

OMB Number 1810-0649
Expires: 12/31/2004

Archived Information

**FY 2004 Consortium
Incentive Grant Application**



Title I, Part C

Migrant Education Program

**Under the Elementary and Secondary Education Act of 1965,
as amended by the No Child Left Behind Act of 2001**

U.S. Department of Education
Office of Migrant Education
400 Maryland Avenue, S.W.
Washington DC 20202-6135
(202) 260-1164

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UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION
OFFICE OF MIGRANT EDUCATION

March 4, 2004

Dear Colleague:

Thank you for your interest in the Migrant Education Program (MEP) Consortium Incentive Grant program. The program is authorized by section 1308(d) of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001. This program provides competitive incentive grants to State Educational Agencies (SEAs) receiving MEP formula grant awards that participate in high-quality consortium arrangements with another State or appropriate entity to improve the delivery of services to migratory children whose education is interrupted.

The enclosed application package contains all the information, instructions, and forms that applicants will need to apply for a Fiscal Year (FY) 2004 MEP Consortium Incentive Grant. Please review the enclosed materials carefully as the requirements, procedures, and criteria established by the Department are different from prior MEP Consortium Incentive Grant competitions.

Please note that SEAs with MEP programs are the only eligible applicants for these incentive grants.

If you or your colleagues have any questions about the FY 2004 MEP Consortium Incentive Grant Program or the enclosed application package, please contact Elsa Chagolla at (202) 260-2823 or via email elsa.chagolla@ed.gov.

Sincerely,

Francisco Garcia
Director,
Office of Migrant Education

Enclosure

Title I, Part C
Migrant Education Program (MEP)
FY 2004 Consortium Incentive Grant Application

Introduction

The Migrant Education Program (MEP), authorized in Title I, Part C of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001, is a State-administered and State-operated formula grant program.

This package describes what a State must do in order to receive a Fiscal Year (FY) 2004 MEP Consortium Incentive Grant under Section 1308(d) of the MEP. It also contains the forms a State must complete as part of the application process.

The MEP provides assistance to State educational agencies (SEAs) to support high quality and comprehensive educational programs that provide migratory children appropriate educational and supportive services that address their special needs in a coordinated and efficient manner, and give migratory children the opportunity to meet the same challenging State academic content and student academic achievement standards that all children are expected to meet.

ESEA section 1308(d) authorizes the Secretary to “reserve not more than \$3 million to award competitive grants of not more than \$250,000 [each] on a competitive basis to SEAs that propose a consortium arrangement with another State or other appropriate entity that the Secretary determines, pursuant to criteria that the Secretary shall establish, will improve the delivery of services to migratory children whose education is interrupted.”

For FY 2004, the Department will make available \$2.5 million for consortium incentive grant awards. These awards will be made based on the requirements and criteria established in the Notice of Final Requirements for the FY 2004 MEP Consortium Incentive Grants program (enclosed). The requirements and criteria for this FY 2004 competition are different from those the Department has used in prior years. Under this program, the Department will award competitive incentive grants to SEAs in high-quality consortia that improve the intrastate and interstate coordination of migrant education programs by addressing key needs of migratory children who have their education interrupted.

Application Deadline

The deadline for the receipt of Fiscal Year (FY) 2004 MEP Consortium Incentive Grant applications is May 28, 2004. Funds may be awarded on or after July 1, 2004, if the SEA application has been approved.

Who May Apply

Please note that SEAs with MEP programs are the only eligible applicants for these incentive grants. As noted in the instructions, SEAs proposing to participate in a proposed consortia should identify a “lead SEA” for the consortium, and through that lead SEA, provide the information requested in this application.

Amount and Use of Awards

For the FY 2004 competition, SEAs may propose a consortium for a performance period of up to two years. The Department will award \$2.5 million in FY 2004, and will award, based on first-year performance, \$2.5 million (depending on availability) in FY 2005 to those SEAs that received incentive awards in FY 2004.

An SEA that participates in a high-quality consortium, as determined by use of the program’s selection criteria, will receive only one incentive grant award regardless of the number of high-quality consortia in which it participates. (See Selection Criteria section.)

Awards will be made to SEAs participating in these consortia on the basis of the following two-tiered formula: SEAs whose MEP allocations are \$1 million or less will, in general, receive a grant award that is twice the amount of the award provided to SEAs whose MEP allocations are greater than \$1 million. Within each tier, awards will be of equal size. However, no SEA will receive an incentive grant award that exceeds the amount of its Title I, Part C, MEP formula grant or \$250,000, whichever is less.

The Department estimates that awards will vary between \$35,738 (if all 52 SEAs receive grants under this competition) to \$250,000 (the statutory maximum) per year. Based on the number of States (39) that received Consortium Incentive Grants in FY 2002, the size of an award would be \$45,997 for SEAs whose MEP allocations are greater than \$1 million and \$91,995 for SEAs whose MEP allocations are \$1 million or less. The actual size of an SEA’s award will depend on the number of successful SEA applications and the size of the SEA’s MEP formula grant allocation.

Consortium Incentive Grant awards can be used to implement the consortium activities, or to carry out any other activities authorized under the MEP.

Absolute Priorities

The Department has established seven absolute priorities that promote key national objectives of the MEP under the Consortium Incentive Grant program. These seven absolute priorities focus on areas that are critical to ensuring migratory students whose education is interrupted stay in school and achieve high academic standards. In order for SEAs to be considered for incentive grants under this FY 2004 competition, a proposed consortium must address one or more of the following absolute priorities:

1. Services designed to improve the proper and timely identification and recruitment of eligible migratory children whose education is interrupted;
2. Services designed (based on review of scientifically based research) to improve the school readiness of pre-school age migratory children whose education is interrupted;
3. Services designed (based on review of scientifically based research) to improve the reading proficiency of migratory children whose education is interrupted;
4. Services designed (based on review of scientifically based research) to improve the mathematics proficiency of migratory children whose education is interrupted;
5. Services designed (based on review of scientifically based research) to decrease the dropout rate of migratory students (i.e. grades 7 to 12) whose education is interrupted and improve high school completion rates;
6. Services designed (based on review of scientifically based research) to strengthen the involvement of migratory parents in the education of migratory students whose education is interrupted; and
7. Services designed (based on review of scientifically based research) to expand access to innovative educational technologies intended to increase the academic achievement of migratory students whose education is interrupted.

Selection Criteria

Consortium applications will be reviewed and ranked on the basis of how well the information provided responds to the following selection criteria:

- Need for the Project;
- Quality of Project Design;
- Quality of Project Services;
- Quality of the Management Plan; and
- Quality of Project Evaluation.

These selection criteria are drawn from the general criteria for competitive grants contained in section 75.210 of the Education Department General Administrative Regulations (EDGAR).

The Department will select only those consortia of the highest quality. In determining which applications are of the highest quality, reviewers will rate each application using the following selection criteria and assign up to 100 points. The maximum score for each criterion and subcriterion is indicated in parenthesis.

