

05/27/2008

**U.S. DEPARTMENT OF EDUCATION
OFFICE OF INNOVATION AND IMPROVEMENT
WASHINGTON, D.C. 20202**

FY 2009

**APPLICATION FOR GRANTS
UNDER THE STATE CHARTER SCHOOL
FACILITIES INCENTIVE GRANTS PROGRAM**

CFDA Number: 84.282D

**FORM APPROVED
OMB No. 1855-0012, EXP. DATE XX/XX/20XX**



DATED MATERIAL - OPEN IMMEDIATELY

Closing Date: XXXX X, 200X



UNITED STATES DEPARTMENT OF EDUCATION
Office of Innovation and Improvement

Dear Applicant:

Thank you for your interest in the State charter school facilities incentive grants program administered by the U.S. Department of Education's Office of Innovation and Improvement. I am pleased to announce that approximately \$XX.X million will be available this year to support an estimated X projects under this program.

Currently, about X,X00 charter schools operate around the country. These public schools provide parents and students with options that can lead to better student achievement. However, many charter schools face significant challenges when trying to obtain facilities; insufficient revenue and lack of access to private funding for facilities top the list. The purpose of the State charter school facilities incentive grants program (authorized by Title V, Part B, Subpart 1 of the Elementary and Secondary Education Act (ESEA), as amended by the No Child Left Behind Act) is to provide competitive incentive grants to help States create new or enhance existing per-pupil facilities aid programs.

Information to assist in preparing your application is found in the Notice Inviting Applications (Section B) and in the Application Contents section (Section C) of this application package.

Applications must be submitted electronically in accordance with the section titled General Application Instructions and Information no later than 4:30:00 p.m., Washington, DC time on XXXX X, 200X, for consideration. An application that is not submitted by the deadline will be returned to the applicant and will not be considered.

We expect to make awards under this program approximately two months after the application deadline.

For further information, please contact XXX or XXX at (202) XXX-XXXX or e-mail charter.facilities@ed.gov.

Sincerely,

XXXX XXXXX
Director
Parental Options and Information

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SECTION A

**GENERAL
APPLICATION
INSTRUCTIONS**

Insert most recent language for Grants.gov Submission Procedures and Tips for Applicants, Instructions for Transmitting Instructions, and Instructions for D-U-N-S Number

SECTION B

APPLICATION NOTICE, PROGRAM STATUTE, AND REGULATIONS

Insert Application Notice here

PROGRAM STATUTE

Subpart 1 —Charter School Programs

Section 5205 (b) PER-PUPIL FACILITIES AID PROGRAMS-

(1) DEFINITION OF PER-PUPIL FACILITIES AID PROGRAM- In this subsection, the term 'per-pupil facilities aid program' means a program in which a State makes payments, on a per-pupil basis, to charter schools to provide the schools with financing —

(A) that is dedicated solely for funding charter school facilities; or

(B) a portion of which is dedicated for funding charter school facilities.

(2) GRANTS-

(A) IN GENERAL- From the amount made available to carry out this subsection under paragraphs (2) and (3)(B) of section 5211(b) for any fiscal year, the Secretary shall make grants, on a competitive basis, to States to pay for the Federal share of the cost of establishing or enhancing, and administering per-pupil facilities aid programs.

(B) PERIOD- The Secretary shall award grants under this subsection for periods of not more than 5 years.

(C) FEDERAL SHARE- The Federal share of the cost described in subparagraph (A) for a per-pupil facilities aid program shall be not more than —

(i) 90 percent of the cost, for the first fiscal year for which the program receives assistance under this subsection;

(ii) 80 percent in the second such year;

(iii) 60 percent in the third such year;

(iv) 40 percent in the fourth such year; and

(v) 20 percent in the fifth such year.

(3) USE OF FUNDS-

(A) IN GENERAL- A State that receives a grant under this subsection shall use the funds made available through the grant to establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State.

(B) EVALUATIONS; TECHNICAL ASSISTANCE; DISSEMINATION- From the amount made available to a State through a grant under this subsection for a fiscal year, the State may reserve not more than 5 percent to carry out evaluations, to provide technical assistance, and to disseminate information.

(C) SUPPLEMENT, NOT SUPPLANT- Funds made available under this subsection shall be used to supplement, and not supplant, State and local public funds expended to provide per pupil facilities aid programs, operations financing programs, or other programs, for charter schools.

(4) REQUIREMENTS-

(A) VOLUNTARY PARTICIPATION- No State may be required to participate in a program carried out under this subsection.

(B) STATE LAW- To be eligible to receive a grant under this subsection, a State shall establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State, that —

(i) is specified in State law; and

(ii) provides annual financing, on a per-pupil basis, for charter school facilities.

(5) APPLICATIONS- To be eligible to receive a grant under this subsection, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

- (6) PRIORITIES- In making grants under this subsection, the Secretary shall give priority to States that meet the criteria described in paragraph (2), and subparagraphs (A), (B), and (C) of paragraph (3), of section 5202(e).
- (c) RULE OF CONSTRUCTION- Nothing in this section shall be construed to require charter schools to collect any data described in subsection (a).

Subsection cross-referenced under Section 5205(B)(6)

Section 5202 (e) PRIORITY TREATMENT-

- (1) IN GENERAL- In awarding grants under this subpart for fiscal year 2002 or any succeeding fiscal year from any funds appropriated under section 5211 (other than funds reserved to carry out section 5205(b)), the Secretary shall give priority to States to the extent that the States meet the criteria described in paragraph (2) and one or more of the criteria described in subparagraph (A), (B), or (C) of paragraph (3).
- (2) REVIEW AND EVALUATION PRIORITY CRITERIA- The criteria referred to in paragraph (1) are that the State provides for periodic review and evaluation by the authorized public chartering agency of each charter school, at least once every 5 years unless required more frequently by State law, to determine whether the charter school is meeting the terms of the school's charter, and is meeting or exceeding the student academic achievement requirements and goals for charter schools as set forth under State law or the school's charter.
- (3) PRIORITY CRITERIA- The criteria referred to in paragraph (1) are the following:
- (A) The State has demonstrated progress, in increasing the number of high-quality charter schools that are held accountable in the terms of the schools' charters for meeting clear and measurable objectives for the educational progress of the students attending the schools, in the period prior to the period for which a State educational agency or eligible applicant applies for a grant under this subpart.
 - (B) The State —
 - (i) provides for one authorized public chartering agency that is not a local educational agency, such as a State chartering board, for each individual or entity seeking to operate a charter school pursuant to such State law; or
 - (ii) in the case of a State in which local educational agencies are the only authorized public chartering agencies, allows for an appeals process for the denial of an application for a charter school.
 - (C) The State ensures that each charter school has a high degree of autonomy over the charter school's budgets and expenditures.

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AUTHORITY: 20 U.S.C. 1221e-3; 7221d(b), unless otherwise noted.

Subpart A -- General

§226.1 What is the State Charter School Facilities Incentive program?

