excluded from the base to which the indirect cost rate is applied.

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

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

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

5. Provide other explanations or comments you deem necessary.

**If Applicable Section D - Budget Summary**  
**Limitation on Administrative Expenses.**

If your program is subject to an administrative cost cap (as indicated Section III.2.C of the program's Notice Inviting Applications (NIA)), fill out this form as follows:

1. On the top of the page, list the percentage cap on administrative costs, and indicate whether your administrative cost cap applies to both indirect and direct costs, or only direct costs (from Section III.2.C of the program's NIA).
2. IF the cost cap applies to both indirect and direct costs:
  - (a) Fill out the entire table noting your administrative costs, including line 8. Line 8 is taken from Section A, line 10. For lines 1-6, these are only direct administrative costs; do not include in lines 1-6 any costs included in your indirect cost rate. If your program has a matching requirement (see NIA), include in lines 1-6 the administrative portions of the applicable rows from both Section A and Section B. If there is no program matching requirement, only use Section A.
  - (b) Ensure that the line 10 percentage DOES NOT EXCEED the percentage cap on administrative costs. If your program does not have a matching requirement, divide line 9 by Section A line 12. If your program does have a matching requirement, to calculate line 10, divide line 9 by the sum of Section A line 12 and Section B line 12.
3. IF the cost cap applies ONLY to direct costs:
  - (a) Fill out the entire table noting your administrative costs, EXCLUDING line 8.

Ensure that the line 10 percentage DOES NOT EXCEED the percentage cap on administrative costs. If your program does not have a matching requirement, divide line 7 by Section A line 9. If your program does have a matching requirement, to calculate line 10, divide line 7 by the sum of Section A line 9 and Section B line 9).

**Paperwork Burden Statement**

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is **1894-0008**. The time required to complete this information collection is estimated to vary from 13 to 22 hours per response, with an average of 17.5 hours per response, including the time to review instructions, search existing data sources, gather the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to U.S. Department of Education, Washington, D.C. 20202-4537. If you have comments or concerns regarding the status of your individual submission of this form, write directly to the Office of Finance and Operations, Office of Acquisitions and Grants Administration, Grants Policy and Training Division, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202.



## **PART III: APPLICATION NARRATIVE**

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This narrative section of the application requires applicants to address the selection criteria that will be used by reviewers in evaluating individual applications. Please refer to the “Selection Criteria and Format” sections in this package for this competition.

Also, the competition covered by this package does not have page limitations for the application narrative.

## **PART IV: CERTIFICATIONS AND DISCLOSURES**

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CERTIFICATION REGARDING LOBBYING

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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

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SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

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## DISCLOSURE OF LOBBYING ACTIVITIES

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

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

## INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

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This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

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

## PAPERWORK REDUCTION ACT STATEMENT

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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. 4040-0013. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to:

Office of Management and Budget  
Paperwork Reduction Project (4040-0013)  
Washington, DC 20503

# Section I

## Important Notices

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## NOTICE TO ALL APPLICANTS

The purpose of this enclosure is to inform you about the following 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.
- (4) An applicant that proposes a project to increase school safety might describe the special efforts it will take to address concern of lesbian, gay, bisexual, and transgender students, and efforts to reach out to and involve the families of LGBT students

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](mailto:ICDocketMgr@ed.gov) and reference the OMB Control Number 1894-0005.

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

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## **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.

## **Electronic Notification Option for Grant Awards**

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 e-mail containing a link to access G5, the Department's Grant Management System. The email will be sent to both the project director and certifying representative in order for them to view and print the Adobe Acrobat version of the electronically signed GAN. If neither the project director nor certifying representative is registered in G5, they will immediately be prompted to register once the link is accessed. The electronic signature and issuance of the GAN makes it crucial that your application include correct email addresses for both the project director and certifying representative.

Section J  
Applicant Checklist  
Common Questions and Answers  
Program Application Indirect Cost  
Instructions  
D-U-N-S Instructions

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## APPLICANT CHECKLIST

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Use This Checklist While Preparing Your Application Package.

All items listed on this checklist are required, except as noted.