Please note that instances where the word project appears in the selection criteria, the reference is to the consortium being proposed.

1. Need for the Project (20)

In determining the need for the proposed project, we consider:

The magnitude of the need for the services to be provided or the activities to be carried out by the proposed project.

2. Quality of Design (15)

In determining the quality of the design of the proposed grant project, we consider:

The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

3. Quality of Project Services (45)

In determining the quality of the services, we consider:

- (i) The quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally have been underrepresented on race, color, national origin, gender, age or disability; **(5)**
- (ii) The likely impact of the services to be provided by the proposed project on the intended recipients of those services; **(30)**
- (iii) The extent to which the services to be provided by the proposed project reflect up-to-date knowledge from research and effective practice. **(10)**

4. Quality of the Management Plan (15)

In determining the quality of the management plan to be conducted of the proposed project, we consider:

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.

5. Quality of the Project Evaluation (5)

In determining the quality of the evaluation to be conducted of the proposed project, we consider:

The extent to which the methods include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce annual quantitative and qualitative data to the extent possible.

Duration Of Funding Period

The initial federal fund period for expenditure of the FY 2004 State Consortium Incentive Grant funds shall be on/around July 1, 2004 until September 30, 2005. However, under the “Tydings Amendment” (Section 421(b) of the General Education Provisions Act, as amended), States have an additional twelve-month period to obligate their Federal funds. Thus, any FY 2004 State Consortium Incentive Grant funds that are not obligated at the end of the initial federal funding period shall remain available for obligation until September 30, 2006. Similarly, second project year funding (to be awarded in FY 2005) will have a maximum 27-month period of availability for obligation, beginning on/around July 1, 2005 and extending until September 30, 2007.

Election for Direct Deposit Sign Up

Funds awarded to an SEA under a FY 2004 MEP Consortium Incentive Grant will automatically be deposited in the financial institution identified in the SEA’s Consolidated State Application as the designated entity to receive FY 2004 Basic State MEP funds. Should the SEA choose to elect another financial institution, the SEA will need to identify the new financial institution and submit pertinent information to the Department using the Direct Deposit Sign Up Form 1199.

Reporting and Accountability

In order to receive a second-year award in FY 2005, recipients of a FY 2004 MEP consortium incentive award are required, under section 75.118 and 75.590 of EDGAR, to submit to the Department, through the lead SEA, a performance report prior to the end of the first year of implementation of the consortium. In addition, under section 75.590 of EDGAR, grantees must submit, through the lead SEA, a final evaluation report no more than 90 days after the end of the second continuation year. These reports must address the SEA’s performance of activities and objectives of the approved consortium, rather than the activities supported with incentive grant funds. While no particular reporting format is required, these reports should contain specific information required in 75.590 of EDGAR: (1) the recipient’s progress in achieving the objectives [of the consortium] in its approved application; (2) the effectiveness of the [consortium] in meeting the purposes of the [consortium]; and (3) the effect of the [consortium] on participants being served by the [consortium].

An SEA receiving an incentive grant must also submit the financial reports required under section 76.720 (and section 80.41) of EDGAR, but does not need to submit a performance report on the use of the incentive grant funds otherwise required under section of 80.40(b) of EDGAR.

Application Instructions and Forms

This application provides the information necessary for SEAs to apply for award of FY 2004 MEP Consortium Incentive Grant funds. The Department intends to use the information provided by the SEA(s) to review and approve consortia, and to determine the amount of the incentive grant awards to be made under the authority of section 1308(d). Carefully read the entire application package before beginning to prepare an application. The application package clearly identifies who is eligible to apply under this competition, what applicants must propose to do, what must be contained in an application, and what criteria will be used to evaluate applications. Applications must be submitted **no later than May 28, 2004**.

In applying for a MEP Consortium Incentive Grant award, your application must be organized and include the parts below. Copies of all forms discussed in the following section are provided in this document.

To receive an award under this program, a complete application, submitted by the lead SEA of a consortium, must include the following parts:

Part I: Coversheet for the MEP Consortium Incentive Grant Program.

The first page of the application consists of a cover page indicating the title of the proposed consortium, and the identity and address of the lead SEA for the consortium and of each other SEA or entity participating in the consortium.

Part II: Table of Contents

This table should include the page number or numbers in which reviewers will be able to locate the information in the narrative that corresponds to each aspect of the required application content and the selection criteria.

Part III: Project Abstract

The abstract should be 1-2 page(s) in length and include a summary of the goals, outcomes, and activities of the proposed consortium.

Part IV: Project Narrative

This part of the application should describe the proposed consortium in **light of the selection criteria** and address the following application requirements:

1. The goals and measurable outcomes of the consortium, and the activities that each participating SEA or entity in the consortium shall conduct during each project year to improve the delivery of services to migratory children whose education is interrupted;
2. A concise and cogent explanation of the need for and value of the proposed consortium to each participating SEA, and how the proposed consortium will improve interstate or intrastate coordination of migrant education programs; and

3. A description of the process each participating SEA will use for evaluating its progress in achieving the measurable outcomes of the consortium.

Note: The application must also clearly address one or more of the priorities identified in this application package.

The narrative must include, but is not limited to, this information.

You must limit the narrative to the equivalent of no more than 30 pages, using the following standards:

- A page is 8.5” x 11”, on one side only, with 1” margins at the top, bottom and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a consistent font that is either 12-point or larger or no smaller than 10 pitch (characters per inch).
- For charts, tables, and graphs, also use a font that is either 12-point or larger or no smaller than 10 pitch.

Reviewers will not read any pages of applications that exceed the page limit if one applies these standards; or exceed the equivalent of the page limit if one applies other standards.

Part V: Signed Statement

A signed statement from the Chief State School Officer (or his/her authorized representative) of each SEA that is participating in the proposed consortium arrangement of his/her SEA’s commitment to implement its activities as described in the application.

Part VI: Response to Section 427 of GEPA Guidance

Include a description of how the application will comply with Section 427 of the Department’s General Education Provisions Act (GEPA) for each participating SEA– equitable access to and participation in federally assisted programs for students, teachers, and other program beneficiaries with special needs– unless the applicant has chosen to embed this description into the body of the application narrative. (For further information, see section “NOTICE TO ALL APPLICANTS.”)

Part VII: Assurances and Certifications

Each SEA applying under the proposed consortium must complete and submit each of the following forms and assurances:

- Assurances--Non-Construction Programs
- Certifications Regarding Lobbying; Debarment; Suspension, and other Responsibility Matters; and Drug-Free Workplace Requirements
- Certification Regarding Debarment; Suspension; Ineligibility; and Voluntary Exclusion-Lower Tier Covered Transactions
- Disclosure of Lobbying Activity

Be certain to include all assurances and certifications with the application, and sign each form in the appropriate place.

Note that the Secretary considers only information contained in the application in ranking applications for funding consideration. Letters of support sent separately from the formal application package are not considered in the review by the peer review panels.