(a) The State Charter School Facilities Incentive program provides grants to States to help charter schools pay for facilities.

(b) Grantees must use these grants to--

(1) Establish new per-pupil facilities aid programs for charter schools;

(2) Enhance existing per-pupil facilities aid programs for charter schools; or

(3) Administer programs described under paragraphs (b) (1) and (2) of this section.

(Authority: 20 U.S.C. 7221d(b))

§226.2 Who is eligible to receive a grant?

States are eligible to receive grants under this program.

(Authority: 20 U.S.C. 7221(b))

§226.3 What regulations apply to the State Charter School Facilities Incentive program?

The following regulations apply to the State Charter School Facilities Incentive program:

(a) The Education Department General Administrative Regulations (EDGAR) as follows:

(1) 34 CFR part 74 (Administration of Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations).

(2) 34 CFR part 75 (Direct Grant Programs).

(3) 34 CFR part 77 (Definitions that Apply to Department Regulations).

(4) 34 CFR part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(5) 34 CFR part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments).

(6) 34 CFR part 81 (General Education Provisions Act-- Enforcement).

(7) 34 CFR part 82 (New Restrictions on Lobbying).

(8) 34 CFR part 84 (Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)).

(9) 34 CFR part 85 (Governmentwide Debarment and Suspension (Nonprocurement)).

(10) 34 CFR part 97 (Protection of Human Subjects).

(11) 34 CFR part 98 (Student Rights in Research, Experimental Programs, and Testing).

(12) 34 CFR part 99 (Family Educational Rights and Privacy).

(b) The regulations in this part 226.

(Authority: 20 U.S.C. 1221e-3; 7221d(b))

§226.4 What definitions apply to the State Charter School Facilities Incentive program?

(a) Definitions in the statute. The following term used in this part is defined in section 5210 of the Elementary and Secondary Education Act of 1965, as amended (ESEA):

Charter school

(b) Definitions in EDGAR. The following terms used in this part are defined in 34 CFR 77.1:

Applicant

Application

Award

Department

EDGAR

Facilities

Grant

Grantee

Project

Public

Secretary

(c) Other definition. The following definition also applies to this part:

Construction means--

(1) Preparing drawings and specifications for school facilities projects;

(2) Repairing, renovating, or altering school facilities;

(3) Extending school facilities;

(4) Erecting or building school facilities; and

(5) Inspections or supervision related to school facilities.

(Authority: 20 U.S.C. 7221d(b); 7221i(1))

Subpart B -- How Does the Secretary Award a Grant?

§226.11 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application on the basis of the criteria in §226.12 and the competitive preference priorities in §226.13 and §226.14.

(b) The Secretary informs applicants of the maximum possible score for each criterion and competitive preference priority in the application package or in a notice published in the Federal Register.

(Authority: 20 U.S.C. 7221d(b))

§226.12 What selection criteria does the Secretary use in evaluating an application for a State Charter School Facilities Incentive program grant?

The selection criteria for this program are as follows:

(a) Need for facility funding. (1) The need for per-pupil charter school facility funding in the State.

(2) The extent to which the proposal meets the need to fund charter school facilities on a per-pupil basis.

(b) Quality of plan. (1) The likelihood that the proposed grant project will result in the State either retaining a new per-pupil facilities aid program or continuing to enhance such a program without the total amount of assistance (State and Federal) declining over a five-year period.

(2) The flexibility charter schools have in their use of facility funds for the various authorized purposes.

(3) The quality of the plan for identifying charter schools and determining their eligibility to receive funds.

(4) The per-pupil facilities aid formula's ability to target resources to charter schools with the greatest need and the highest proportions of students in poverty.

(5) For projects that plan to reserve funds for evaluation, the quality of the applicant's plan to use grant funds for this purpose.

(6) For projects that plan to reserve funds for technical assistance, dissemination, or personnel, the quality of the applicant's plan to use grant funds for these purposes.

(c) The grant project team. (1) The qualifications, including relevant training and experience, of the project manager and other members of the grant project team, including employees not paid with grant funds, consultants, and subcontractors.

(2) The adequacy and appropriateness of the applicant's staffing plan for the grant project.

(d) The budget. (1) The extent to which the requested grant amount and the project costs are reasonable in relation to the objectives, design, and potential significance of the proposed grant project.

(2) The extent to which the costs are reasonable in relation to the number of students served and to the anticipated results and benefits.

(3) The extent to which the non-Federal share exceeds the minimum percentages (which are based on the percentages under section 5205(b)(2)(C) of the ESEA), particularly in the initial years of the program.

(e) State experience. The experience of the State in addressing the facility needs of charter schools through various means, including providing per-pupil aid, access to State loan or bonding pools, and the use of Qualified Zone Academy Bonds.

(Approved by the Office of Management and Budget under control number 1855-0012)

(Authority: 20 U.S.C. 7221d(b))

§226.13 What statutory funding priority does the Secretary use in making a grant award?

The Secretary shall award additional points under a competitive preference priority regarding:

(a) Periodic Review and Evaluation. The State provides for periodic review and evaluation by the authorized public chartering agency of each charter school at least once every five years unless required more frequently by State law, to determine whether the charter school is meeting the terms of the school's charter and is meeting or exceeding the student academic performance requirements and goals for charter schools as set forth under State law or the school's charter.

(b) Number of High-Quality Charter Schools. The State has demonstrated progress in increasing the number of high-quality charter schools that are held accountable in the terms of the schools' charters for meeting clear and measurable objectives for the educational progress of the students attending the schools, in the period prior to the period for which the State applies for a grant under this competition.

(c) One Authorized Public Chartering Agency Other than an LEA, or an Appeals Process. The State --

(1) Provides for one authorized public chartering agency that is not a local educational agency (LEA), such as a State chartering board, for each individual or entity seeking to operate a charter school pursuant to State law; or

(2) In the case of a State in which LEAs are the only authorized public chartering agencies, allows for an appeals process for the denial of an application for a charter school.

(d) High Degree of Autonomy. The State ensures that each charter school has a high degree of autonomy over the charter school's budgets and expenditures.

(Approved by the Office of Management and Budget under control number 1855-0012)

(Authority: 20 U.S.C. 7221b; 7221d(b))

§226.14 What other funding priorities may the Secretary use in making a grant award?

(a) The Secretary may award points to an application under a competitive preference priority regarding the capacity of charter schools to offer public school choice in those communities with the greatest need for this choice based on--

(1) The extent to which the applicant would target services to geographic areas in which a large proportion or number of public schools have been identified for improvement, corrective action, or restructuring under title I of the ESEA;

(2) The extent to which the applicant would target services to geographic areas in which a large proportion of students perform poorly on State academic assessments; and

(3) The extent to which the applicant would target services to communities with large proportions of low-income students.

(b) The Secretary may award points to an application under a competitive preference priority for applicants that have not previously received a grant under the program.