- Application for Federal Assistance (SF-424) and U.S. Department of Education Supplemental Information for the SF-424 Form
- Application abstract which must include all required information
- Budget narrative
- Project narrative
- Note:** Have you addressed all Application Requirements including Selection Criteria and Priorities?
- Other Attachments
- Budget Information Form – Sections A & B (ED-524)
- General Education Provisions Act (GEPA) section 427 statement
- Certifications:
  - Certification Regarding Lobbying (ED 80-0013)
  - Disclosure of Lobbying Activities (SF-LLL), if applicable
- Any other forms or information required by the program office for the specific application competition

## COMMON QUESTIONS AND ANSWERS

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### **Q. What happens to my application after it is received in the Department?**

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- 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. RSA program staff discusses the recommendations with the successful applicants and award the grants.

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

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

### **Q. How does the Department review an application?**

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

### **Q. What Criteria do the reviewers use when scoring an application?**

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- A. Reviewers score each application using the selection criteria published in the Federal Register as part of the program regulations, which are given in Section E of this application package. Reviewers are instructed to use only the published criteria.

### **Q. Is a recommended application guaranteed funding?**

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

### **Q. How do the invitational, competitive and absolute priorities differ?**

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#### **A. Invitational Priority**

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

#### **Competitive Priority**

If a program uses weighted selection criteria, the Secretary may award selection points to an application that meets the priority. These points are in addition to any points the application earns under the selection criteria. The notice states the maximum number of

additional points that the Secretary may award to applications that meet the priority in a particularly effective way. Or the Secretary may simply select applications that meet the competitive priority over applications of comparable merit that do not meet the priority.

**Absolute Priority**

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

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

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

**Q. How will funding continuation decisions be made?**

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

## Program Application Indirect Cost Instructions

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**Each Program is required to select, and include in its application package, one of the following indirect cost instructions, as appropriate to the program.**

***First Option - For programs reimbursing the full share of indirect costs (Full reimbursement), use the following:***

The Department of Education (ED) reimburses grantees for its portion of indirect costs that a grantee incurs in projects funded by the (NAME OF PROGRAM, 84.xxx). Any grantee charging indirect costs to a grant from this program must use the indirect cost rate negotiated with its *cognizant agency for indirect costs*.

**Note:** Applicants should pay special attention to specific questions on the application budget form (U.S. Department of Education Budget Information Non-Construction Programs Form 524 Sections A, B and C) about their cognizant agency and the indirect cost rate they are using in their budget.

If an applicant selected for funding under this program has not already established a current indirect cost rate with its cognizant agency, ED generally will authorize the grantee to use a temporary rate of 10 percent of budgeted direct salaries and wages, or a de minimis rate of 10 percent of MTDC, as defined in 2 CFR 200.68.

Use of the temporary rate of 10 percent of budgeted direct salaries and wages is subject to the following limitations:

1. The grantee must submit an indirect cost rate proposal to its cognizant agency within 90 days after ED issues the GAN.
2. If after the 90-day period, the grantee has not submitted an indirect cost rate proposal to its cognizant agency, the grantee may not charge its grant for indirect costs (except when ED finds exceptional circumstances) until it has negotiated an indirect cost rate agreement with its cognizant agency.
3. The grantee may only recover indirect costs incurred on or after the date it submitted its indirect cost rate proposal to its cognizant agency or at the start of the of the project period, whichever of the two occurs later.
4. The total amount of funds recovered by the grantee under the federally recognized indirect cost rate is reduced by the amount of indirect costs previously recovered under the temporary indirect cost rate.
5. The grantee must obtain prior approval from the Secretary to shift direct costs to indirect costs in order to recover indirect costs at a higher negotiated indirect cost rate.

6. The grantee may not request additional funds to recover indirect costs that it cannot recover by shifting direct costs to indirect costs.