Instructions for Transmitting Applications

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

Applications Sent by Mail

You must mail the original and one copy of the application on or before the deadline date to:

Elsa Chagolla
Office of Migrant Education
U.S. Department of Education
400 Maryland Avenue, SW, Room 3E257
Washington, D.C. 20202-6135

DEADLINE DATE: May 28, 2004

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

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

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

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

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

Special Note: Due to recent disruptions to normal mail delivery, the Department encourages you to consider using an alternative delivery method (for example, a commercial carrier, such as Federal Express or United Parcel Service; U. S. Postal Service Express Mail; or a courier service) to transmit your application for this competition to the Department. If you use an

alternative delivery method, please obtain the appropriate proof of mailing under “Applications Sent by Mail,” then follow the instructions for “Applications Delivered by Hand.”

Applications Delivered by Hand

You or your courier must hand deliver the original and number of copies requested of the application by 4:30 p.m. (Washington, DC time) on or before the deadline date. A person delivering an application must show identification to enter the building. Deliver to:

Elsa Chagolla
Office of Migrant Education
U.S. Department of Education
400 Maryland Avenue, SW, Room 3E257
Washington, D.C. 20202-6135
Phone: (202) 260-2823

Contact Person

If you have any questions or need assistance on preparing this application, please contact Elsa Chagolla at the address provided above, or at the following:

Elsa Chagolla
Phone: (202) 260-2823
Fax: (202) 205-0089
Email: elsa.chagolla@ed.gov

4000-01-U

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

Overview Information

Migrant Education Program (MEP) Consortium Incentive Grants
Program

Notice inviting applications for new awards for fiscal year (FY)
2004.

Catalog of Federal Domestic Assistance (CFDA) Number:

84.144

Dates:

Applications Available: March 3, 2004.

Deadline for Transmittal of Applications: May 28, 2004.

Deadline for Intergovernmental Review: May 3, 2004

Eligible Applicants: State educational agencies (SEAs)
receiving MEP Basic State Formula grants.

Estimated Available Funds: \$2,500,000.

Estimated Range of Awards: \$45,997-\$91,995.

Estimated Average Size of Awards: \$64,102.

Maximum Award: By statute, the maximum amount that we may award
under this program is \$250,000.

Estimated Number of Awards: 39.

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

Project Period: Up to 24 months.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the MEP Consortium Incentive Grants program is to provide incentive grants to State educational agencies (SEAs) that participate in high-quality consortia with another SEA or other appropriate entity to improve the delivery of services to migrant children whose education is interrupted. Through this program, the Department provides financial incentives to SEAs to participate in high-quality consortia that improve the intrastate and interstate coordination of migrant education programs by addressing key needs of migratory children who have their education interrupted.

Priorities: The priorities for this competition are from the notice of final requirements for this program, published elsewhere in this issue of the Federal Register.

Absolute Priorities: For FY 2004, these priorities are absolute priorities. Under 34 CFR 75.105(c)(3) we consider only applications that meet one or more of these priorities.

Program Authority: 20 U.S.C. 6398(d).

Applicable Regulations: (a) The Education Department General Regulations (EDGAR) in 34 CFR parts 75 (except 75.232), 76, 77, 79, 80 (except 80.40(b)), 82, 85 and 99; and (b) the notice of

final requirements published elsewhere in this issue of the Federal Register.

II. Award Information

Type of Award: Formula grants.

Estimated Available Funds: \$2,500,000.

Estimated Range of Awards: \$45,997-\$91,995.

Estimated Average Size of Awards: \$64,102.

Maximum Award: By statute, the maximum amount that we may award under this program is \$250,000.

Estimated Number of Awards: 39.

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

Project Period: Up to 24 months.

III. Eligibility Information

1. Eligible Applicants: State educational agencies (SEAs) receiving MEP Basic State Formula grants.

2. Cost Sharing or Matching: This program does not involve cost sharing or matching but does involve supplement-not-supplant funding provisions. The notice of final requirements published elsewhere in this issue of the Federal Register makes applicable the supplement-not-supplant provision of sections 1120A(b) and 1304(c)(2) of the ESEA.

IV. Application and Submission Information

1. Address to Request Application Package:

Elsa Chagolla, U.S. Department of Education, 400 Maryland Avenue, SW., room 3E257, FOB-6, Washington, D.C. 20202-6135. Telephone: (202) 260-2823, or by email: elsa.chagolla@ed.gov

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

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the program contact person listed in this section.

2. Content and Form of Application Submission:

Requirements concerning the content of an application, together with the forms an applicant must submit, are in the application package for this program.

Page Limit: The application narrative (Part IV of the application) is where you, the applicant, describe the proposed consortium, including how the consortium meets the application requirements and one or more of the absolute priorities, and address the selection criteria that reviewers use to evaluate your application. You must limit Part IV to the equivalent of no more than 30 double-spaced pages, using the following standards:

- A "page" is 8.5" x 11", on one side only, with 1" margins at the top, bottom and both sides.

- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

- Use a consistent font that is either 12-point or larger or no smaller than 10 pitch (characters per inch).

- For charts, tables, and graphs, also use a font that is either 12-point or larger or no smaller than 10 pitch.

The page limit applies only to Part IV of the application. It does not apply to Parts I to III or Parts V to VII, or to any appendices, resumes, bibliography, or letters of support. However, an applicant must include all of the application narrative in Part IV.

Department reviewers will not read any pages of the Part IV narrative that—

- Exceed the page limit if you apply these standards, or
- Exceed the equivalent of the page limit if you apply other standards.

3. Submission Date and Times:

Applications Available: March 3, 2004.

Deadline for Transmittal of Applications: May 28, 2004.

The dates and times for the transmittal of applications by mail or by hand (including a courier service or commercial carrier) are in the application package for this program.

The Department does not consider an application that does not comply with the deadline requirements.

Deadline for Intergovernmental Review: May 3, 2004.

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

- Funding Restrictions: We reference regulations outlining funding restrictions in the Applicable Regulations sections in this notice.

- Other Submission Requirements: Instructions and requirements for the transmittal of applications by mail or by hand (including a courier service or commercial carrier) are in the application package for this program.

V. Application Review Information

Selection Criteria: The selection criteria for this program are in the application package.

VI. Award Administration Information

1. Award Notices: If a consortium application is successful, the Department will send the applicant a Grant Award

Notice (GAN). The Department will also notify Congress regarding these grant awards. The Department may also notify successful applicants informally.

If an application is not evaluated or not selected for funding, the Department will notify the applicant(s).

1. 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.

2. Reporting: Grant recipients under this program must submit the annual and final performance and financial reports specified in the notice of final requirements for this grant program published elsewhere in this issue of the Federal Register.

3. Performance Measures: Currently, the Government Performance and Results Act (GPRA) indicators established by the Department for the Migrant Education Program, of which the

Consortium Incentive Grants are a component, are that an increasing number of states will show:

1) increasing percentages of migrant students at the elementary school level who meet or exceed the proficient level on state assessments in reading.

2) increasing percentages of migrant students at the middle school level who meet or exceed the proficient level on state assessments in reading.

