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Dear Colleague:

Thank you for your interest in the Native American Career and Technical Education Program, Administered by the Office of Vocational and Adult Education of the U.S. Department of Education. The Native American Career and Technical Education Program (NACTEP) is authorized under Section 116 of the Carl D. Perkins Career and Technical Education Improvement Act of 2006. A copy of the Notice Inviting Applications for New Awards for Fiscal Year (FY) 2013 and the authorizing statute are provided in the application package. Please take the time to review these documents thoroughly.

The purpose of the Native American Career and Technical Education Program is to provide grants to improve career and technical education programs that are consistent with the purposes of the Act and that benefit American Indians and Alaska Natives. Please take the time to review the selection criteria and all of the application instructions thoroughly.

Applications for grants under this program may be submitted electronically using the Grants.gov Apply site (Grants.gov), or in paper format by mail or hand delivery. Your participation in Grants.gov is voluntary. For information (including dates and times) concerning how to submit your application electronically, or by mail or hand delivery, please refer to section IV. [Application and Submission Information](#).

The Department will award discretionary grants on a competitive basis for a project period of up to 2 years. We expect to award grants in September 2013. Please visit our program website at <http://www.cte.ed.gov> for further information. If you have any questions about the program after reviewing the application package, please contact Gwen Washington or Linda Mayo at (202) 245-7790 or (202) 245-7792, respectively. You may also contact us by email at gwen.washington@ed.gov or linda.mayo@ed.gov.

Again, thank you for your interest. We look forward to receiving your application and appreciate your efforts to meet the educational needs of Native American and Alaska Native students through this program.

Gwen Washington
Linda Mayo
Program Officers,
Native American Career and
Technical Education Program

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SECTION A

PROGRAM INFORMATION

The Native American Career and Technical Education Program (NACTEP) is authorized by section 116 of the Carl D. Perkins Career and Technical Education Improvement Act of 2006 (Perkins IV) (20 U.S.C.A. 2301 *et seq.*). The NACTEP provides grants to improve career and technical education programs that are consistent with the purposes of the Carl D. Perkins Career and Technical Education Improvement Act of 2006 (Act) and that benefit Native Americans and Alaska Natives.

Applicable Regulations

The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 81, 82, 84, 85, 86, 97, 98, 99.

Note: The regulations in 34 CFR, part 86, apply to institutions of higher education only.

PROGRAM CONTACT

If you have any questions about the program after reviewing the application package, please contact Gwen Washington or Linda Mayo at (202) 245-7790 or (202) 245-7792, respectively. You may also contact us by email at gwen.washington@ed.gov or linda.mayo@ed.gov. Information on the NACTEP is also available on our website at <http://www.cte.ed.gov>.

ELIGIBLE APPLICANTS

The following entities are eligible for an award under the NACTEP:

- (1) A Federally recognized Indian tribe.
- (2) A tribal organization.
- (3) An Alaska Native entity
- (4) A Bureau-funded school, except for a bureau funded school proposing to use its award to support secondary school career and technical education programs.
- (5) Any tribe, tribal organization, Alaska Native entity, or eligible Bureau-funded school may apply individually or as part of a consortium with one or more eligible tribes, tribal organizations, Alaska Native entities, or eligible Bureau-funded schools. (Eligible applicants seeking to apply for funds as a consortium should read and follow the regulations in 34 CFR 75.127-75.129, which apply to group applications.)

Note: An applicant must include documentation in its application showing that it and, if appropriate, consortium members are eligible according to the requirements in paragraphs (a) and (b) of the “ELIGIBLE APPLICANTS” section of this notice.

Note: In accordance with the definition of the term “tribal organization” in the Indian Self-Determination Education Act (ISDEA) (25 U.S.C. 450 (b) (1)), any tribal organization proposing to provide NACTEP services for the benefit of more than one Indian tribe must first obtain the approval of each Indian tribe it proposes to serve and must submit documentation of such approval with its application. Documentation of tribal approval will be a prerequisite to the awarding of a NACTEP grant to any tribal organization proposing to serve more than one Indian tribe. (20 U.S.C. 450 (b) (1)).

Cost Sharing or Matching: This program does not involve cost sharing or matching requirements, but does involve supplement-not-supplant funding provisions.

