

U.S. DEPARTMENT OF EDUCATION  
OFFICE OF VOCATIONAL AND ADULT EDUCATION  
WASHINGTON, D.C.

**APPLICATION FOR GRANTS**  
**UNDER THE**  
**GRANTS TO STATES FOR WORKPLACE AND COMMUNITY TRANSITION**  
**TRAINING FOR INCARCERATED INDIVIDUALS PROGRAM**  
**(CFDA 84.331)**



2010-2012 Application  
OMB Control Number 1830-0563 1/31/20XX  
***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 **1830-0563**. The time required to complete this information collection is estimated to average **30** 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:** Office of Vocational and Adult Education, U.S. Department of Education, 400 Maryland Ave., S.W., Washington, D.C. 20202-7100.

## ***Contents***

***Eligible Population Data Request Form, FY 2010.....5***

***INTRODUCTION.....7***

***SECTION I: PROGRAM DESCRIPTION.....7***

***SECTION II: APPLICATION REQUIREMENTS, CERTIFICATIONS, AND ASSURANCES.....8***

***SECTION III: PERFORMANCE OBJECTIVES AND EVALUATION METHODS.....10***

***SECTION IV: SUBMITTING AN APPLICATION.....11***

***ANNUAL EVALUATION REPORT.....13***

***APPENDIX.....14***

*Data Elements and Definitions*

*General Education Provisions Act (GEPA)*

*Assurances*

*Certification Regarding Lobbying*

*Statutes*

*Higher Education Opportunity Act, PL. 110-315, Section 932*

*Murder, 18 USC 1111*

*Wetterling, 42 USC 14071*

**ELIGIBLE POPULATION DATA REQUEST FORM, FY 20XX**

**Grants to States for Workplace and Community Transition Training for  
Incarcerated Individuals Program**

From the amount appropriated, the Secretary allots to each participating State/territory an amount that bears the same relationship to the amount appropriated as the total number of eligible students in each State bears to the total number of eligible students in all States. For the purpose of the formula, an "eligible student" means a male or female offender who has obtained a secondary school diploma or its equivalent and—

- (a) is incarcerated in a State prison, including a pre-release facility;
- (b) is eligible to be released or eligible for parole within seven years;
- (c) is 35 years of age or younger; and
- (d) has not been convicted of a "criminal offense against a victim who is a minor" or a "sexually violent offense" as such terms are defined in the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C 14071 et seq.) or murder, as described in section 1111 of title 18, United States Code.

So that the Department can successfully implement the formula and allocate funds under this program, please complete the items below for MONTH, DAY, YEAR. If an MONTH DAY count is not possible, please utilize the closest possible date's count and indicate on this blank what that date is:     /     /

1. The number of individuals within your State/ territory who are incarcerated in State prisons, including pre-release facilities: .
2. Of those counted in number 1, the number who are 35 or younger as of the date of your count: .
3. Of those counted in number 2, the number who are eligible for release or parole within 7 (seven) years of the date of your count: .
4. Of those counted in number 3, the number who have not been convicted of a crime meeting the definition of "criminal offense against a victim who is a minor," or "sexually violent offense," as defined in the Wetterling Act (please note these definitions on the reverse of this form) : .
5. Of those counted in number 4, the number who have not been convicted of a crime meeting the definition of murder in the referenced section of the U.S Code (please note definition on the reverse of this form): .
6. Of those counted in number 5, the number who have obtained a secondary school diploma or its equivalent : .