(c) The Secretary may elect to consider the points awarded under these priorities only for proposals that exhibit sufficient quality to warrant funding under the selection criteria in §226.12 of this part.

(Approved by the Office of Management and Budget under control number 1855-0012)

(Authority: 20 U.S.C. 7221d(b))

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

§226.21 How may charter schools use these funds?

(a) Charter schools that receive grant funds through their State must use the funds for facilities. Except as provided in paragraph (b) of this section, allowable expenditures include:

- (1) Rent.
- (2) Purchase of building or land.
- (3) Construction.
- (4) Renovation of an existing school facility.
- (5) Leasehold improvements.
- (6) Debt service on a school facility.

(b) Charter schools may not use these grant funds for purchasing land when they have no immediate plans to construct a building on that land.

(Authority: 20 U.S.C. 7221d(b))

§226.22 May grantees use grant funds for administrative costs?

State grantees may use up to five percent of their grant award for administrative expenses that include: indirect costs, evaluation, technical assistance, dissemination, personnel costs, and any other costs involved in administering the State's per-pupil facilities aid program.

(Authority: 20 U.S.C. 7221d(b))

§226.23 May charter schools use grant funds for administrative costs?

(a) Except as provided in paragraph (b) of this section, charter school subgrantees may use grant funds for administrative costs that are necessary and reasonable for the proper and efficient performance and administration of this Federal grant. This use of funds, as well as indirect costs and rates, must comply with EDGAR and the Office of Management and Budget Circular A-87 (Cost Principles for State, Local, and Indian Tribal Governments).

(b) Consistent with the requirements in 34 CFR 75.564(c)(2), any charter school subgrantees that use grant funds for construction activities may not be reimbursed for indirect costs for those activities.

(Authority: 20 U.S.C. 1221e-3; 7221d(b))

SECTION C

**GENERAL
APPLICATION
INSTRUCTIONS AND
INFORMATION**

General Instructions

The 84.282D application consists of the following, as outlined in the Federal Register Notice. All forms listed below are required. Please review all instructions and the Federal Register Notice before completing your application.

If you have received an exemption to the mandatory electronic submission requirement and are submitting a hard copy application, you will not use these forms, but will prepare a narrative incorporating each element.

ED Abstract Form - The abstract is to be attached to the “ED Abstract Form” in the application package in Grants.gov.

Project Narrative Attachment Form - (found in the Grants.gov application package) is where applicants will attach their narrative responses to the application requirements and selection criteria that will be used to evaluate applications submitted for this competition. Make sure that your narrative addresses all of the elements. We strongly recommend that the information be organized around and appear in the same sequence as the Project Selection Criteria. This section has a suggested page limit of 30 pages (not including the required forms and tables).

Also included in this section, but not subject to the 30 page limit, will be a table of contents and response to the invitation priority and competitive priority.

Budget Narrative Attachment Form - (found in the Grants.gov application package) is where applicants will attach the ED 524 and Table 2 (Budget Form).

Other Attachments Form - (found in the Grants.gov application package) is where the applicant will attach additional documents, including resumes/curriculum vitae and appendices. This is also where the applicant will upload Table 1 (Charter School Aid Paid by State) and Table 3 (Grant Funds as a Percentage of the Cost of Per-Pupil Facilities Aid).

In this section, the applicant will also include the bill or enacted statute (please specify which one it is) that authorizes per-pupil facilities aid for charter schools. In the event it is a bill, please indicate which hurdles it has passed towards enactment (e.g., passage by a specified legislative body) and which hurdles remain (e.g., passage by a specified legislative body and signature of a governor).

In addition, provide any available statutes regarding the appropriation level for per-pupil facilities aid for charter schools since authorized activities are not always funded. In the event that funding has not already been enacted, please indicate which hurdles it has passed towards enactment and which hurdles remain.

The Grants.gov system will allow applicants to attach as many as ten separate appendices in this section. If the applicant has more than ten separate appendices, it may be necessary for the applicant to consolidate some of the attachments into just one attachment.

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

- One page Abstract must be attached to the “Department of Education Abstract Form”
- Program Narratives must be attached to the “Program Narrative Attachment Form”
- Budget Narratives must be attached to the “Budget Narrative Attachment Form”
- All vitas, resumes, table of contents, letters, certifications, supplementary statements; and other requested appendices must be attached to the “Other Attachment Forms”

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

Forms, Assurances, and Certifications

Applicants must complete all forms included in the application package. Instructions for the following forms are included in this document:

- SF 424
- Department of Education Supplemental Information for SF 424
- Assurance for Non-Construction Programs (SF 424B)
- Grants.gov Lobbying Form (Certification Regarding Lobbying ED 80-0013)
- SF-LLL, Disclosure of Lobbying Activities
- GEPA Statement

In order to submit your application through Grants.gov, you must register with Grants.gov. The registration is a one-time process that may take 5 days or more to complete. You may begin working on your application while completing the registration process, but you cannot submit an application until all of the registration steps are completed. For detailed information on registering with Grants.gov, please go to: http://www.grants.gov/applicants/get_registered.jsp.

If you qualify for an exception to the mandatory electronic submission, and have requested one no later than two weeks before the application deadline date, please follow the instructions for submitting a hard copy of the application in the Federal Register Notice. To help facilitate the review of a hard copy application, please arrange the required elements in the same order they are listed here.

When filling out the SF 424, you must use the same DUNS number that your organization used when it registered with the Central Contractor Registry, or Grants.gov will reject the application. Complete the SF 424 first; the information provided on the SF 424 will populate fields in other application package forms.

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Instructions for ED Abstract Narrative

The abstract is to be attached to the “ED Abstract Attachment Form” in the application package in Grants.gov.

The abstract narrative must include the name and address of your organization and the name, phone number, and e-mail address of the contact person for this project.

The abstract narrative must not exceed one page and should use language that will be understood by a range of audiences. For all projects, include the project title (if applicable), goals, expected outcomes and contributions for research, policy, practice, etc. Address how your application meets the purpose of the State Charter School Facilities Incentive Grants Program as stated in the Notice Inviting Applications for New Awards.

Instructions for Project Narrative

Before preparing the project narrative, **applicants should review the Federal Register notice**, the Dear Applicant Letter, and the program statute for specific guidance and requirements. Note that applications will be evaluated according to the specific selection criteria specified in the Federal Register notice.

Please limit the Project Narrative to 30 pages, double-spaced, and number the pages consecutively. Refer to the Federal Register notice for additional application submission requirements.

This part of your application contains information responsive to the Project Selection Criteria and the Application Content Requirements. Make sure that your narrative addresses all of the elements. *We strongly recommend that the information be organized around and appear in the same sequence as the Project Selection Criteria.* Please upload the program narrative as one document.

Instructions for Budget Narrative

This part of the application contains information about the Federal funding you are requesting. You must fill in the ED 524 budget form. Provide an itemized budget breakdown narrative, by project year, for each budget category listed in Sections A and B of the ED 524 form. If applicable to this program, provide the rate and base on which fringe benefits are calculated.