Type of Awards: Discretionary grants_

ESTIMATED FUNDS & AWARDS

The U.S. Department of Education is estimating that \$13,897,499 will be available for new awards for the first 12 months of the 24-month project period. From this funding, we expect to award approximately 30 grantees. Funding for year two of the 24-month project period is subject to the availability of funds and to a grantee meeting the requirements of 34 CFR 75.253 (Continuation of multi-year projects after the first budget period). Fiscal Year 2013 funds will be used for new awards under this competition.

Estimated Range of Awards: \$300,000 to \$600,000 for the first 12 months.

Estimated Average Size of Awards: \$400,000

Estimated Number of Awards: 30

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

Project Period: Up to 24 months

Deadline for Transmittal of Applications:

Supplemental Priorities: On December 15, 2010 and May 12, 2011, following public comment rulemaking, the Department published in the Federal Register notices announcing final supplemental priorities and definitions for the Department’s discretionary grant programs. (75 FR 78486 and 76 FR 27637)(Supplemental Priorities) Under this competition we are using the Secretary’s STEM and Technology priorities, since both of these are key Administration priorities in education. The use of technology within CTE programs funded under the Act, including NACTEP, is crucial as it can help improve the quality of instruction and the connections that students have to universities, colleges, employers, and industries that are far

from campus. Career and technical education in the STEM fields is critical to providing students with education that can lead to employment in high growth, in-demand industry sectors. If we are to prepare Native American and Alaska Native students for the jobs of the future, we believe it is important for STEM to be a focus of the CTE programs available to them.

Invitational Priorities: For FY 2013, these priorities are invitational priorities. Under 34 CFR 75.105 (c) (1) we do not give an application that meets one or both of these invitational priorities a competitive or absolute preference over other applications that have not addressed one or both of these priorities.

Priority 1--Technology

Under this priority, we invite applications that propose projects designed to improve student achievement or teacher effectiveness through the use of high-quality digital tools or materials, which may include preparing teachers to use the technology to improve instruction, as well as developing, implementing, or evaluating digital tools or materials.

Priority 2—Promoting Science, Technology, Engineering, and Mathematics (STEM) Education

Under this priority, we invite applications that propose projects designed to address one or more of the following priority areas:

- (a) Providing students with increased access to rigorous and engaging coursework in STEM.
- (b) Increasing the number and proportion of students prepared for postsecondary or graduate study and careers in STEM.
- (c) Increasing the opportunities for high-quality preparation of, or professional development for, teachers or other educators of STEM subjects.

SELECTION CRITERIA

The Secretary uses the following program criteria to evaluate an application. The maximum score for each criterion is indicated in parentheses.

(a) **Need for project.** (5 points total) In determining the need for the proposed project, we consider the extent of the need for the services to be provided or the activities to be carried out by the proposed project, as evidenced by data such as local labor market demand or occupational trends, or from surveys, recommendations from accrediting agencies, or tribal economic development plans.

(b) **Significance.** (15 points total) In determining the significance of the proposed project, we consider the following factors:

- (1) The potential contribution of the proposed project toward increasing the understanding of educational needs, issues, or strategies for providing career and technical education to American Indians and Alaska Natives. (5 points)

(2) The likelihood that the proposed project will result in system change or improvement in the applicant's educational program as evidenced by the types of training and activities identified in the project application. (5 points)

(3) The extent to which the proposed project is likely to build local capacity to provide, improve, or expand services that address the career and technical needs of the target population. (5 points)

(c) Quality of the project design. (25 points total) In determining the quality of the design of the proposed project, we consider the following factors:

(1) The extent to which goals, objectives, and outcomes are clearly specified and measurable (e.g., identification of the requirements for each course of study to be provided under the project, the technical skill proficiencies to be taught and industry-recognized standards or competency assessments to be used, including related training areas and a description of the industry certifications, credentials, certificates, or degrees that students may earn; expected enrollments, completions, and student placements in jobs, military specialties, and continuing education/training opportunities in each career training area; the number of teachers, counselors, and administrators to be trained). (10 points)

(2) The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs, as evidenced by the applicant's description of programs and activities that align with the target population's needs. (5 points)