State or Territory: \_\_\_\_\_  
Printed name of person completing this form: \_\_\_\_\_  
Title and contact information: \_\_\_\_\_  
Signature: \_\_\_\_\_

Please fax the completed form, no later than MONTH, DAY, YEAR to Mr. John Linton at 202-245-7170 or email to: [John.Linton@ed.gov](mailto:John.Linton@ed.gov). In addition, please forward a hard copy with original signature for certification purposes to: Mr. John Linton, Director of Correctional Education, Office of Vocational and Adult Education, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202-7240. Questions: [John.Linton@ed.gov](mailto:John.Linton@ed.gov) or 202-245-6592; [Zina.Watkins@ed.gov](mailto:Zina.Watkins@ed.gov) or 202-245-6187

---

**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 1830-0563. The time required to complete this information collection is estimated to average 10 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:** Office of Vocational and Adult Education, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

## OVERVIEW OF CERTAIN EXCLUSIONARY STATUTES

For ready reference, the core definition language related to exclusions for certain crimes is listed below. (See the appendix for full text of the statutes.)

The term **“criminal offense against a victim who is a minor”** in the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act means any criminal offense in a range of offenses specified by State law which is comparable to or which exceeds the following range of offenses:

- i) kidnapping of a minor, except by a parent;
- ii) false imprisonment of a minor, except by a parent;
- iii) criminal sexual conduct toward a minor;
- iv) solicitation of a minor to engage in sexual conduct
- v) use of a minor in a sexual performance;
- vi) solicitation of a minor to practice prostitution;
- vii) any conduct that by its nature is a sexual offense against a minor
- viii) production or distribution of child pornography, as described in section 2251, 2252, or 2252A of title 18; or
- ix) an attempt to commit an offense described in any of clauses (i) through (vii), if the State—
  - (I) makes such an attempt a criminal offense; and
  - (II) chooses to include such an offense in those which are criminal offenses against a victim who is a minor for the purposes of this section.

The term **“sexually violent offense”** in the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act means: “any criminal offense in a range of offenses specified by State law which is comparable to or which exceeds the range of offenses encompassed by aggravated sexual abuse or sexual abuse (as described in sections 2241 and 2242 of title 18 or as described in the State criminal code) or an offense that has as its elements engaging in physical contact with another person with intent to commit aggravated sexual abuse or sexual abuse (as described in such sections of title 18 or as described in the State criminal code).” (Please reference statute for additional detail.)

**Murder** as described in the U.S. Code (section 1111 of title 18) means: “the unlawful killing of a human being with malice aforethought.” (The statute provides detail on the distinction between first and second degree murder. Both types of murder are covered in this exclusion, so the distinction is not significant for purposes of administering this grant program.)

## INTRODUCTION

The Higher Education Opportunity Act (Public Law 110-315) (HEOA), enacted on August 14, 2008, amended section 821 of the Higher Education Amendments of 1998. A copy of the statute is included in the appendix. This statute authorizes grants to States for workplace and community transition training for incarcerated individuals (Incarcerated Individuals program). The statute requires State correctional education agencies (SCEAs) to submit to the Secretary an application in order to receive a grant. This package explains the statutory requirements and application process for States.

The State application is an important document that serves to provide —

1. the basis on which the State, through its SCEA, will qualify to participate in the Incarcerated Individuals program and to receive Federal allocations;
2. a comprehensive statement of the SCEA's goals, objectives, priorities, and methods under which the agency will administer the Incarcerated Individuals program;
3. a basis for common understanding among the SCEA, the U.S. Department of Education, and auditors; and
4. a basis for planning and evaluation.

Before preparing an application, the SCEA should carefully read this application package in its entirety; section 821 of the statute, and any relevant regulations.

## ***SECTION I: PROGRAM DESCRIPTION***

The Incarcerated Individuals program provides grants to SCEAs for activities that assist and encourage incarcerated individuals who have obtained a secondary school diploma or its recognized equivalent to acquire educational and job skills, through: (1) coursework in preparation for postsecondary education; (2) the pursuit of a postsecondary education certificate, an associate's degree, or a bachelor's degree while in prison; and (3) employment counseling and other related services that start during incarceration and end not later than two years after release from incarceration.