If you are requesting reimbursement for indirect costs on line 10, this information is to be completed by your Business Office. Specify the estimated amount of the base to which the indirect cost rate is applied and the total indirect expense. Please indicate which costs are included and which costs are excluded from the base to which the indirect cost rate is applied.

Each State educational agency receiving a grant pursuant to this subpart may reserve not more than 5 percent of such grant funds for administrative expenses associated with the charter school grant program.

Provide other budget explanations or comments deemed necessary.

Applicants are also required to fill out Table 2 (Budget Form).

Both of these forms (the ED 524 and Table 2) will be uploaded in the Budget Form Section.

Instructions for Other Attachments

Additional documents are to be attached to the “Other Attachments Form” in the application package in Grants.gov. These would be supplementary statements and other requested information.

In addition to the program narrative, applications should include resumes for key personnel. Before preparing additional documentation, **applicants should review the Federal Register notice**, the Dear Applicant Letter, and the program statute for specific guidance and requirements. Note that applications will be evaluated according to the specific selection criteria specified in the Federal Register notice.

To facilitate the review of the application, please organize your attachments in the following order:

1. Table 1 - Charter School Aid Paid by State
2. Table 3 - Grant Funds as a Percentage of the Cost of Per-Pupil Facilities Aid
3. Bill or enacted statute
4. Resumes/Curriculum Vitae
5. Appendices

Resumes/Curriculum Vitae

Provide resumes/curriculum vitae for the project director as well as any key personnel identified in the application.

PRIORITIES AND PROJECT SELECTION CRITERIA

The Challenge: Helping Charter Schools and Promoting School Choice

Charter schools have difficulty obtaining adequate facilities for various reasons. One major obstacle is that charter schools that are freestanding local educational agencies (LEAs) generally lack the authority to raise property taxes. This inability to raise taxes, combined with the inherent risk that charter schools need to renew their charters to remain open, makes it difficult for investors to risk financing the purchase of school facilities. A 2003 General Accounting Office (GAO) publication, *Charter Schools: New Charter Schools Across the Country and in the District of Columbia Face Similar Start-Up Challenges*, details their difficulties obtaining facilities. This study indicates that because financing a facility is difficult for charter schools, many of them rely on their per-pupil operating allocations to pay for their facility costs. These allocations are generally designed to be large enough to just cover operating expenses, not capital expenses such as facilities. GAO notes that of the 40 States, District of Columbia and Puerto Rico that all have charter schools, only 6 offer per-pupil facilities aid. Perhaps as a result, over half of the nation's charter schools are in these six States.

The State Charter School Facilities Incentive Grants program is intended to encourage States to develop per-pupil facilities aid programs and share in the costs associated with charter schools facilities funding.

Charter schools serve as a key to providing meaningful public school choice. In addition, the number of charter schools that grantees will be able to serve with these funds is limited. Consequently, proposals that focus funds on areas that need school choice the most will score higher than other proposals.

The Secretary will select for funding under the State Charter School Facilities Incentive Grants program those applications that are deemed of highest overall quality. Experts in charter schools and education finance will review the applications and assign to each application up to XXX points using the Project Selection Criteria and corresponding weights described in this section and the Competitive Priorities. Each criterion includes factors the reviewers will consider in determining how well an application meets the criterion.

Reviewers will use their own professional judgment to assess the quality of each application against these criteria. To be competitive, applicants must address each of the selection criteria fully and clearly. We recommend that applicants organize their application narrative around the Competitive Priorities and the Project Selection Criteria.

The Competitive Priority for applicants that propose a grant project that increases the capacity of charter schools to offer school choice in those communities with the greatest need for public school choice (XX points):

This criterion focuses on the likelihood that the proposed project will increase the capacity of charter schools to provide public school choice in those geographic areas where school choice is needed most. Part of this need to provide public school choice is related to Title I of the Elementary and Secondary Act as amended by the No Child Left Behind (NCLB) Act. Under NCLB, school districts are required to provide public school choice to students in schools that have either (1) failed to make adequate yearly progress for two years, or (2) are considered to be persistently dangerous. School districts are already indicating that they are having difficulty finding sufficient space in schools so that students can transfer to quality schools that provide a safe learning environment.

Factors that will be considered in assessing the applicant's proposal to address school facility capacity issues related to increasing the capacity of charter schools to provide public school choice in those communities with the greatest need for such choice, including:

- The extent to which the applicant would target services to geographic areas in which a large proportion or number of public schools have been identified for improvement, corrective action, or restructuring under title I of the ESEA;
- The extent to which the applicant would target services to geographic areas in which a large proportion of students perform poorly on State academic assessments; and
- The extent to which the applicant would target services to communities with large proportions of low-income students.

The Competitive Priority for new grantees (XX points):

The Secretary awards XX points for applications from States that have not previously received a grant under the program.

The competitive priority for grant applicants with relatively strong charter school programs. (XX points)

An applicant with a State educational agency (SEA) that does not meet any one of the four statutory criteria will not receive any priority points. In order to receive

preference, an applicant must identify the statutory criteria that it meets and provide documentation supporting its claims.

Factors that will be considered in assessing the competitive priority are:

- Periodic Review and Evaluation. The State provides for periodic review and evaluation by the authorized public chartering agency of each charter school at least once every 5 years unless required more frequently by State law, to determine whether the charter school is meeting the terms of the school's charter, and is meeting or exceeding the student academic performance requirements and goals for charter schools as provided under State law or the school's charter.
- Number of High-Quality Charter Schools. The State has demonstrated progress in increasing the number of high-quality charter schools that are held accountable in the terms of the schools' charters for meeting clear and measurable objectives for the educational progress of the students attending the schools, in the period prior to the period for which the State applies for a grant under this competition.
- One Authorized Public Chartering Agency Other than an LEA, or an Appeals Process. The State --
 - (1) Provides for one authorized public chartering agency that is not an local educational agency (LEA), such as a State chartering board, for each individual or entity seeking to operate a charter school pursuant to State law; or
 - (2) In the case of a State in which LEAs are the only authorized public chartering agencies, allows for an appeals process for the denial of an application for a charter school.
- High Degree of Autonomy. The State ensures that each charter school has a high degree of autonomy over the charter school's budgets and expenditures.

A. The selection criteria related to the applicant's capacity to carry out the proposed grant project include:

- 1) Need for facility funding (XX points)

This criterion rewards applicants that need the Federal funds to meet the facility needs of charter schools in the State. The materials that reviewers will take into account when rating against this selection criterion include:

- State budget proposals and tables.
- A description of how charter schools' costs in total (operating, capital, and interest costs) are financed in the State and the level of that funding.
- A description of how public school facilities are financed within the State with a focus on a comparison between how facilities are financed for charter schools and regular public schools.
- A description of what represents an adequate amount of facilities funding for charter schools in the State.
- A description of the unmet need for charter school facility funding absent the assistance that would be provided under the proposal.