(3) The extent to which the design for implementing and evaluating the proposed project plans for and is likely to result in the development of information to guide possible dissemination of information on project practices, activities or strategies, including information about the effectiveness of the approach or strategies employed by the project, planned dissemination activities, the kind of practices, activities, or strategies to be disseminated, the target audience for the dissemination of such practices, activities, or strategies, and the proposed uses for such disseminated practices, activities, or strategies. (5 points)

(4) The extent to which the proposed project will establish linkages with or will be coordinated with similar or related efforts, and with community, State, or Federal resources, as appropriate. (5 points)

(d) Quality of project services. (20 points total) In determining the quality of the services to be provided by the proposed project, we consider the following factors:

(1) The extent to which the training or professional development services to be provided by the proposed project are of sufficient quality, intensity, and duration to lead to improvements in practice among the project staff and instructors, including the extent to which the proposed training and professional development plans address ways in which learning gaps will be addressed and how continuous review of performance will be conducted to identify training needs. (5 points)

(2) The extent to which the services to be provided by the proposed project will create opportunities for students to receive an industry-recognized credential; become employed in high-skill, high-wage, and high-demand occupations; or both. (5 points)

(3) The extent to which the services proposed in the project will create opportunities to acquire technical skill proficiencies, industry certifications, or the skills identified by State or industry-recognized career and technical education programs or professions. In describing the services, there must be a clear link between the services and the skill proficiencies, industry certifications, credentials, certificates, or degrees that students may earn. (10 points)

(e) **Quality of project personnel.** (15 points total) In determining the quality of project personnel, we consider the following factors:

(1) The extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on color, national origin, gender, age, or disability. (5 points)

(2) The qualifications, including relevant training, expertise, and experience, of the project director, key personnel, and project consultants. (5 points)

(3) The extent to which the project will use instructors who are certified to teach in the field in which they will provide instruction. (5 points)

(f) **Adequacy of resources.** (20 points total) In determining the adequacy of resources for the proposed project, we consider the following factors:

(1) The adequacy of support, including facilities, equipment, supplies, and other resources, from the applicant organization(s) and the tribal entity or entities to be served. (5 points)

(2) The extent to which the budget is adequate and costs are reasonable in relation to the objectives of the proposed project. (5 points)

(3) The relevance and demonstrated commitment (e.g., through written career and technical education agreements, memoranda of understanding, letters of support and commitment, or commitments to employ project participants, as appropriate) of the applicant, members of the consortium, local employers, or tribal entities to be served by the project. (5 points)

(4) The potential for continued support of the project after Federal funding ends. (5 points)

(g) **Quality of the management plan.** (15 points total) In determining the quality of the management plan for the proposed project, we consider the following factors:

(1) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and the milestones and performance standards for accomplishing project tasks. (5 points)

(2) The extent to which the time commitments of the project director and other key project personnel are appropriate and adequate to meet the objectives of the proposed project. (5 points)

(3) The adequacy of mechanisms for ensuring high-quality products and services from the proposed project. (5 points)

(h) **Quality of the project evaluation.** (25 points total) In determining the quality of the evaluation, we consider the following factors:

(1) The extent to which the methods of evaluation proposed by the grantee are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project. (5 points)

(2) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and the Government Performance and Results Act of 1993 (GPRA) performance measures discussed elsewhere in this notice, and will produce quantitative and qualitative data, to the extent possible. (5 points)

(3) The extent to which the methods of the evaluation include processes that consider the validity and integrity of data collection and analysis; accessibility of appropriate and timely data; accurate descriptions of performance; collection processes that yield unbiased, unprejudiced, and impartial data results; and the extent to which representation of the data clearly communicates an accurate picture of performance. (5 points)

(4) The extent to which the methods of evaluation will provide performance feedback and continuous improvement toward achieving intended outcomes. (5 points)

(5) The quality of the evaluation to be conducted by an external evaluator with the necessary background and technical expertise to carry out the evaluation. (5 points)

SPECIAL CONSIDERATIONS

In addition to the points to be awarded to applicants based on the selection criteria, under section 116(e) of the Act, the Secretary awards—

(a) Up to 10 points to applications that propose approaches that involve, coordinate with, or encourage tribal economic development plans; and

(b) Five points to applications from tribally controlled colleges or university that--

(1) Are accredited or are candidates for accreditation by a nationally recognized accreditation organization as an institution of postsecondary career and technical education; or

(2) Operate career and technical education programs that are accredited or are candidates for accreditation by a nationally recognized accreditation organization and issue certificates for completion of career and technical education programs. (20 U.S.C. 2326(e)).