Use of the de minimis rate of 10 percent of MTDC is subject to the following limitations:

1. In accordance with 2 CFR 200.414(f), State and local governments may not use the de minimis rate; thus, this rate may only be used by institutions of higher education (IHE) and non-profit organizations.
2. A grantee that decides to use the de minimis rate of 10 percent of MTDC must use the rate for at least one fiscal year for all of its Federal awards, and may continue to use the rate indefinitely thereafter until it decides to negotiate an agreement with its cognizant agency. MTDC consists of all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and subawards and subcontracts up to the first \$25,000 of each subaward (i.e., subgrant or subcontract). Once a grantee obtains a federally recognized indirect cost rate that is applicable to its grant, the grantee may use that indirect cost rate to claim indirect cost reimbursement; however, the grantee is subject to the same recovery limitations identified for the 10 percent temporary rate in items (3) through (6) of this grant attachment.

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

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

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

Applicants with questions about using indirect cost rates under this program should contact the program contact person shown elsewhere in this application package or in the *Federal Register* application notice of MM/DD/YYYY, (FILL IN FED REG CITE HERE).

***Second Option - For programs with restricted indirect cost rates (Partial Reimbursement).***

The Department of Education (ED) generally reimburses a grantee for its indirect costs. These kinds of costs generally are recovered through an indirect cost rate that the grantee negotiates with its *cognizant agency for indirect costs*.

The statute authorizing (NAME OF PROGRAM, CFDA #) contains a supplement- not-supplant provision that requires a reduction in the indirect cost rate so that costs that are unallowable under the supplement-not-supplant program are not recovered through the indirect cost rate. To ensure that these types of costs are not recovered, ED has established a *restricted indirect cost rate*. The detailed requirements of restricted rates are in the Education Department General Administrative Regulations (EDGAR) at §§75.563 and 76.563-569.

All grantees under supplement-not-supplant programs may only recover indirect costs at the restricted rate. For guidance on how to calculate the restricted rate, an applicant that already has a negotiated indirect cost rate and that plans to submit an application under this program should review ED's website at:

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

The applicant should then use this separate, restricted rate in projecting indirect costs in the budget submitted with its application.

Applicants may have an accountant calculate a proposed restricted indirect cost rate using current information from their audited financial statements and actual cost data. Applicants should use this proposed restricted rate in their application materials and describe which of these methods they used to calculate the rate. Guidance related to calculating a restricted indirect cost rate can be found on ED's website at the above referenced link.

Applicants must bear in mind that items of cost excluded from restricted indirect cost rates may not be charged to grants as direct cost items, nor may they be used to satisfy matching or cost-sharing requirements under a grant or charged to other Federal awards.

If an applicant (that is not a State or local government) selected for funding under a restricted rate program has not already established a current indirect cost rate with its cognizant agency as a result of current or previous funding, ED generally will authorize the grantee to use a temporary rate of 10 percent of budgeted direct salaries and wages.

Use of the temporary rate of 10 percent of budgeted direct salaries and wages is subject to the following limitations:

1. The grantee must submit an indirect cost rate proposal its cognizant agency within 90 days after ED issues the GAN.

2. If after the 90-day period, the grantee has not submitted an indirect cost rate proposal to its cognizant agency, the grantee may not charge its grant for indirect costs (except when ED finds exceptional circumstances) until it has negotiated an indirect cost rate agreement with its cognizant agency.
- (a)
    3. The grantee may only recover indirect costs incurred on or after the date it submitted its indirect cost rate proposal to its cognizant agency or at the start of the of the project period, whichever of the two occurs later.
  - (b)
    4. The total amount of funds recovered by the grantee under the federally recognized indirect cost rate is reduced by the amount of indirect costs previously recovered under the temporary indirect cost rate.
  - (c)
    5. The grantee must obtain prior approval from ED to shift direct costs to indirect costs in order to recover indirect costs at a higher negotiated indirect cost rate.
  - (d)
    6. The grantee may not request additional funds to recover indirect costs that it cannot recover by shifting direct costs to indirect costs.

If an applicant other than a State or local government does not want to negotiate a restricted rate with its cognizant agency, the applicant has the option of charging indirect costs at 8 percent of the MTDC of its grant for the life of the grant in accordance with EDGAR §76.564(c), unless ED determines that the actual restricted indirect cost rate is lower than 8 percent of MTDC<sup>1</sup>. If a non-governmental applicant chooses to charge indirect costs at 8 percent of its MTDC, it must maintain records available for audit, demonstrating that the applicant incurred indirect costs of at least 8 percent of MTDC.