3) increasing percentages of migrant students at the elementary school level who meet or exceed the proficient level on state assessments in mathematics.

4) increasing percentages of migrant students at the middle school level who meet or exceed the proficient level on state assessments in mathematics.

5) decreasing percentages of migrant students who dropout from secondary school (grades 7 - 12).

6) increasing percentages of migrant students who graduate from high school.

The Department will be collecting data from States on these performance measures.

VII. Agency Contacts

For Further Information Contact: Elsa Chagolla, U.S. Department of Education, 400 Maryland Avenue, SW., room 3E257, FOB-6,

Washington, DC 20202-6135. Telephone: (202) 260-2823, or by email: elsa.chagolla@ed.gov

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VIII. Other Information

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

www.ed.gov/news/fedregister

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

You may also view this document in text at the following site:

<http://www.ed.gov/about/offices/list/oese/ome/index.html>

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

<http://www.gpoaccess.gov/nara/index.html>

Dated:

Raymond Simon,
Assistant Secretary for Elementary and
Secondary Education.

4000-01-U

DEPARTMENT OF EDUCATION

RIN 1810-ZA08

Migrant Education Program Consortium Incentive Grant
Program

AGENCY: Office of Elementary and Secondary Education,
Department of Education.

ACTION: Notice of final requirements.

SUMMARY: The Assistant Secretary for Elementary and Secondary Education announces final requirements under the Migrant Education Program Consortium Incentive Grant Program. The Assistant Secretary establishes these requirements for competitions in fiscal year (FY) 2004 and later years. The Department intends that these requirements will promote the participation of State educational agencies in high-quality consortia.

EFFECTIVE DATE: These requirements are effective March 3, 2004.

FOR FURTHER INFORMATION CONTACT: Elsa Chagolla, U.S. Department of Education, 400 Maryland Avenue, SW., room 3E257, FOB-6, Washington, D.C. 20202-6135. Telephone: (202) 260-2823, or via Internet: elsa.chagolla@ed.gov

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

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

SUPPLEMENTARY INFORMATION:

BACKGROUND

The Migrant Education Program (MEP), authorized by Title I, Part C of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001, is a State-operated and State-administered formula grant program. The MEP provides assistance to State educational agencies (SEAs) to support high-quality and comprehensive educational programs that provide migratory children appropriate educational and supportive services to address their special needs in a coordinated and efficient manner, and to give migratory children the opportunity to meet the same challenging State academic content and student academic achievement standards that all children are expected to meet.

Section 1308(d) of the ESEA authorizes the Secretary to "reserve not more than \$3,000,000 to award grants of not more than \$250,000 on a competitive basis to State educational agencies that propose a consortium arrangement with another State or other appropriate entity that the Secretary determines, pursuant to criteria that the Secretary shall establish, will

improve the delivery of services to migratory children whose education is interrupted." Through this program, the Department provides financial incentives to SEAs to participate in high-quality consortia that improve the interstate or intrastate coordination of migrant education programs by addressing key needs of migratory children who have their education interrupted.

We published a notice of proposed requirements for this program in the Federal Register on Friday, July 11, 2003 (68 FR 41323) that discussed, and invited public comment on, proposed procedures to award consortium incentive grants in FY 2003 and subsequent years.

Analysis of Comments and Changes

In response to our invitation in the notice of proposed requirements, four parties submitted a total of eight comments on the proposed requirements. An analysis of the comments and of any changes in the requirements since the publication of the notice of proposed requirements is provided in an appendix at the end of this notice of final requirements.

This notice of final requirements contains six significant changes from the notice of proposed requirements. Specifically:

- 1) The Application Requirements have been revised to require that, to be funded, an applicant must explain how the

proposed consortium will improve interstate or intrastate coordination of migrant education programs.

2) The definition of "other appropriate entity" has been revised to include specific examples of public or private entities with which an SEA may establish a consortium.

3) The discussion regarding grantees' submission of a first-year performance report and a second-year final evaluation report has been revised to clarify that, in these reports, grantees must address their completion of activities and attainment of objectives described in the approved consortium application, rather than describe the uses of their incentive grant funds.

4) The discussion regarding the applicability of parts 76 and 80 of the Education Department General Administrative Regulations (EDGAR) has been revised to clarify that, while an SEA that receives incentive grant funds does not need to submit performance reports on its use of the incentive grant funds as otherwise required under §76.720 and §80.40(b), it must submit the financial reports regarding use of incentive grant funds required by §76.720 and §80.41 of EDGAR.

5) The discussion regarding Use of Consortium Incentive Grant Funds has been revised to make the supplement-not-supplant provision of sections 1120A(b) and 1304(c)(2) of the ESEA apply to the use of the incentive grant funds.

6) The discussion regarding Amount and Duration of Incentive Grants has been revised to explain more clearly the funding formula that the Department will use to calculate the amounts of the incentive grant awards.

With these changes, and for the reasons discussed in the notice of proposed requirements (68 FR 41323) and in the Analysis of Comments and Changes contained in the appendix to this notice, the Department establishes the following final definitions, requirements, criteria, and procedures to award and use consortium incentive grants in FY 2004 and subsequent years.

Definition for Eligibility to Participate in Consortium Incentive Grants

Section 1308(d) permits an SEA to enter into a consortium with another State or other appropriate entity. The Department defines the term "other appropriate entity" to mean any public or private agency or organization, such as a school district, a charter school, a nonprofit or for-profit organization, or an institution of higher education. However, under section 1308(d), only SEAs are eligible applicants to receive consortium incentive grants.

Application Requirements

An application for an incentive grant must be submitted by an SEA that will act as the "lead SEA" for the proposed

consortium. To be eligible for award, this application must include--

1. The identity of the lead SEA for the consortium, and of each other SEA or entity participating in the consortium;

2. The goals and measurable outcomes of the consortium, and the activities that each participating SEA or entity in the consortium will conduct during each project year to improve the delivery of services to migratory children whose education is interrupted;

3. A concise and cogent explanation of the need for and value of the proposed consortium to each participating SEA, and of how the proposed consortium will improve interstate or intrastate coordination of migrant education programs;

4. A description of the process each participating SEA will use for evaluating its progress in achieving the measurable outcomes of the consortium; and

5. A signed statement from the Chief State School Officer (or his or her authorized representative) of each SEA that is participating in the proposed consortium of his or her SEA's commitment to implement its activities as described in the application.

Absolute Priorities

For competitions in FY 2004 and later years, the Department establishes the following seven absolute priorities that promote

key national objectives of the MEP. In order for SEAs to be considered for incentive grants, a proposed consortium in which an SEA would participate must address one or more of the following absolute priorities:

1. Services designed to improve the proper and timely identification and recruitment of eligible migratory children whose education is interrupted;

2. Services designed (based on a review of scientifically based research) to improve the school readiness of pre-school-aged migratory children whose education is interrupted;

3. Services designed (based on a review of scientifically based research) to improve the reading proficiency of migratory children whose education is interrupted;

4. Services designed (based on a review of scientifically based research) to improve the mathematics proficiency of migratory children whose education is interrupted;

5. Services designed (based on a review of scientifically based research) to decrease the dropout rate of migratory students whose education is interrupted and improve their high school completion rate;

6. Services designed (based on a review of scientifically based research) to strengthen the involvement of migratory parents in the education of migratory students whose education is interrupted; and

7. Services designed (based on a review of scientifically based research) to expand access to innovative educational technologies intended to increase the academic achievement of migratory students whose education is interrupted.