Special Conditions: Under 34 CFR 74.14 and 80.12, the Secretary may impose special conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 34 CFR parts 74 or 80, as applicable; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

Program Requirements:

Reporting:

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

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you

submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720 (c). For specific requirements on reporting, please go to www.ed.gov/fund/grant/apply/appforms/appforms.html.

Government Performance Results Act (GPRA) Performance Measures: Under the Government Performance Results Act (GPRA), Federal departments and agencies must clearly describe the goals and objectives of their programs, identify resources and actions needed to accomplish these goals and objectives, develop a means of measuring progress made, and regularly report on their achievement. One important source of program information on successes and lessons learned is the project evaluation conducted under individual grants. The Department has developed the following core factors and measures for evaluating the overall effectiveness of NACTEP projects:

(a) At the secondary level: An increase in the percentage of career and technical education students who--

(i) Attain academic proficiency, as demonstrated by meeting academic content standards and student academic achievement standards that meet challenging State defined academic standards for reading/language arts and mathematics;

(ii) Attain career and technical skill proficiencies, including student achievement on technical assessments that are aligned with industry-recognized standards;

(iii) Attain a secondary school diploma;

(iv) If a credential, certificate, or degree is offered by the State in which the project operates, in conjunction with a secondary school diploma, attain a proficiency credential, certificate, or degree in conjunction with a secondary school diploma; and

(v) Are placed in--

(1) Postsecondary education or advanced training;

(2) Military service; or

(3) Employment.

(b) At the postsecondary level: An increase in the percentage of career and technical education students who--

(i) Attain challenging career and technical skill proficiencies, including student achievement on technical assessments that are aligned with industry-recognized standards;

(ii) Attain an industry-recognized credential, a certificate, or a degree;

(iii) Are retained in postsecondary education or transfer to a baccalaureate degree program;

(iv) Are placed in--

(1) Military service; or

(2) Apprenticeship programs; and

(v) Are placed or have been retained in employment, including in high-skill, high-wage, or high-demand occupations or professions.

(c) At the adult education level: An increase in the percentage of participating adult career and technical education students who--

(i) Enroll in a postsecondary education or training program;

(ii) Attain career and technical education skill proficiencies aligned with industry-recognized standards;

(iii) Receive industry-recognized credentials or certificates; and

(iv) Are placed in a job, upgraded in a job, or retain employment.

Note: All grantees will be expected to submit an annual

performance report addressing these performance measures, to the extent feasible and to the extent that they apply to each grantee's NACTEP project.

Evaluation Requirements

To ensure the high quality of NACTEP projects and the achievement of the goals and purposes of section 116(e) of the Act, each grantee must budget for and conduct an ongoing evaluation of the effectiveness of its program. An independent evaluator must conduct the evaluation.

The evaluation must--

- (a) Be appropriate for the project and be both formative and summative in nature;
- (b) Include--
 - (i) The performance measures for NACTEP that are identified in the Performance Measures section of this notice;
 - (ii) Qualitative and quantitative data with respect to--
 - (1) Academic and career and technical competencies demonstrated by the participants and the number and kinds of academic and work credentials acquired by individuals, including participation in programs providing skill proficiency assessments, industry certifications, or training at the associate degree level that is articulated with an advanced degree option;
 - (2) Enrollment, completion, and placement of participants by gender for each occupation for which training was provided;
 - (3) Job or work skill attainment or enhancement, including participation in apprenticeship and work-based learning programs, and student progress in achieving technical skill proficiencies necessary to obtain employment in the field for which the student has been prepared, including attainment or enhancement of technical skills in the industry the student is preparing to enter;
 - (4) Activities during the formative stages of the project to help guide and improve the project, as well as a summative evaluation that includes recommendations for disseminating information on project activities and results;
 - (5) The number and percentage of students that obtained industry-recognized credentials, certificates, or degrees;
 - (6) The outcomes of students' technical assessments, by type and scores, if available; and
 - (7) The rates of attainment of a proficiency credential or certificate, in conjunction with a secondary school diploma;
 - (c) Measure the effectiveness of the project, including a comparison between the intended and observed results, and a demonstration of a clear link between the observed results and the specific treatment given to project participants;
 - (d) Measure the extent to which information about or resulting from the project was disseminated at other sites, such as through the grantee's development and use of guides or manuals that provide step-by-step directions for practitioners to follow when initiating similar efforts; and
 - (e) Measure the long-term impact of the project, e.g., follow-up data on students' employment, sustained employment, promotions, and further/continuing education or training, or the impact the project had on tribal economic development or career and technical education activities offered by tribes.