Factors that will be considered in assessing the adequacy of facility funding include:

- The need for per-pupil charter school facility funding in the State.
- The extent to which the proposal meets the need to fund charter school facilities on a per-pupil basis.

2) Quality of plan (XX points)

This criterion focuses on the quality of the State's plan for delivering per-pupil facilities aid to charter schools.

The materials that reviewers will take into account when rating against this selection criterion include:

- Enabling statutes and other relevant legislation, such as appropriation legislation or tables.
- Table 1 – Per-Pupil Facilities Aid Paid by State.
- Table 3 – Grant Funds as a Percentage of the Cost of Per-Pupil Facilities Aid.
- State budget proposals and tables.

- A description of how charter schools' facility costs are financed in the State and the level of that funding, and how the distribution and level of funding would change under the plan.
- A statement identifying the activities proposed to be undertaken with grant funds and the timeline for the activities, including the distribution of funds, and the procedures the applicant will use for documenting grant project procedures and results.

Factors that will be considered in assessing the quality of the plan include:

- The likelihood that the proposed grant project will result in the State either retaining a new per-pupil facilities aid program or continuing to enhance such a program without the total amount of assistance (State and Federal) declining over a five-year period.
- The flexibility charter schools have in their use of facility funds for the various authorized purposes.
- The quality of the plan for identifying charter schools and determining their eligibility to receive funds.
- The per-pupil facilities aid formula's ability to target resources to charter schools with the greatest need and the highest proportions of students in poverty.
- For projects that plan to reserve funds for evaluation, the quality of the applicant's plan to use grant funds for this purpose.
- For projects that plan to reserve funds for technical assistance, dissemination, or personnel, the quality of the applicant's plan to use grant funds for these purposes.

3) The grant project team (XX points).

This criterion focuses on the relevant training and experience of key grant project personnel, consultants, and subcontractors. Successful applicants will plan to use the services of individuals with substantial experience and expertise in education finance, charter schools, and other appropriate areas.

The materials that reviewers will take into account when rating against this selection criterion include:

- A description of current job responsibilities, the educational background, and the experience and skills of each member of the

grant project team as described in current resumes. The resumes should pay particular attention to experience in the fields of education finance and charter schools. Position qualification statements should be provided for any staff, including through contracts, the applicant plans to hire for the project.

- A staffing plan for the project, including a description of the assignments by activity or service.

Factors used to assess the grant project team include:

- The qualifications, including relevant training and experience, of the project manager and other members of the grant project team, including employees not paid with grant funds, consultants, and subcontractors.
- The adequacy and appropriateness of the applicant's staffing plan for the grant project.

4) The budget (XX points)

This criterion focuses on the reasonableness of the budget.

The materials reviewers will take into account when rating against this selection criterion include:

- Table 2 -- Budget Form
- Table 3 -- Grant Funds as a Percentage of the Cost of Per-Pupil Facilities Aid
- State budget proposals and tables.
- A description of how charter schools' costs in total (operating, capital, and interest costs) are financed in the State and the level of that funding.
- A description of how public school facilities are financed within the State with focus on a comparison between how facilities are financed for charter schools and regular public schools.
- A description of the unmet need for charter school facility funding absent the assistance that would be provided under the proposal.

Factors used to assess the budget include:

- The extent to which the requested grant amount and the project costs are reasonable in relation to the objectives, design, and potential significance of the proposed grant project.
- The extent to which the costs are reasonable in relation to the number of students served and to the anticipated results and benefits.
- The extent to which the non-Federal share exceeds the minimum percentages (which are based on the percentages under section 5205(b)(2)(C) of the ESEA), particularly in the initial years of the program.

5) State experience

This criterion focuses on the experience the State has with helping charter schools meet their facility needs.

The materials reviewers will take into account when rating against this selection criterion include:

- State budget proposals and tables.
- A description of how charter schools' costs in total (operating, capital, and interest costs) are financed in the State and the level of that funding.
- Enabling statutes and other relevant legislation, such as appropriation legislation or tables.
- A description of how public school facilities are financed within the State with focus on a comparison between how facilities are financed for charter schools and regular public schools.

The factor used to assess the State's experience is:

- The experience of the State in addressing the facility needs of charter schools through various means, including providing per-pupil aid, access to State loan or bonding pools, and the use of Qualified Zone Academy Bonds.

Table 1 – Charter School Aid Paid by State

Source	Fiscal year 20XX	Fiscal year 20XX	Fiscal year 20XX	Fiscal year 20XX ¹	Fiscal year 20XX	Fiscal year 20XX	Fiscal year 20XX	Fiscal year 20XX	Fiscal year 20XX
1. Number of pupils in average daily attendance in charter schools									
2. a. Per-pupil funding for charter school facilities in total ²									
2. b. Per-pupil funding for charter school facilities per charter school student in average daily attendance									
3. a. Other funding for charter schools ³									
3. b. Other funding for charter schools per charter school student in average daily attendance									
Total									

¹ The State's fiscal year 20XX begins on _____ and ends on _____. If the State has not yet made a decision about the level of funding for these activities in Fiscal Year 20XX, please indicate the status of funding for Fiscal Year 20XX in the State for these activities. The purpose of this table is to determine total amount of per-pupil facilities aid and assistance in general for charter schools.

² This funding includes funds that are distributed on a per-pupil basis that are (1) dedicated solely for funding charter school facilities and (2) the portion of funds that are dedicated for charter school facilities that are part of a distribution of funds that may be used for other purposes, such as operating expenses for charter schools or facility funds for regular public schools.

³ These funds include operating funds for charter schools, per-pupil allocations to charter schools that are not designated solely for facilities, facilities funds that are not awarded to charter schools on a per-pupil basis.

Table 2 -Budget Form: Grant Funds Expenditures

Budget categories	Project year 1	Project year 2	Project year 3	Project year 4	Project year 5	Total
A. Administrative funds (5%)						
A.1. Indirect costs						
A.2. Evaluation						
A.3. Technical assistance						
A.4. Dissemination						
A.5. Personnel costs not associated with evaluation, technical assistance, or dissemination						
A. Total administrative costs						
B. Per-pupil facilities aid for charter schools						
Per-pupil funding for charter school facilities						
C. Grand total – Federal grant request						

Instructions for Table 2 -- Budget Form: Grant Funds Expenditures

A. Administrative funds:

A.1. Indirect costs: Many organizations have indirect cost rates established with the U.S. Department of Education which allow those organizations to spend a portion of their grant funds on a share of the total organization costs such as rent and utilities. For this grant you may choose to claim indirect costs, but the total amount may not exceed five percent. Also, if you choose to claim indirect costs, the sum of your indirect costs and your other administrative costs combined may not exceed five percent.

A. Total administrative costs: The total for this line should include the sum of lines A.1. through A.5. This line cannot exceed five percent of the requested amount for any fiscal year.