Amount and Duration of Incentive Grants

An SEA that participates in a high-quality consortium, as the Department will select by use of the program's selection criteria, shall receive only one incentive grant award regardless of the number of high-quality consortia in which it participates.

In determining the amount of incentive grant awards, the Department will not use a cost analysis as described in §75.232 of EDGAR. Rather, the Department will determine the amounts of the incentive grant awards on the basis of the following two-tiered funding formula:

The first tier consists of those SEAs participating in high-quality consortia whose MEP Basic State Formula grant allocations are \$1 million or more. Each of these SEAs will, subject to the following exceptions, receive an incentive grant award of the same base amount.

The second tier consists of those SEAs participating in high-quality consortia whose MEP Basic State Formula grant allocations are \$1 million or less. Each of these SEAs will,

subject to the following exceptions, receive an incentive grant award that is twice the base amount.

Within each tier, awards will be of equal size, except that the amount of any SEA's incentive grant award in either tier may not exceed \$250,000 (which is the statutory maximum) or the amount of its MEP Basic State Formula grant, whichever is less.

The base amount will be calculated by dividing the total amount reserved for incentive grants by the sum of the total number of SEAs participating in high-quality consortia whose MEP Basic State Formula grant allocations are greater than \$1 million and two times the total number of SEAs participating in high-quality consortia whose MEP Basic State Formula grant allocations are \$1 million or less.

It must be noted that, because an SEA cannot receive an incentive award that exceeds its MEP Basic State Formula grant allocation or \$250,000, whichever is less, it is possible that some SEAs with MEP Basic State Formula allocations of \$1 million or less will not receive an incentive grant amount that is actually twice the amount of the awards provided to SEAs whose MEP Basic State Formula allocations are greater than \$1 million.

For FY 2004, the Department plans to reserve \$2.5 million for consortium incentive awards. The amount reserved for awards in future years will vary and will be announced prior to any future competition. With a \$2.5 million reservation of funds,

the range of annual awards to SEAs participating in consortia will be between \$35,738 (if all 52 SEAs receive grants under this competition) to \$250,000 (the statutory maximum). Assuming the number of SEAs that receive consortium incentive grants for FY 2004 is the same as the number of SEAs that received them in FY 2002 (39), the size of an annual award will be \$45,997 for SEAs whose MEP allocations are greater than \$1 million, and \$91,995 for SEAs whose MEP allocations are \$1 million or less (and greater than \$91,995). The actual size of an SEA's award will depend on the number of SEAs that participate in high-quality consortia and the size of those SEAs' MEP formula grant allocations.

Consortium incentive grants will be awarded for up to two years. (The Department will not conduct a new incentive grant competition in FY 2005; rather, it will make second-year funding available to those SEAs that receive a FY 2004 incentive award.)

In this regard, pursuant to §75.118 and §75.590 of EDGAR, each SEA that receives a consortium incentive grant award must submit a performance report (through the consortium's lead State) toward the end of the first project year, and a final evaluation report at the end of the second year. These reports must address the SEA's completion of activities and attainment of objectives of the approved consortium, rather than the activities supported with incentive grant funds. Eligibility of

each SEA for second-year awards will depend on the information provided in the first-year performance report regarding the SEA's substantial completion of first-year consortium activities and attainment of the outcomes identified in the approved consortium application.

Selection Criteria

The Department has established selection criteria from the general criteria for competitive grants contained in §75.210 of EDGAR to evaluate applications for the incentive grants competition. The selection criteria may be found in the application package for the FY 2004 competition. The Department will review and rank applications on the basis of how well the information provided responds to these selection criteria. However, to be funded, an application must also address one or more of the absolute priorities, and the elements described in the Application Requirements section of this notice.

Use of Consortium Incentive Grant Funds

An SEA may use incentive grant funds to implement the consortium or to carry out any other activities authorized under the MEP. Because the incentive grants may be used for any activities authorized under the MEP, the supplement-not-supplant provision of section 1120A(b) and section 1304(c)(2) of the ESEA applies to the use of the incentive grant funds. Moreover,

because the MEP is a formula grant program, the use and reporting of the incentive grant funds are governed by the provisions of parts 76 and 80 of EDGAR, which concern State-administered formula grant programs, rather than the provisions of part 75 of EDGAR, which concern discretionary grant programs. In this regard, an SEA receiving an incentive grant must submit the financial reports required under §76.720 (and §80.41) of EDGAR. However, under these requirements, an SEA does not need to submit the performance reports on the use of the incentive grant funds otherwise required under §76.720 and §80.40(b). Instead, information on the effects of the incentive grant funds will be gathered through the performance reporting to be required by the Department for the MEP Basic State Formula grant.

Paperwork Reduction Act of 1995

The Paperwork Reduction Act of 1995 does not require you to respond to collection of information unless it displays a valid OMB control number. We display the valid OMB control number assigned to the collection of information in this final notice at the end of this notice.

Intergovernmental Review

This program is subject to Executive Order 12372 and the regulations in 34 CFR Part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership

and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document is intended to provide early notification of our specific plans and actions for this program.

Electronic Access to This Document

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

www.ed.gov/news/fedregister

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

You may also view this document in text at the following site:

<http://www.ed.gov/about/offices/list/oese/ome/index.html>.

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

Code of Federal Regulations is available on GPO Access at:

<http://www.gpoaccess.gov/nara/index.html>

(Approved by the Office of Management and Budget under control number 1810-0649)

(Catalog of Federal Domestic Assistance Number 84.144: (Migrant Education Coordination Program))

Dated:

Raymond Simon,
Assistant Secretary for Elementary and
Secondary Education.

Appendix -- Analysis of Comments and Changes

We group major issues according to subject. Generally, we do not address technical and other minor changes, and suggested changes the law does not authorize us to make under applicable statutory authority.

Eligibility for Consortium Incentive Grants

Comment: One commenter suggested that the notice include clarifying language that charter schools may also be an "other appropriate entity" with which an SEA may enter into a consortium. The commenter also suggested that the notice clarify that "migrant children whose education is interrupted" would include "all [such] public school students, including migrant students enrolled in charter schools."

Discussion: The Department agrees that prospective applicants would benefit from inclusion of examples of "other appropriate entities." However, we do not agree that the notice needs to further clarify the term "migrant children whose education is interrupted" since the term already clearly includes any such migrant children whether they are enrolled in public or private school or are out-of-school.

Changes: The definition of "other appropriate entity" has been revised to include examples, "such as a school district, a charter school, a nonprofit or for-profit organization, or an institution of higher education."