Continuation Awards:

In making a continuation award, the Secretary may consider, under 34 CFR 75.253, the extent to which a grantee has made “substantial progress toward meeting the objectives in its approved application.” This consideration includes the review of a grantee’s progress in meeting the targets and projected outcomes in its approved application, and whether the grantee has expended funds in a manner that is consistent with its approved application and budget. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8 and 110.23).

ADDITIONAL FACTORS

After evaluating applications according to the selection criteria in the notice, the Secretary may select other than the most highly rated applications for funding if doing so would - -

- (a) Permit the funding of more cost-effective projects;
- (b) Prevent the duplication of an effort already being made;
- (c) Create a more equitable distribution of funds under this competition among Indian tribes, tribal organizations, Alaska Native entities, or eligible Bureau-funded schools;
- (d) Prevent the funding of an applicant who performed poorly under a previous award under this program, especially one who failed to accomplish the project objectives; or
- (e) Permit the funding of a variety of approaches for carrying out the activities under the NACTEP.

INDIAN SELF DETERMINATION CONTRACTS

Section 116(b)(2) of the Act provides that grants or contracts awarded under section 116 are subject to the terms and conditions of section 102 of the Indian Self-Determination Act (ISDA) (25 U.S.C. 450f) and shall be conducted in accordance with the provisions of sections 4, 5, and 6 of the Act of April 16, 1934, which are relevant to the programs administered under section 116(b). Section 102 of the ISDA authorizes Indian tribes to request self-determination contracts. Accordingly, an Indian tribe or tribal organization that has applied to the Secretary for financial assistance under the NACTEP and has been notified of its selection to be a recipient of financial assistance may submit a request to operate its NACTEP project through a section 102 Indian self-determination contract.

In accordance with section 102(a) of the ISDA, any tribe or tribal organization requesting to operate its project under an Indian self-determination contract must do so by tribal resolution. After successful applicants are selected under the competition announced in this notice, the Secretary will review any such requests pursuant to the ISDA. If a request for an Indian self-determination contract is approved, the Indian tribe or tribal organization submitting the request will be required, to the extent possible, to operate its project in accordance with the terms of the ISDA, as well as in accordance with the relevant provisions of the NACTEP statute and the program requirements established in this notice. As with grants, self-determination contracts under the NACTEP are limited to a 24-month period and subject to the availability of funds. The career and technical education programs, services, and activities provided through an Indian self-

determination contract would have to be essentially the same as were proposed in the initial application and approved by the Department. Any tribe or tribal organization that is successful under the competition announced in this notice and is selected to receive funding, but whose request for an Indian self-determination contract is denied, may appeal the denial to the Secretary. If you have questions about ISDA self-determination contracts, please contact the staff listed in the FOR FURTHER INFORMATION CONTACT section of this notice.

Definitions

The Act of April 16, 1934 means the Federal law commonly known as the "Johnson-O'Malley Act" that authorizes the Secretary of the Interior to enter into contracts for the education of Indians and other purposes. (25 U.S.C. 455–457)

Acute economic need means an income that is at or below the national poverty level according to the latest available data from the U.S. Department of Commerce or the U.S. Department of Health and Human Services Poverty Guidelines.