B. Per-pupil facilities aid for charter schools

This funding includes funds that are distributed on a per-pupil basis that are (1) dedicated solely for funding charter school facilities and (2) the portion of funds that are *dedicated for charter school facilities* that are part of a distribution of funds that may be used for other purposes, such as operating expenses for charter schools or facility funds for regular public schools.

C. Grand Total

The amount in the total column for this row should be the same as the request on Form ED 424.

Table 3 - Grant Funds as a Percentage of the Cost of Per-Pupil Facilities Aid

Budget categories	Project year 1*	Project year 2	Project year 3	Project year 4	Project year 5	Total
A. Line C, Grand total, from Table 2 – Budget Form						
B. Line 1, State per-pupil funding for charter school facilities, from Table 1 -- Charter School Aid Paid by State						
C. Total						
D. Federal grant request (Line A., Table 3) as a percentage of the cost of per-pupil facilities aid (Line C., Table 3)						

***Project Year 1 is the same as State fiscal year 20XX unless the applicant explicitly notes and explains which project year maps to which State fiscal year.**

Program-Specific Assurance

I assure that my State intends to provide (either alone or with the assistance of other parties, such as foundations) annual funding, on a per-pupil basis, for charter school facilities. Furthermore, I am aware that the Federal share declines in accordance with the table below:

Matching Requirement for State charter school facilities incentive grants program, by Grant Project Year

	Federal share	Non-Federal share (maximum)
Year 1	10%	90%
Year 2	20%	80%
Year 3	40%	60%
Year 4	60%	40%
Year 5	80%	20%

Signature

Title

General Education Provisions Act (GEPA) Section 427

***ALL APPLICANTS FOR NEW AWARDS MUST INCLUDE INFORMATION IN THEIR APPLICATIONS TO ADDRESS THIS PROVISION IN ORDER TO RECEIVE FUNDING UNDER THIS PROGRAM.**

Section 427 requires each applicant 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 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 in your circumstances.

A general statement of an applicant's nondiscriminatory hiring policy is not sufficient to meet this requirement. Applicants must identify potential barriers and explain steps they will take to overcome these barriers.

***Note: Applicants are required to address this provision by attaching a statement to the ED GEPA 427 Form that must be downloaded from Grants.gov.**

Government Performance and Results Act (GPRA)

What is GPRA?

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

How has the Department of Education Responded to the GPRA Requirements?

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

- Goal 1: Create a Culture of Achievement.*
- Goal 2: Improve Student Achievement*
- Goal 3: Develop Safe Schools and Strong Character*
- Goal 4: Transform Education into an Evidence-based Field*
- Goal 5: Enhance the Quality of and Access to Postsecondary and Adult Education*
- Goal 6: Establish Management Excellence*

The performance indicators for the State Charter School Facility Incentive grants program are part of the Department's plan for meeting Goal 5: Improve Student Achievement.

What are the Performance Indicators for the State Charter School Facility Incentive Grants program?

The goal of the State Charter School Facility Incentive Grants program is to support the creation of a large number of high-quality charter schools. Under the Government Performance and Results Act, the Department will use the following measure to evaluate the success of the program in meeting this goal:

The ratio of funds leveraged by States for charter school facilities to the combination of funds awarded by the Department under the State Charter School Facility Incentive Grants program and funds leveraged by States.

SECTION D

INSTRUCTIONS TO STANDARD FORMS AND GRANT APPLICATION REQUIREMENTS

Forms, Assurances, and Certifications

Applicants must complete all forms included in the application package. Instructions for the following forms are included in this document:

- SF 424
- Department of Education Supplemental Information for SF 424
- Instructions for ED 524
- Assurance for Non-Construction Programs (SF 424B)
- Grants.gov Lobbying Form (Certification Regarding Lobbying ED 80-0013)
- SF-LLL, Disclosure of Lobbying Activities
- Survey Instructions on Ensuring Equal Opportunity for Applicants

• INSTRUCTIONS FOR THE SF-424

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

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

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

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

7.	State Application Identifier: Leave this field blank. This identifier will be assigned by the State, if applicable.		all congressional districts in Maryland.		
8.	Applicant Information: Enter the following in accordance with agency instructions:		<ul style="list-style-type: none"> If nationwide, i.e. all districts within all states are affected, enter US-all. If the program/project is outside the US, enter 00-000. 		
	a. Legal Name: (Required): Enter the legal name of applicant that will undertake the assistance activity. This is the name that the organization has registered with the Central Contractor Registry. Information on registering with CCR may be obtained by visiting the Grants.gov website.	17.	Proposed Project Start and End Dates: (Required) Enter the proposed start date and end date of the project.		
	b. Employer/Taxpayer Number (EIN/TIN): (Required): Enter the Employer or Taxpayer Identification Number (EIN or TIN) as assigned by the Internal Revenue Service. If your organization is not in the US, enter 44-4444444.	18.	Estimated Funding: (Required) Enter the amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines, as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses.		
	c. Organizational DUNS: (Required) Enter the organization's DUNS or DUNS+4 number received from Dun and Bradstreet. Information on obtaining a DUNS number may be obtained by visiting the Grants.gov website.				
	d. Address: Enter the complete address as follows: Street address (Line 1 required), City (Required), County, State (Required, if country is US), Province, Country (Required), Zip/Postal Code (Required, if country is US).	19.	Is Application Subject to Review by State Under Executive Order 12372 Process? Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. Select the appropriate box. If "a." is selected, enter the date the application was submitted to the State		
	e. Organizational Unit: Enter the name of the primary organizational unit (and department or division, if applicable) that will undertake the assistance activity, if applicable.				
	f. Name and contact information of person to be contacted on matters involving this application: Enter the name (First and last name required), organizational affiliation (if affiliated with an organization other than the applicant organization), telephone number (Required), fax number, and email address (Required) of the person to contact on matters related to this application.	20.	Is the Applicant Delinquent on any Federal Debt? (Required) Select the appropriate box. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes. If yes, include an explanation on the continuation sheet.		
9.	Type of Applicant: (Required) Select up to three applicant type(s) in accordance with agency instructions.	21.	Authorized Representative: (Required) To be signed and dated by the authorized representative of the applicant organization. Enter the name (First and last name required) title (Required), telephone number (Required), fax number, and email address (Required) of the person authorized to sign for the applicant. A copy of the governing body's authorization for you to sign this application as the official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)		
	<table border="0"> <tr> <td data-bbox="151 1272 500 1879"> A. State Government B. County Government C. City or Township Government D. Special District Government E. Regional Organization F. U.S. Territory or Possession G. Independent School District H. Public/State Controlled Institution of Higher Education I. Indian/Native American Tribal Government (Federally Recognized) J. Indian/Native American Tribal Government (Other than Federally Recognized) K. Indian/Native American Tribally Designated Organization L. Public/Indian Housing Authority </td> <td data-bbox="500 1272 834 1879"> M. Nonprofit with 501C3 IRS Status (Other than Institution of Higher Education) N. Nonprofit without 501C3 IRS Status (Other than Institution of Higher Education) O. Private Institution of Higher Education P. Individual Q. For-Profit Organization (Other than Small Business) R. Small Business S. Hispanic-serving Institution T. Historically Black Colleges and Universities (HBCUs) U. Tribally Controlled Colleges and Universities (TCCUs) V. Alaska Native and Native Hawaiian Serving Institutions W. Non-domestic (non-US) </td> </tr> </table>	A. State Government B. County Government C. City or Township Government D. Special District Government E. Regional Organization F. U.S. Territory or Possession G. Independent School District H. Public/State Controlled Institution of Higher Education I. Indian/Native American Tribal Government (Federally Recognized) J. Indian/Native American Tribal Government (Other than Federally Recognized) K. Indian/Native American Tribally Designated Organization L. Public/Indian Housing Authority	M. Nonprofit with 501C3 IRS Status (Other than Institution of Higher Education) N. Nonprofit without 501C3 IRS Status (Other than Institution of Higher Education) O. Private Institution of Higher Education P. Individual Q. For-Profit Organization (Other than Small Business) R. Small Business S. Hispanic-serving Institution T. Historically Black Colleges and Universities (HBCUs) U. Tribally Controlled Colleges and Universities (TCCUs) V. Alaska Native and Native Hawaiian Serving Institutions W. Non-domestic (non-US)		
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		Entity X. Other (specify)		
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INSTRUCTIONS FOR DEPARTMENT OF EDUCATION SUPPLEMENTAL INFORMATION FOR SF 424