Application Requirements

Comment: One commenter asserted that the requirements of section 1308(a), which focus on interstate and intrastate coordination, apply to all provisions in section 1308. The commenter said that, as a result, the consortia and the incentive grants authorized under section 1308(d) must, as a matter of law, be designed to "improve the interstate and intrastate coordination among [State and local] agencies' migrant educational programs. . . ."

Discussion: The Department does not agree with the comment. Section 1308 is entitled "Coordination of Migrant Education Activities," and the provisions contained in this section all generally relate to coordination. The specific provision to which the commenter refers is in a subparagraph of section 1308(a), which itself is entitled "Improvement of Coordination." Specifically, subparagraph 1308(a)(1), entitled "In General," authorizes the Department, among other things, to award grants or contracts to various specific agencies in order to improve interstate and intrastate coordination of those agencies' migrant education programs. Neither this subparagraph (a)(1) nor the duration-of-grants provision in subparagraph (a)(2) applies to the specific authorizations and provisions contained in sections 1308(b) through (e). However, while not legally required to do so, the Department has decided that to be

considered high-quality consortia selected in this competition under section 1308(d), the proposed consortia must be designed to improve the interstate or intrastate coordination of migrant education programs.

Changes: We have revised the Application Requirements to require that, to be funded, an applicant must explain how the proposed consortium will improve interstate and intrastate coordination of migrant education programs.

Absolute Priorities

Comment: One commenter recommended that absolute priority 1 (regarding services to improve the identification and recruitment of migratory children whose education is interrupted) must be put in place before incentive grants are provided for the other absolute priorities. The commenter also urged the Department to develop a nationwide Internet-based data management system that is accessible to all school districts and compatible with standard operating systems. The commenter stated that a system of this kind would enable school districts to access critical information on migrant children, thereby increasing the efficiency and effectiveness of the MEP and its services.

Discussion: The Department agrees that absolute priority 1 is a critical first component of any migrant education program. However, for reasons discussed in the notice of proposed

requirements, absolute priorities 2 through 7 reflect areas of national significance for migrant students that warrant award of consortium incentive grants, and there is no reason to delay consortia's efforts to address these six areas while SEAs further their identification and recruitment of migrant students.

In addition, the Department agrees with the commenter that a system that facilitates the timely access to and transfer of student records can be an effective means of reducing the effects of educational disruption on migrant students. Pursuant to section 1308(b)(2), the Department is currently in the process of developing and implementing a migrant student records system for the purpose of electronically exchanging health and educational information regarding migrant children among States. Because this is a separate national initiative, the Department is not addressing it through this grant program.

Changes: None.

Comment: One commenter, believing that migrant education programs do not provide for the dental and vision needs of migrant children, recommended that dental and vision needs be addressed as an additional priority. The commenter also recommended recognition and support of programs addressing cultural self-identification and self-esteem for migrant children.

Discussion: Dental and vision screenings, as well as activities that promote self-esteem of migrant students, are allowable services under the MEP Basic State Formula grant program to the extent that such services address needs that result from the migratory lifestyle and are educationally-related (i.e., are needed to permit migrant children to function effectively in school). However, while these issues are important for migrant children, the Department does not believe that they reflect the same high level of national significance as do the seven absolute priorities established for the incentive grant competition.

Changes: None.

Reporting Requirements

Comment: One commenter asked whether a grantee must submit a final summary evaluation report at the end of the second year, or whether instead it could submit a developmental evaluation for the second year, continue its work on consortium activities (with the use of other funds) for a third year, and then submit a final summary evaluation report at the end of third year. The commenter noted that the second option would allow a longer window of time to achieve the measurable goals of the consortium.

Discussion: The Department is soliciting applications for consortia that will complete described activities in no more

than two years. These applications must include objectives and measurable outcomes to be completed within the maximum two-year performance period. Participating SEAs or other entities in a consortium may continue to support and evaluate the effectiveness of consortium activities that they choose to carry out after the second year. However, participating SEAs must still provide a final report, under §75.590 of EDGAR, that addresses their success in completing the activities and achieving the objectives and outcomes that were established in their approved consortium applications for completion within the maximum two-year performance period.

Changes: None.

Comment: None.

Discussion: In reviewing the notice, the Department noted a need to clarify the grantee reporting requirements.

Changes: The reporting requirements have been revised to clarify that:

- 1) The first-year performance report and the final second-year evaluation report required under §75.118 and §75.590 of EDGAR concern the completion of activities of the approved consortium, rather than the use of the awarded incentive grant funds, and

- 2) SEAs do not need to submit a performance report on the use of the incentive grant funds. Instead, because an SEA may

use incentive grant funds for any activity authorized under the MEP, the effectiveness of the incentive grants will be measured through those performance reports required by the Department for the MEP Basic State Formula grant. However, an SEA receiving an incentive grant must submit the financial reports relating to incentive grant funds required under §76.720 and §80.41 of EDGAR.

Use of Consortium Incentive Grant Funds

Comment: None.

Discussion: In reviewing the notice, the Department noted that, because the incentive grants may be used for any activities authorized under the MEP, the supplement-not-supplant provision found in sections 1120A(b) and 1304(c)(2) of the ESEA should be made applicable to the consortium incentive grants

Changes: The final requirements clarify that the supplement-not-supplant provision of sections 1120A(b) and 1304(c)(2) apply to the use of these incentive grant funds.

Amount and Duration of Incentive Grants

Comment: None.

Discussion: In reviewing the notice, the Department noted the need to explain more clearly the funding formula that it will use to calculate the incentive grant award amounts.

Changes: We have revised the final requirements to clarify the language explaining the funding formula.

Applications Checklist

Does your application include each of the following?

- Cover Page
- Table of Contents
- Project Abstract
- Project Narrative
- Signed Statement from Chief State School Officer of each SEA in proposed consortium
- Response to Section 427 of GEPA Guidance
- Assurances and Certifications
 - Assurances--Non-Construction Programs
 - Certifications Regarding Lobbying; Debarment; Suspension, and Other Responsibility Matters; Drug-Free Workplace Requirements
 - Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion- Lower Tier Covered Transactions
 - Disclosure of Lobbying Activity

Did You –

- If submitting by mail or hand delivery, provide one (1) original plus three (1) copy of the application?
- Include all required forms with original signatures and dates?
- Submit a copy of the application to the State Single Point of Contact (if applicable)?
- Adhere to the 30-page limit?
- Consecutively number all pages in the application package?

ASSURANCES - NON-CONSTRUCTION PROGRAMS

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

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

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

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

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. "4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. "1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. '794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. " 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) " 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. " 290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. ' 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or Federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. "1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. "276a to 276a-7), the Copeland Act (40 U.S.C. '276c and 18 U.S.C. "874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. " 327-333), regarding labor standards for Federally assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. "1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. "7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. "1721 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. '470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. "469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. "2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. "4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, AAudits of States, Local Governments, and Non-Profit Organizations.@
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

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

(b) 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 grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110--

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 -

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
 (e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants Policy and Oversight Staff, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check if there are workplaces on file that are not identified here.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

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

**DRUG-FREE WORKPLACE
(GRANTEES WHO ARE INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610-

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants Policy and Oversight Staff, Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant.