Alaska Native or Native means a citizen of the United States who is a person of one-fourth degree or more Alaska Indian (including Tsimshian Indians not enrolled in the Metlakta Indian Community) Eskimo, or Aleut blood, or a combination thereof. The term includes—
(a) Any Native, as so defined, either or both of whose adoptive parents are not Natives; and
(b) In the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or Native group of which he or she claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native by any village or group. Any decision of the Secretary of the Interior regarding eligibility for enrollment will be final. (20 U.S.C. 2326(a)(1); 43 U.S.C. 1602(b))

Alaska Native entity means an entity such as an Alaska Native village, group, or regional or village corporation.

Alaska Native group means any tribe, band, clan, village, community, or village association of Natives in Alaska composed of less than twenty-five Natives, who comprise a majority of the residents of the locality. (43 U.S.C. 1602(d))

Alaska Native village means any tribe, band, clan, group, village, community, or association in Alaska—
(a) Listed in sections 1610 and 1615 of the Alaska Native Claims Settlement Act; or
(b) That meets the requirements of chapter 33 of the Alaska Native Claims Settlement Act; and
(c) That the Secretary of the Interior determines was, on the 1970 census enumeration date (as shown by the census or other evidence satisfactory to the Secretary of the Interior, who shall make findings of fact in each instance), composed of twenty-five or more Natives. (43 U.S.C. 1602(c))

Alaska regional corporation means an Alaska Native regional corporation established under the laws of the State of Alaska in accordance with the provisions of chapter 33 of the Alaska Native Claims Settlement Act. (43 U.S.C. 1602(g))

Alaska village corporation means an Alaska Native Village Corporation organized under the laws of the State of

Alaska as a business for profit or nonprofit corporation to hold, invest, manage and/or distribute lands, property, funds, and other rights and assets for and on behalf of an Alaska Native village, in accordance with the terms of chapter 33 of the Alaska Native Claims Settlement Act. (43 U.S.C. 1602(j))

Bureau means the Bureau of Indian Affairs of the U.S. Department of the Interior. (25 U.S.C. 2021(2))

Bureau-funded school means—

(a) A Bureau-operated elementary or secondary day or boarding school or Bureau-operated dormitory for students attending a school other than a Bureau school. (25 U.S.C. 2021(3) and (4));

(b) An elementary school, secondary school, or dormitory, that receives financial assistance for its operation under a contract, grant, or agreement with the Bureau under section 102, 103(a), or 208 of ISDEA (25 U.S.C. 450f, 450h(a), or 458d) or under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2504 *et seq.*). (25 U.S.C. 2021(3) and (5)); or

(c) A school for which assistance is provided under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 *et seq.*). (25 U.S.C. 2021)

Career and technical education means organized educational activities that—

(a) Offer a sequence of courses that—

(1) Provides individuals with coherent and rigorous content aligned with challenging academic standards and relevant technical knowledge and skills needed to prepare for further education and careers in current or emerging professions;

(2) Provides technical skills proficiency, an industry-recognized credential, a certificate, or an associate degree; and

(3) May include prerequisite courses (other than remedial courses) that meet the requirements of this definition; and

(b) Include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation specific skills, and knowledge of all aspects of an industry, including entrepreneurship, of the individual. (20 U.S.C. 2302(5))

Coherent sequence of courses means a series of courses in which career and academic education is integrated, and that directly relates to, and leads to, both academic and occupational competencies. The term includes competency-based education and

academic education, and adult training or retraining, including sequential units encompassed within a single adult retraining course, that otherwise meet the requirements of this definition.

Direct assistance to students means tuition, dependent care, transportation, books, and supplies that are necessary for a student to participate in a project funded under this program.

High-need children and high-need students means children and students at risk of educational failure, such as children and students who are living in poverty, who are English learners, who are far below grade level or who are not on track to becoming college-or career-ready by graduation, who have left school or college before receiving, respectively, a regular high school diploma or a college degree or certificate, who are at risk of not graduating with a diploma on time, who are homeless, who are in foster care, who are pregnant or parenting teenagers, who have been incarcerated, who are new immigrants, who are migrant, or who have disabilities.

Indian means a person who is a member of an Indian tribe. (20 U.S.C. 2326(a)(3); 25 U.S.C. 450b(d))

Indian tribe means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 *et seq.*), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. (20 U.S.C.