An eligible student under the program is an incarcerated individual who has obtained a secondary school diploma or its recognized equivalent, is 35 years of age or younger, is incarcerated in a State prison (which may be a pre-release facility), is eligible for parole or release within seven years, and has not been convicted of a "criminal offense against a victim who is a minor" or a "sexually violent offense," as such terms are defined in the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14071 et seq.); or murder, as described in section 1111 of title 18, United States Code.

The Department is requesting that SCEAs submit a three-year application for FY 2010-2012 funds.

## **SECTION II: APPLICATION REQUIREMENTS, CERTIFICATIONS, AND ASSURANCES**

The application must:

1. Identify the scope of the problem, including the number of eligible incarcerated individuals in need of postsecondary education and career and technical training.
2. List the accredited public or private educational institution or institutions that will provide postsecondary educational services, describe the instructional program that each educational institution will offer and identify the correctional facilities to be served by each educational institution.
3. List the cooperating agencies, public and private, or businesses (if any) that will provide related services, such as counseling in the areas of career development, substance abuse, health, and parenting skills, and describe the services to be provided. Identify those services to be provided with grant funds.
4. Describe performance objectives and evaluation methods that the SCEA will use in carrying out its program. (See [Section III: Performance Objectives and Evaluation Methods](#) for additional information and guidance regarding this requirement.)
5. Describe how the proposed program will be integrated with existing State correctional education programs (such as adult education, graduate education degree programs, and career and technical training programs) and State industry programs.
6. Describe how the proposed program will deliver services and utilize technology to deliver such services.
7. Describe how incarcerated individuals will be recruited and selected to participate in the program. Provide or describe the order of selection that will be used if interest in the program among eligible persons exceeds program capacity. (Grantees should address the requirements of section 427 of the General Education Provisions Act. Please reference “Notice to All Applicants” in the appendix.) Describe processes that the grantee will implement to assure that only eligible students will be provided services through the State’s program. As described in Section I, in order to be eligible, an incarcerated individual must—
  - a. have obtained a secondary school diploma or its recognized equivalent,
  - b. be eligible for release within seven years (including eligible for parole in this time),
  - c. be 35 years of age or younger, and
  - d. not have been convicted of a criminal offense against a victim who is a minor’ or a ‘sexually violent offense’ as such terms are defined in the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14071 et seq.) or murder, as described in section 1111 of title 18, United States Code.



8. Include a budget and budget narrative. The budget narrative should explicate the budget so that a reader can see how activities described in the narrative are supported with grant funds. The budget should show expenditures allocated for each of the allowed activities which are:

- State administration
- Postsecondary preparatory education
- Postsecondary academic programs
- Career and technical education programs
- Related services
- Performance measurement and evaluation

Please note that it is not sufficient to show a gross instructional expenditure amount anticipated per student. Expenses must reflect the categories and units of expenditure the grantee expects to incur.

9. Include a written and signed certification, as required by EDGAR at 34 CFR 76.104, that the following conditions are met by the State:
  - a. The application is submitted by the State agency that is eligible to submit the application. [34 CFR 76.104(a)(1)] The State agency has authority under State law to perform the functions of the State under the program. [34 CFR 76.104(a)(2)]
  - b. The State legally may carry out each provision of the application. [34 CFR 76.104(a)(3)]
  - c. All provisions of the application are consistent with State law. [34 CFR 76.104(a)(4)]
  - d. A State officer, specified by title in the certification, has authority under State law to receive, hold, and disburse Federal funds made available under the application. [34 CFR 76.104(a)(5)]
  - e. The State officer who submits the application, specified by title in the certification, has authority to submit the application. [34 CFR 76.104(a)(6)]
  - f. The agency that submits the application has adopted or otherwise formally approved the application. [34 CFR 76.104(a)(7)]
  - g. The application is the basis for State operation and administration of the program. [34 CFR 76.104(a)(8)]
10. Provide a complete and signed ED Form 80-0013 for certifications regarding lobbying and the Disclosure of Lobbying Activities Form SF LLL. Forms may be downloaded at the following: <http://www.ed.gov/fund/grant/apply/appforms/appforms.html>
11. Provide a complete and signed Assurance for Non-Construction Programs Form. [See <http://www.ed.gov/fund/grant/apply/appforms/appforms.html>]