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

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

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

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

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

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

3a. If Human Subjects Research is Exempt from the Human Subjects Regulations. Check “Yes” if all the research activities proposed are designated to be exempt from the regulations. Insert the exemption number(s) corresponding to one or more of the six exemption categories listed in I. B. “Exemptions.” In addition, follow the instructions in II. A. “Exempt Research Narrative” in the attached page entitled “Definitions for Department of Education Supplemental Information For SF 424.”

3a. If Human Subjects Research is Not Exempt from Human Subjects Regulations. Check “No” if some or all of the planned research activities are covered (not exempt). In addition, follow the instructions in II. B. “Nonexempt Research Narrative” in the page entitled “Definitions for Department of Education Supplemental Information For SF 424

3a. Human Subjects Assurance Number. If the applicant has an approved Federal Wide (FWA) on file with the Office for Human Research Protections (OHRP), U.S. Department of Health and Human Services, that covers the specific activity, insert the number in the space provided. If the applicant does not have an approved assurance on file with OHRP, enter “None.” In this case, the applicant, by signature on the SF-424, is declaring that it will comply with 34 CFR 97 and proceed to obtain the human subjects assurance upon request by the designated ED official. If the application is recommended/selected for funding, the designated ED official will request that the applicant obtain the assurance within 30 days after the specific formal request.

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

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

**DEFINITIONS FOR
DEPARTMENT OF EDUCATION SUPPLEMENTAL INFORMATION
FOR SF 424
(Attachment to Instructions for Supplemental Information for
SF 424)**

Definitions:

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

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

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

PROTECTION OF HUMAN SUBJECTS IN RESEARCH

I. Definitions and Exemptions

A. Definitions.

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

—Research

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

research for other purposes. For example, some demonstration and service programs may include research activities.

—Human Subject

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

B. Exemptions.

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

(1) Research conducted in established or commonly accepted educational settings, involving normal educational practices, such as (a) research on regular and special education instructional strategies, or (b) research on the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods.

(2) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior, unless: (a) information obtained is recorded in such a manner that human subjects can be identified, directly or through identifiers linked to the subjects; and (b) any disclosure of the human subjects' responses outside the research could reasonably place the subjects at risk of criminal or civil liability or be damaging to the

subjects' financial standing, employability, or reputation. ***If the subjects are children, exemption 2 applies only to research involving educational tests and observations of public behavior when the investigator(s) do not participate in the activities being observed. Exemption 2 does not apply if children are surveyed or interviewed or if the research involves observation of public behavior and the investigator(s) participate in the activities being observed.*** [Children are defined as persons who have not attained the legal age for consent to treatments or procedures involved in the research, under the applicable law or jurisdiction in which the research will be conducted.]

(3) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior that is not exempt under section (2) above, if the human subjects are elected or appointed public officials or candidates for public office; or federal statute(s) require(s) without exception that the confidentiality of the personally identifiable information will be maintained throughout the research and thereafter.

(4) Research involving the collection or study of existing data, documents, records, pathological specimens, or diagnostic specimens, if these sources are publicly available or if the information is recorded by the investigator in a manner that subjects cannot be identified, directly or through identifiers linked to the subjects.

(5) Research and demonstration projects which are conducted by or subject to the approval of department or agency heads, and which are designed to study, evaluate, or otherwise examine: (a) public benefit or service programs; (b) procedures for obtaining benefits or services under those programs; (c) possible changes in or alternatives to those programs or procedures; or (d) possible changes in methods or levels of payment for benefits or services under those programs.

(6) Taste and food quality evaluation and consumer acceptance studies, (a) if wholesome foods without additives are consumed or (b) if a food is consumed that contains a food ingredient at or below the level and for a use found to be safe, or agricultural chemical or environmental contaminant at or below the level found to be safe, by the Food and Drug Administration or approved by the Environmental Protection Agency or the Food

Safety and Inspection Service of the U.S. Department of Agriculture.

II. Instructions for Exempt and Nonexempt Human Subjects Research Narratives

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

A. Exempt Research Narrative.

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

B. Nonexempt Research Narrative.

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

(1) Human Subjects Involvement and

Characteristics: Provide a detailed description of the proposed involvement of human subjects. Describe the characteristics of the subject population, including their anticipated number, age range, and health status. Identify the criteria for inclusion or exclusion of any subpopulation. Explain the rationale for the involvement of special classes of subjects, such as children, children with disabilities, adults with disabilities, persons with mental disabilities, pregnant women, prisoners, institutionalized individuals, or others who are likely to be vulnerable

(2) Sources of Materials: Identify the sources of research material obtained from individually identifiable living human subjects in the form of specimens, records, or data. Indicate whether the material or data will be obtained specifically for research purposes or whether use will be made of existing specimens, records, or data.

(3) Recruitment and Informed Consent: Describe plans for the recruitment of subjects and the consent procedures to be followed.

Include the circumstances under which consent will be sought and obtained, who will seek it, the nature of the information to be provided to prospective subjects, and the method of documenting consent. State if the Institutional Review Board (IRB) has authorized a modification or waiver of the elements of consent or the requirement for documentation of consent.

ner of the form (if applicable).

(4) Potential Risks: Describe potential risks (physical, psychological, social, legal, or other) and assess their likelihood and seriousness. Where appropriate, describe alternative treatments and procedures that might be advantageous to the subjects.