2326(a)(3); 25 U.S.C. 450b(e))

Institution of higher education means

(a) An educational institution in any State that—

(1) Admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate;

(2) Is legally authorized within such State to provide a program of education beyond secondary education;

(3) Provides an educational program for which the institution awards a bachelor's degree or provides not less than a 2-year program that is acceptable for full credit toward such a degree;

(4) Is a public or other nonprofit institution; and

(5) Is accredited by a nationally recognized accrediting agency or association or, if not so accredited, is an institution that has been granted pre-accreditation status by such an agency or association that has been recognized by the Secretary of the Education for the granting of pre-accreditation status, and the Secretary of Education has determined that there is satisfactory assurance that the institution will meet the accreditation standards of such an agency or association within a reasonable time.

(b) The term also includes—

(1) Any school that provides not less than a 1-year program of training to prepare students for gainful employment in a recognized occupation and that meets the provisions of paragraphs (a)(1), (2), (4) and (5) of this definition.

(2) A public or nonprofit private educational institution in any State that, in lieu of the requirement in paragraph

(a)(1) of this definition, admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located. (20 U.S.C. 1001 and 2302(18))

Special populations means—

(a) Individuals with disabilities;

(b) Individuals from economically disadvantaged families, including foster children;

(c) Individuals preparing for nontraditional training fields;

(d) Single parents, including single pregnant women;

(e) Displaced homemakers; and

(f) Individuals with limited English proficiency. (20 U.S.C. 2302(29))

Stipend means a subsistence allowance for a student that is necessary for the student to participate in a project funded under this program.

Support services means services related to curriculum modification, equipment modification, classroom modification, supportive personnel, and instructional aids and devices. (20 U.S.C. 2302(31))

Tribal organization means the recognized governing body of any

Indian tribe; any legally established organization of Indians that is controlled, sanctioned, or chartered by such governing body or that is democratically elected by the adult members of the Indian community to be served by the organization and that includes the maximum participation of Indians in all phases of its activities, provided that, in any case where a contract is let or grant made to an organization to perform services benefiting more than one Indian tribe, the approval of each such Indian tribe shall be a prerequisite to the letting or making of such contract or grant. (20 U.S.C. 2326(a)(3); 25 U.S.C. 450b(1))

Tribally Controlled College or University means an institution of higher education that is formally controlled, or has been formally sanctioned or chartered, by the governing body of an Indian tribe or tribes, except that no more than one such institution will be recognized with respect to any such tribe. (20 U.S.C. 2302(33) and 25 U.S.C. 1801(a)(4))

Section B Legal and Regulatory Documents

Application Notice

Program Statute

SEC. 116. NOTE: 20 USC 2326. NATIVE AMERICAN PROGRAMS.

(a) Definitions.--In this section:

(1) Alaska native.--The term 'Alaska Native' means a Native as such term is defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

(2) Bureau-funded school.--The term 'Bureau-funded school' has the meaning given the term in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021).

(3) Indian, Indian tribe, and tribal organization.--The terms 'Indian', 'Indian tribe', and 'tribal organization' have the meanings given the terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(4) Native Hawaiian.--The term 'Native Hawaiian' means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

(5) Native Hawaiian organization.--The term 'Native Hawaiian organization' has the meaning given the term in section 7207 of the Native Hawaiian Education Act (20 U.S.C. 7517).

(b) Program Authorized.--

(1) Authority.--From Grants. Contracts. funds reserved under section 111(a)(1)(B)(i), the Secretary shall make grants to or enter into contracts with Indian tribes, tribal organizations, and Alaska Native entities to carry out the authorized programs described in subsection (c), except that such grants or contracts shall not be awarded to secondary school programs in Bureau-funded schools.

(2) Indian tribes and tribal organizations.--The grants or contracts described in this section that are awarded to any Indian tribe or tribal organization shall be subject to the terms and conditions of section 102 of the Indian Self-Determination Act (25 U.S.C. 450f) and

shall be conducted in accordance with the provisions of sections 4, 5, and 6 of the Act of April 16, 1934 (25 U.S.C. 455-457), which are relevant to the programs administered under this subsection.

(3) Special authority relating to secondary schools operated or supported by the bureau of Indian affairs.--An Indian tribe, a tribal organization, or an Alaska Native entity, that receives funds through a grant made or contract entered into under paragraph (1) may use the funds to provide assistance to a secondary school operated or supported by the Bureau of Indian Affairs to enable such school to carry out career and technical education programs.