**Certification Regarding Debarment, Suspension, Ineligibility and
Voluntary Exclusion -- Lower Tier Covered Transactions**

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

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled **ΔCertification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transactions,** without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to, check the Nonprocurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

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

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

Disclosure of Lobbying Activities

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

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

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

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

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

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

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 2050

Executive Order 12372—Intergovernmental Review of Federal Programs

The Education Department General Administrative Regulations (EDGAR), 34 CFR part 79 pertaining to Intergovernmental Review of Federal Programs, apply to the program(s) included in this application package.

The objective of the Executive order is to foster an intergovernmental partnership and to strengthen federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more than one State should immediately contact the Single Point of Contact for each of those States and follow the procedure established in each of those States under the Executive order. A listing containing the Single Point of Contact for each State is included in this appendix.

In States that have not established a process or chosen a program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a State Single Point of Contact and any comments from State, areawide, regional, and local entities must be mailed or hand-delivered by the date indicated in the actual application notice to the following address:

The Secretary
EO 12372--CFDA# 84.144
U.S. Department of Education, room 7W301,
400 Maryland Avenue, SW.
Washington, DC 20202.

Proof of mailing will be determined on the same basis as applications (see 34 CFR 75.102). Recommendations or comments may be hand-delivered until 4:30 p.m. (Washington, DC time) on the date indicated in the actual application notice.

PLEASE NOTE THAT THE ABOVE ADDRESS IS NOT THE SAME ADDRESS AS THE ONE TO WHICH THE APPLICANT SUBMITS ITS COMPLETED APPLICATION. DO NOT SEND APPLICATIONS TO THE ABOVE ADDRESS.

The list below, prepared by the U.S. Department of Education is an unofficial version of the State Single Point of Contact (SPOC) List published by the Office of Management and Budget (OMB). The Department has made every effort to ensure the accuracy of the information contained in this unofficial version. It reflects those changes made by OMB as of 08/15/01. The only official and up to date version of the State Single Point of Contact (SPOC) List is posted on the Grants Management section of the OMB web site:

<http://www.whitehouse.gov/omb/grants/spoc.html>. You may review and/or download the Adobe pdf (portable document format) version of this document at the aforementioned site. Please include this statement in any reproduction of this unofficial list.

You are strongly encouraged to access the Intergovernmental Review (SPOC List) link to the Grants Management Information section of the OMB web page regularly in the course of completing grant applications to be submitted to your designated State Single Point of Contact (SPOC). If you do not have access to the Internet, please use the list below to contact the office or individual listed in order to confirm the State Single Point of Contact (SPOC).

STATE SINGLE POINTS OF CONTACT (SPOCs)

It is estimated that in 2001, the Federal Government will outlay \$305.6 billion in grants to State and local governments. Executive Order 12372, "Intergovernmental Review of Federal Programs," was issued with the desire to foster the intergovernmental partnership and strengthen federalism by relying on State and local processes for the coordination and review of proposed Federal financial assistance and direct Federal development. The Order allows each State to designate an entity to perform this function. Below is the official list of those entities. For those States that have a home page for their designated entity, a direct link has been provided on the official version <http://www.whitehouse.gov/omb/grants/spoc.html>.

States that are not listed on this page have chosen not to participate in the intergovernmental review process, and therefore do not have a SPOC. If you are located within one of these States, you may still send application material directly to a Federal awarding agency.

Contact information for Federal agencies that award grants can be found in Appendix IV of the Catalog of Federal Domestic Assistance. [<http://www.cfda.gov/public/cat-app4-index.htm>]

<p>ARKANSAS</p> <p>Tracy L. Copeland Manager, State Clearinghouse Office of Intergovernmental Services Department of Finance and Administration 1515 W. 7th Street, Room 412 Little Rock, Arkansas 72203 Telephone: (501) 682-1074 FAX: (501) 682-5206 tlcopeland@dfa.state.ar.us</p>	<p>CALIFORNIA</p> <p>Grants Coordination State Clearinghouse Office of Planning and Research P.O. Box 3044, Room 222 Sacramento, California 95812-3044 Telephone: (916) 445-0613 FAX: (916) 323-3018 state.clearinghouse@opr.ca.gov</p>
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<p>DELAWARE</p> <p>Charles H. Hopkins Executive Department Office of the Budget 540 S. Dupont Highway , 3rd Floor Dover, Delaware 19901 Telephone: (302) 739-3323 FAX: (302) 739-5661 chopkins@state.de.us</p>	<p>DISTRICT OF COLUMBIA</p> <p>Luisa Montero-Diaz Office of Partnerships and Grants Development Executive Office of the Mayor District of Columbia Government 414 4th Street, NW, Suite 530 South Washington, DC 20001 Telephone: (202) 727-8900 FAX: (202) 727-1652 opgd.eom@dc.gov</p>
<p>FLORIDA</p> <p>Jasmin Raffington Florida State Clearinghouse Department of Community Affairs 2555 Shumard Oak Blvd. Tallahassee, Florida 32399-2100 Telephone: (850) 922-5438 FAX: (850) 414-0479 clearinghouse@dca.state.fl.us</p>	<p>GEORGIA</p> <p>Georgia State Clearinghouse 270 Washington Street, SW Atlanta, Georgia 30334 Telephone: (404) 656-3855 FAX: (404) 656-7901 gach@mail.opb.state.ga.us</p>
<p>ILLINOIS</p> <p>Virginia Bova Department of Commerce and Community Affairs James R. Thompson Center 100 West Randolph, Suite 3-400 Chicago, Illinois 60601 Telephone: (312) 814-6028 FAX: (312) 814-8485 vbova@commerce.state.il.us</p>	<p>IOWA</p> <p>Steven R. McCann Division of Community and Rural Development Iowa Department of Economic Development 200 East Grand Avenue Des Moines, Iowa 50309 Telephone: (515) 242-4719 FAX: (515) 242-4809 steve.mccann@ided.state.ia.us</p>
<p>KENTUCKY</p> <p>Ron Cook Department for Local Government 1024 Capital Center Drive, Suite 340 Frankfort, Kentucky 40601 Telephone: (502) 573-2382 FAX: (502) 573-2512 ron.cook@mail.state.ky.us</p>	<p>MAINE</p> <p>Joyce Benson State Planning Office 184 State Street 38 State House Station Augusta, Maine 04333 Telephone: (207) 287-3261 Telephone: (207) 287-1461 (direct) FAX: (207) 287-6489 joyce.benson@state.me.us</p>