If this grant is made to a government under a program subject to a supplement-not-supplant requirement, the grantee must notify the cognizant agency that the grant is subject to a restricted indirect cost rate, as calculated under EDGAR §§75.563 and §§76.564-76.569, and must provide ED's Indirect Cost Group with a copy of its indirect cost proposal. The Indirect Cost Group reviews the proposal and adjusts costs, as appropriate, to reduce the rate to the required restricted indirect cost rate.

Applicants should be aware that ED is very often not the cognizant agency for its own grantees. For restricted indirect cost rates, ED will negotiate the rate with grantees and provide the approved restricted rate to the cognizant agency for inclusion on the rate agreement.

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

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<sup>1</sup> If the applicant gets funds under another grant that is not subject to the restricted indirect cost rate, it will not have the option of not negotiating an indirect cost rate.

application package or in the *Federal Register* application notice of MM/DD/YYYY, (FILL IN FED REG CITE HERE).

***Third Option - For programs that are designated training grants (Limited reimbursement at 8 percent).***

Some or all of the grants awarded under (NAME OF PROGRAM, 84.xxx) have been designated training grants. The Education Department General Administrative Regulations (EDGAR) limit reimbursement of indirect costs under training grants to non-governmental grantees. These grantees may recover indirect costs under training grants up to the grantee's actual indirect costs as determined by the grantee's negotiated indirect cost agreement or 8 percent of MTDC, whichever rate is lower.

**Note:** This limitation does not apply to State agencies, local governments or federally-recognized Indian Tribal governments. [EDGAR §75.562(c)(2)]

Applicants should be aware that indirect cost amounts exceeding the limitation, described in the first paragraph of this section, may not be charged to direct cost categories, used to satisfy matching or cost-sharing requirements, or charged to another Federal award. [EDGAR §75.562(c)(5)]

Although applicants are not required to submit with their application a copy of their indirect cost agreement to claim the 8 percent training rate for funding received in this program, if they are awarded a grant, they must have documentation available for audit that shows that the indirect costs incurred under the grant are at least 8 percent of MTDC.

If an applicant selected for funding under this program has not already established a current indirect cost rate with its cognizant agency as a result of current or previous funding, ED generally will authorize the grantee to use a temporary rate of 10 percent of budgeted direct salaries and wages.

Use of the temporary rate of 10 percent of budgeted direct salaries and wages is subject to the following limitations:

1. The grantee must submit an indirect cost rate proposal to its cognizant agency within 90 days after ED issues the GAN.
2. If, after the 90-day period, the grantee has not submitted an indirect cost rate proposal to the cognizant agency, the grantee may not charge its grant for indirect costs (except when ED finds exceptional circumstances) until it has negotiated an indirect cost rate agreement with its cognizant agency.
- (e)
3. The grantee may only recover indirect costs incurred on or after the date it submitted its indirect cost rate proposal to its cognizant agency or at the start of the of the project period, whichever of the two occurs later.

- (f)
4. The total amount of funds recovered by the grantee under the federally recognized indirect cost rate is reduced by the amount of indirect costs previously recovered under the temporary indirect cost rate.
  5. The grantee must obtain prior approval from the Secretary to shift direct costs to indirect costs in order to recover indirect costs at a higher negotiated indirect cost rate.
- (g)
6. The grantee may not request additional funds to recover indirect costs that it cannot recover by shifting direct costs to indirect costs.

***Fourth Option - For programs that do not provide indirect cost reimbursement under awards (No reimbursement).***

The (NAME OF PROGRAM, CFDA 84.xxx) program does not reimburse grantees for indirect costs they incur in carrying out a project funded under the program. Therefore, applicants should not show any dollar amounts for indirect costs on either line 10 of the U.S. Department of Education Budget Information Non-Construction Programs Form 524 Sections A, B and C, or in their budget narrative.

Applicants should also be aware that unreimbursed indirect costs under grants of this program may not be charged as direct cost items in the same award, used to satisfy matching or cost-sharing requirements, or charged to another Federal award.

## D-U-N-S NUMBER INSTRUCTIONS

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

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

[http://www.dnb.com/US/duns\\_update/index.html](http://www.dnb.com/US/duns_update/index.html)

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

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

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