12. Intergovernmental Review. This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. One of the objectives of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism. The Executive Order relies on processes developed by State and local governments for coordination and review of proposed federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more than one State should immediately contact the Single Point of Contact for each of those States and follow the procedures established in each State under the Executive Order. Note: A copy of the applicant's letter to the State Single Point of Contact must be included with the SCEA's application.

To view a list of States that participate in the intergovernmental review process, visit <http://www.whitehouse.gov/omb/grants/spoc.html>. States that are not listed have chosen not to participate in the intergovernmental review process and, therefore, do not have a State Single Point of Contact. If you are located within one of these States, you are exempt from this requirement.

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

Any State process recommendation and other comments submitted by a State Single Point of Contact and any comments from State, area-wide, regional, and local entities must be received by [Insert date] at the following address:

The Secretary  
EO 12372-CFDA #84.331  
U.S. Department of Education  
400 Maryland Avenue, SW  
Room 7W300  
Washington, DC 20202-0124

Recommendations or comments may be hand-delivered until 4:30 p.m. (Washington, DC Time) on [Insert date]. Please do not send applications to this address.

### **SECTION III: PERFORMANCE OBJECTIVES AND EVALUATION METHODS**

As noted in [Section II](#), item 4, above, the application must include performance objectives and evaluation measures. The legislation authorizing this program (at section 821(c)(4)) includes specific requirements for program evaluation. SCEA's are required to establish performance objectives in the application which will be the basis of the subsequent evaluation of the program. A performance objective is a projection of a quantifiable level of accomplishment. When the measure is taken it is then known if a performance objective was met, exceeded, or not met. The statutory language is "specific and quantifiable." Grantees must develop and include performance objectives for the

program in the application, and include a narrative description of the overall evaluation plan.

The Secretary has provided data elements and definitions in the appendix. Grantees are required to use the data elements and definitions to develop objectives that address program completion, knowledge and skill attainment, attainment of employment, success in employment, and recidivism as prescribed in Section (c)(4)(B)(i through v) of the authorizing statute.

In addition to listing the objectives, the application must include a description of the evaluation plan. The evaluation plan provides evidence of the extent to which performance objectives are met. The plan must include a comparison of outcomes for program participants to non-program participants of similar demographic characteristics. To meet this requirement, grantees must select at least two performance objectives to be evaluated. Logic dictates that these particular performance objectives would be in the areas of employment and recidivism, as it would make little sense to compare non-participants on either program completion or on knowledge and skill attainment. The establishment of a control or comparison group may be necessary. Absent a control or comparison group, an outcome rate from a carefully selected internal or external study might be identified and used as a benchmark.

To summarize, the application must include a list of specific and quantifiable performance objectives which utilize the “Data Elements and Definitions” in the appendix. There must be at least one objective addressing program completion, one for knowledge and skill attainment, two for attainment of employment, two for success in employment and three for recidivism. At least two performance objectives must be compared to a demographically similar group of non-program participants.

#### ***SECTION IV: SUBMITTING AN APPLICATION***

To receive FY 2010-2012 funds, an SCEA should submit its three-year application soon after receiving an application package. The Department will process each application as it is received. **Applications must be postmarked on or before [Insert date] or received in the Office of Vocational and Adult Education by 4:30:00 pm Washington, DC Time on [Insert date].** After that time, any funds that have not been requested may be reallocated to SCEAs with approved applications.

SCEAs must submit an application with an ink signature of the authorized official on all forms, certifications, and assurances. No grant may be awarded unless a completed application has been received.