(4) Matching.--If sufficient funding is available, the Bureau of Indian Affairs shall expend an amount equal to the amount made available under this subsection, relating to programs for Indians, to pay a part of the costs of programs funded under this subsection. During each fiscal year the Bureau of Indian Affairs shall expend not less than the amount expended during the prior fiscal year on career and technical education programs, services, and technical activities administered directly by, or under contract with, the Bureau of Indian Affairs, except that in no year shall funding for such programs, services, and activities be provided from accounts and programs that support other Indian education programs.

The Secretary and the Assistant Secretary of the Interior for Indian Affairs shall prepare jointly a plan for the expenditure of funds made available and for the evaluation of programs assisted under this subsection. Upon the completion of a joint plan for the expenditure of the funds and the evaluation of the programs, the Secretary shall assume responsibility for the administration of the program, with the assistance and consultation of the Bureau of Indian Affairs.

(5) Regulations.--If the Secretary promulgates any regulations applicable to paragraph (2), the Secretary shall--

(A) confer with, and allow for active participation by, representatives of Indian tribes, tribal organizations, and individual tribal members; and

(B) promulgate the regulations under subchapter III of chapter 5 of title 5, United States Code, commonly known as the 'Negotiated Rulemaking Act of 1990'.

(6) Application.--Any Indian tribe, tribal organization, or Bureau-funded school eligible to receive assistance under this subsection may apply individually or as part of a consortium with another such Indian tribe, tribal organization, or Bureau-funded school.

(c) Authorized Activities.--

(1) Authorized programs.--Funds made available under this section shall be used to carry out career and technical education programs consistent with the purpose of this Act.

(2) Stipends.--

(A) In general.--Funds received pursuant to grants or contracts awarded under subsection (b) may be used to provide stipends to students who are enrolled in career and technical education programs and who have acute economic needs which cannot be met through work-study programs.

(B) Amount.--Stipends described in subparagraph (A) shall not exceed reasonable amounts as prescribed by the Secretary.

(d) Grant or Contract Application.--In order to receive a grant or contract under this section, an organization, tribe, or entity described in subsection (b) shall submit an application to the Secretary that shall include an assurance that such organization, tribe, or entity shall comply with the requirements of this section.

(e) Restrictions and Special Considerations.--The Secretary may not place upon grants awarded or contracts entered into under subsection (b) any restrictions relating to programs other than restrictions that apply to grants made to or contracts entered into with States pursuant to allotments under section 111(a). The Secretary, in awarding grants and entering into contracts under this section, shall ensure that the grants and contracts will improve career and technical education programs, and shall give special consideration to--

(1) programs that involve, coordinate with, or encourage tribal economic development plans; and

(2) applications from tribally controlled colleges or universities that--

(A) are accredited or are candidates for accreditation by a nationally recognized accreditation organization as an institution of postsecondary career and technical education; or

(B) operate career and technical education programs that are accredited or are candidates for accreditation by a nationally recognized accreditation organization, and issue certificates for completion of career and technical education programs.

(f) Consolidation of Funds.--Each organization, tribe, or entity receiving assistance under this section may consolidate such assistance with assistance received from related programs in accordance with the provisions of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3401 et seq.).

(g) Nonduplicative and Nonexclusive Services.--Nothing in this section shall be construed--

(1) to limit the eligibility of any organization, tribe, or entity described in subsection (b) to participate in any activity offered by an eligible agency or eligible recipient under this title; or

(2) to preclude or discourage any agreement, between any organization, tribe, or entity described in subsection (b) and any eligible agency or eligible recipient, to facilitate the provision of services by such eligible agency or eligible recipient to the population served by such eligible agency or eligible recipient.

Public 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. Public reporting burden for this collection of information is estimated to average 120 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is required to obtain or retain benefit (The Carl D. Perkins Career and Technical Education Improvement Act of 2006 (Act) (PL10-0270). Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, 400 Maryland Ave., SW, Washington, DC 20210-4537 or email ICDocketMgr@ed.gov and reference the OMB Control Number 1830-0542. Note: Please do not return the completed NACTEP application to this address.

Instructions Documents