(5) Protection Against Risk: Describe the procedures for protecting against or minimizing potential risks, including risks to confidentiality, and assess their likely effectiveness. Where appropriate, discuss provisions for ensuring necessary medical or professional intervention in the event of adverse effects to the subjects. Also, where appropriate, describe the provisions for monitoring the data collected to ensure the safety of the subjects.

(6) Importance of the Knowledge to be Gained: Discuss the importance of the knowledge gained or to be gained as a result of the proposed research. Discuss why the risks to subjects are reasonable in relation to the anticipated benefits to subjects and in relation to the importance of the knowledge that may reasonably be expected to result.

(7) Collaborating Site(s): If research involving human subjects will take place at collaborating site(s) or other performance site(s), name the sites and briefly describe their involvement or role in the research.

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

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

Instructions for ED 524

General Instructions

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

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

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

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

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

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

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

Indirect Cost Information:

If you are requesting reimbursement for indirect costs on line 10, this information is to be completed by your Business Office. (1): Indicate whether or not your organization has an Indirect Cost Rate Agreement that was approved by the Federal government. (2): If you checked "yes" in (1), indicate in (2) the beginning and ending dates covered by the Indirect Cost Rate Agreement. In addition, indicate whether ED or another Federal agency (Other) issued the approved agreement. If you check "Other," specify the name of the Federal agency that issued the approved agreement. (3): If you are applying for a grant under a Restricted Rate Program (34 CFR 75.563 or 76.563), indicate whether you are using a restricted indirect cost rate that is included on your approved Indirect Cost Rate Agreement or whether you are using a restricted indirect cost rate that complies with 34 CFR

76.564(c)(2). Note: State or Local government agencies may not use the provision for a restricted indirect cost rate specified in 34 CFR 76.564(c)(2). Check only one response. Leave blank, if this item is not applicable.

Section B - Budget Summary Non-Federal Funds

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

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

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

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

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

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

1. Provide an itemized budget breakdown, and justification by project year, for each budget category listed in Sections A and B. For grant projects that will be divided into two or more separately budgeted major activities or sub-projects, show for each budget category of a project year the breakdown of the specific expenses attributable to each sub-project or activity.
2. If applicable to this program, provide the rate and base on which fringe benefits are calculated.
3. If you are requesting reimbursement for indirect costs on line 10, this information is to be completed by your Business Office. Specify the estimated amount of the

base to which the indirect cost rate is applied and the total indirect expense. Depending on the grant program to which you are applying and/or your approved Indirect Cost Rate Agreement, some direct cost budget categories in your grant application budget may not be included in the base and multiplied by your indirect cost rate. For example, you must multiply the indirect cost rates of "Training grants" (34 CFR 75.562) and grants under programs with "Supplement not Supplant" requirements ("Restricted Rate" programs) by a "modified total direct cost" (MTDC) base (34 CFR 75.563 or 76.563). Please indicate which costs are included and which costs are excluded from the base to which the indirect cost rate is applied.

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

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

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

4. Provide other explanations or comments you deem necessary.

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is **1890-0004**. The time required to complete this information collection is estimated to vary from 13 to 22 hours per response, with an average of 17.5 hours per response, including the time to review instructions, search existing data sources, gather the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: U.S. Department of Education, Washington, D.C. 20202-4651. If you have comments or concerns regarding the status of your individual submission of this form, write directly to (insert program office), U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

ASSURANCES - NON-CONSTRUCTION PROGRAMS

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

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

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

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

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

8. Will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §§874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1721 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, Audits of States, Local Governments, and Non-Profit Organizations.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

Standard Form 424B (Rev. 7-97) Back

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

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

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

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

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

Statement for Loan Guarantees and Loan Insurance

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

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

Applicant's Organization:

Printed Name and Title of Authorized Representative:

Signature:

Date:

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

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

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

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

Survey on Ensuring Equal Opportunity for Applicants

OMB No. 1890-0014 Exp. 1/31/2006

Survey Instructions on Ensuring Equal Opportunity for Applicants

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

1. 501(c)(3) status is a legal designation provided on application to the Internal Revenue Service by eligible organizations. Some grant programs may require nonprofit applicants to have 501(c)(3) status. Other grant programs do not.
2. For example, two part-time employees who each work half-time equal one full-time equivalent employee. If the applicant is a local affiliate of a national organization, the responses to survey questions 2 and 3 should reflect the staff and budget size of the local affiliate.
3. Annual budget means the amount of money your organization spends each year on all of its activities.
4. Self-identify.
5. An organization is considered a community-based organization if its headquarters/service location shares the same zip code as the clients you serve.
6. An "intermediary" is an organization that enables a group of small organizations to receive and manage government funds by administering the grant on their behalf.
7. Self-explanatory.
8. Self-explanatory.

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1890-0014. The time required to complete this information collection is estimated to average five (5) minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, D.C. 2202-4651.

If you have comments or concerns regarding the status of your individual submission of this form, write directly to: Joyce I. Mays, Application Control Center, U.S. Department of Education, 7th and D Streets, SW, ROB-3, Room 3671, Washington, D.C. 20202-4725

OMB No. 1890-0014 Exp. 1/31/2006

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

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, Washington, DC 20202-4250.

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.

SECTION E

**OTHER
IMPORTANT
INFORMATION
AND NOTICES**

INTERGOVERNMENTAL REVIEW OF FEDERAL PROGRAMS

Executive Order 12372

This program is subject to the requirement of the Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR Part 79. 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.

You may locate the name and contact information of State Single Points of Contact at:

<http://www.whitehouse.gov/omb/grants/spoc.html>

ESTIMATED PUBLIC REPORTING BURDEN

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1855-0007. The time required to complete this information collection is estimated to average 80 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, D.C. 20202-4651. **If you have comments or concerns regarding the status of your individual submission of this form, write directly to:** Credit Enhancement for Charter School Facilities Program, U.S. Department of Education, 400 Maryland Avenue, S.W., Room 4W245, Washington D.C. 20202-6140.

APPLICATION CHECKLIST FOR APPLICANTS

As discussed on the following pages, a complete application must include all of the documents listed below.

- Cover page (SF 424 Form)
- ED Abstract Narrative Attachment Form
- Project Narrative Attachment Form
 - Including responses to the selection criteria
- Budget Narrative Attachment Form
 - ED 524
 - Table 2 - Budget Form: Grant Funds Expenditures
- Other Attachments Form
- Program narrative, including responses to the selection criteria
- Enabling Statutes and Other Relevant Legislation
- Table 1- Charter School Aid Paid by State
- Table 3- Grant Funds as a Percentage of the Cost of Per-Pupil Facilities Aid
- Resumes/Curriculum Vitae
- Assurances and Certifications
 - Assurances—Non-Construction Programs
 - Certifications Regarding Lobbying
 - SF-LLL Disclosure of Lobbying Activity
 - Response to Section 427 of GEPA Guidance
- Did you submit a copy of the application to the State Single Point of Contact (if applicable)?