<p>MARYLAND</p> <p>Linda Janey Manager, Clearinghouse and Plan Review Unit Maryland Office of Planning 301 West Preston Street – Room 1104 Baltimore, Maryland 21201-2305 Telephone: (410) 767-4490 FAX: (410) 767-4480 linda@mail.op.state.md.us</p>	<p>MICHIGAN</p> <p>Richard Pfaff Southeast Michigan Council of Governments 535 Griswold, Suite 300 Detroit, Michigan 48226 Telephone: (313) 961-4266 FAX: (313) 961-4869 pfaff@semcog.org</p>
<p>MISSISSIPPI</p> <p>Cathy Mallette Clearinghouse Officer Department of Finance and Administration 1301 Woolfolk Building, Suite E 501 North West Street Jackson, Mississippi 39201 Telephone: (601) 359-6762 FAX: (601) 359-6758</p>	<p>MISSOURI</p> <p>Carol Meyer Teresa Kirchhoff Federal Assistance Clearinghouse Office of Administration P.O. Box 809 Truman Building, Room 840 Jefferson City, Missouri 65102 Telephone: (573) 751-4834 FAX: (573) 522-4395 meyerc@mail.oa.state.mo.us kirchhofft@mail.oa.state.mo.us</p>
<p>NEVADA</p> <p>Heather Elliott Department of Administration State Clearinghouse 209 E. Musser Street, Room 200 Carson City, Nevada 89701 Telephone: (775) 684-0209 FAX: (775) 684-0260 Helliott@govmail.state.nv.us</p>	<p>NEW HAMPSHIRE</p> <p>Jeffrey H. Taylor Director New Hampshire Office of State Planning Attn: Intergovernmental Review Process Mike Blake 2½ Beacon Street Concord, New Hampshire 03301 Telephone: (603) 271-2155 FAX: (603) 271-1728 Jtaylor@osp.state.nh.us</p>
<p>NEW MEXICO</p> <p>Ken Hughes Local Government Division Room 201, Bataan Memorial Building Santa Fe, New Mexico 87503 Telephone: (505) 827-4370 FAX: (505) 827-4948 khughes@dfa.state.nm.us</p>	<p>NORTH CAROLINA</p> <p>Jeanette Furney Department of Administration 1302 Mail Service Center Raleigh, North Carolina 27699-1302 Telephone: (919) 807-2323 FAX: (919) 733-9571 jeanette.furney@ncmail.net</p>

<p>NORTH DAKOTA</p> <p>Jim Boyd Division of Community Services 600 East Boulevard Ave, Dept 105 Bismarck, North Dakota 58505-0170 Telephone: (701) 328-2094 FAX: (701) 328-2308 jboyd@state.nd.us</p>	<p>RHODE ISLAND</p> <p>Kevin Nelson Department of Administration Statewide Planning Program One Capitol Hill Providence Rhode Island 02908-5870 Telephone: (401) 222-2093 FAX: (401) 222-2083 knelson@doa.state.ri.us</p>
<p>SOUTH CAROLINA</p> <p>Omeagia Burgess Budget and Control Board Office of State Budget 1122 Ladies Street – 12th Floor Columbia, South Carolina 29201 Telephone: (803) 734-0494 FAX: (803) 734-0645 aburgess@budget.state.sc.us</p>	<p>TEXAS</p> <p>Denise S. Francis Director, State Grants Team Governor’s Office of Budget and Planning P.O. Box 12428 Austin, Texas 78711 Telephone: (512) 305-9415 FAX: (512) 936-2681 dfrancis@governor.state.tx.us</p>
<p>UTAH</p> <p>Carolyn Wright Utah State Clearinghouse Governor’s Office of Planning and Budget State Capitol, Room 114 Salt Lake City, Utah 84114 Telephone: (801) 538-1535 FAX: (801) 538-1547 cwright@gov.state.ut.us</p>	<p>WEST VIRGINIA</p> <p>Fred Cutlip, Director Community Development Division West Virginia Development Office Building #6, Room 553 Charleston, West Virginia 25305 Telephone: (304) 558-4010 FAX: (304) 558-3248 fcutlip@wvdo.org</p>
<p>WISCONSIN</p> <p>Jeff Smith Section Chief, Federal/State Relations Wisconsin Department of Administration 101 East Wilson Street – 6th Floor P.O. Box 7868 Madison, Wisconsin 53707 Telephone: (608) 266-0267 FAX: (608) 267-6931 jeffrey.smith@doa.state.wi.us</p>	<p>AMERICAN SAMOA</p> <p>Pat M. Galea'i Federal Grants/Programs Coordinator Office of Federal Programs Office of the Governor/Department of Commerce American Samoa Government Pago Pago, American Samoa 96799 Telephone: (684) 633-5155 Fax: (684) 633-4195 pmgaleai@samoatelco.com</p>

<p>GUAM</p> <p>Director Bureau of Budget and Management Research Office of the Governor P.O. Box 2950 Agana, Guam 96910 Telephone: 011-671-472-2285 FAX: 011-671-472-2825 jer@ns.gov.gu</p>	<p>PUERTO RICO</p> <p>Jose Caballero / Mayra Silva Puerto Rico Planning Board Federal Proposals Review Office Minillas Government Center P.O. Box 41119 San Juan, Puerto Rico 00940-1119 Telephone: (787) 723-6190 FAX: (787) 722-6783</p>
<p>NORTHERN MARIANA ISLANDS</p> <p>Ms. Jacoba T. Seman Federal Programs Coordinator Office of Management and Budget Office of the Governor Saipan, MP 96950 Telephone: (670) 664-2289 FAX: (670) 664-2272 omb.jseman@saipan.com</p>	<p>VIRGIN ISLANDS</p> <p>Ira Mills Director, Office of Management & Budget # 41 Norre Gade Emancipation Garden Station, Second Floor Saint Thomas, Virgin Islands 00802 Telephone: (340) 774-0750 FAX: (787) 776-0069 Irmills@usvi.org</p>

Changes to this list can be made only after OMB is notified by a State's officially designated representative. E-mail messages can be sent to grants@omb.eop.gov. If you prefer, you may send correspondence to the following postal address:

Attn: Grants Management
Office of Management and Budget
New Executive Office Building, Suite 6025
725 17th Street, NW
Washington, DC 20503

Please note: Inquiries about obtaining a Federal grant should not be sent to the OMB e-mail or postal address shown above. The best source for this information is the Catalog of Federal Domestic Assistance (CFDA) [<http://www.cfda.gov/>].

NOTICE TO ALL APPLICANTS

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

To Whom Does This Provision Apply?

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

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

What Does This Provision Require?

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

Section 427 is not intended to duplicate the requirements of civil rights statutes, but rather to ensure that, in designing their projects, applicants for Federal funds address

equity concerns that may affect the ability of certain potential beneficiaries to fully participate in the project and to achieve to high standards. Consistent with program requirements and its approved application, an applicant may use the Federal funds awarded to it to eliminate barriers it identifies.

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

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

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

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

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

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

Estimated Burden Statement for GEPA Requirements

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is **1890-0007**. The time required to complete this information collection is estimated to average 1.5 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** Director, Grants Policy and Oversight Staff, U.S. Department of Education, 400 Maryland Avenue, SW (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248.