Your application may be submitted by (1) emailing to [john.linton@ed.gov](mailto:john.linton@ed.gov), (2) mailing application to the address listed below, or (3) hand delivered to the address listed below. Be sure to indicate, within the completed application, contact information (i.e. name,

address, phone number, email) of a contact person that can answer any questions concerning this application. An electronic copy of this application is available on OVAE's Web site or you may send an e-mail request to John Linton at [john.linton@ed.gov](mailto:john.linton@ed.gov). SCEAs submitting applications electronically must also submit an original application with ink signatures on all forms, certifications, and assurances.

**Applications should be mailed to:**

Mr. John Linton  
Director of Correctional Education  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-7240

**Or hand delivered to:**

Mr. John Linton  
Director of Correctional Education  
Office of Vocational and Adult Education  
U.S. Department of Education

Potomac Center Plaza, Room 11053  
550 12th Street, SW  
Washington, DC 20202-7240

## ***ANNUAL EVALUATION REPORT***

### Grants to States for Workplace and Community Transition Training for Incarcerated Individuals Program

Each State Correctional Education Agency (SCEA) must submit an annual report to the Secretary of Education, when and as instructed, on the results of the evaluations conducted using data elements and definitions provided by the Secretary for the use of State correctional education programs. The SCEA will report success on the Program's GPRA indicator, and on the attainment of any additional performance objectives included in the approved State plan application. The report will reflect the evaluation methods contained in the proposal as necessary to document the attainment of project performance objectives. The report must account for spending, detailing spending on instructional programs that are postsecondary preparatory education, postsecondary academic programs, and postsecondary career and technical education programs. The evaluation must describe implementation activities including the instructional delivery format for each course offering.

#### ***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 1830-0563. The time required to complete this information collection is estimated to average **30** 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:** Office of Vocational and Adult Education, U.S. Department of Education 400 Maryland Avenue, S.W., PCP Room 11-053, Washington, D.C. 20202.



## **APPENDIX**

### ***Data Elements and Definitions***

The SCEA must include in its three-year application a description of the performance objectives and evaluation methods that it would use to evaluate the State’s progress. Performance measures must be consistent with data elements and definitions provided by the Secretary for the use by the SCEAs (See section 821(c)(4)(B) of the statute.). These are required minimum data elements. SCEAs may, at their option, include additional data elements. Please note that SCEAs use these data elements and definitions to establish performance objectives. These data elements and definitions are not performance objectives, only the elements that shall be included in the performance objectives.

The Secretary has adopted the following data elements and definitions:

<u>Performance Objective</u>	<u>Definition</u>
Program Completion (One minimum)	Attainment of a degree or credential by participants, defined as the percentage of participants earning an industry-recognized credential, postsecondary certificate, or postsecondary degree.
Attainment of Employment (Two minimum)	Before release from prison, institutional work assignment, employment within a correctional facility, or work release employment within the first full calendar quarter after program completion.  After release from prison, employment within the first full calendar quarter after the quarter of exit from incarceration for those who completed the program.
Success in Employment (Two minimum)	After release from incarceration, success in employment is persistence in employment over time for program completers, as reflected in the attainment of earnings during each of the first, second, and third full calendar quarters after the quarter of release from incarceration.  After release from incarceration, success in employment is advancement over time for program completers as indicated by successive increases in gross quarterly earnings through the first three full calendar quarters after the quarter of release from prison.
Recidivism	Post-release criminal justice system involvement (arrest, re-conviction, violation of parole conditions, or

(Three minimum)

return to incarceration) by program completers within one year of release. (Desired direction is downward.)

For those program completers who do recidivate, survival time prior to new criminal justice system involvement (defined as re-arrest, reconviction, a violation of parole conditions, or a return to incarceration) within the first year after release. (Desired direction is upward.)

Seriousness of any post-release criminal activity, as indicated by patterns of reduced severity of crime by those released program completers who do recidivate. (Desired direction is upward.)



