Archived Information

Application for Federal Education Assistance (ED 424)

U.S. Department of Education

Form Approved
OMB No. 1875-0106
Exp. 11/30/2004

Applicant Information

1. Name and Address
Legal Name:_____

Address: _____

_____

_____ _____ _____ _____ - _____
City State County ZIP Code + 4

Organizational Unit

2. Applicant's D-U-N-S Number |___|___|___|___|___|___|___|___|___|

3. Applicant's T-I-N |___|___| - |___|___|___|___|___|___|___|

4. Catalog of Federal Domestic Assistance #: **84.**____|____|____|____|

Title: STRENGTHENING INSTITUTIONS PROGRAM

_____

5. Project Director:_____

Address:_____

_____ _____ _____ _____
City State Zip code + 4
Tel. #: ( ) _____-_____ Fax #: ( )_____-_____

E-Mail Address: _____

6. Novice Applicant ___Yes ___No

7. Is the applicant delinquent on any Federal debt? ___Yes ___No
(If "Yes," attach an explanation.)

8. Type of Applicant *(Enter appropriate letter in the box.)* |____|

A - State	F - Independent School District
B - Local	G - Public College or University
C - Special District	H - Private, Non-profit College or University
D - Indian Tribe	I - Non-profit Organization
E - Individual	J - Private, Profit-Making Organization

K - Other (*Specify*): _____

Application Information

9. Type of Submission:

-PreApplication	*-Application*
___ Construction	___ Construction
___ Non-Construction	___ Non-Construction

10. Is application subject to review by Executive Order 12372 process?
___ Yes (*Date made available to the Executive Order 12372 process for review):* ____/____/_____

___ No *(If "No," check appropriate box below.)*
___ Program is not covered by E.O. 12372.
___ Program has not been selected by State for review.

11. Proposed Project Dates: ____/____/_____ ____/____/_____
Start Date: **End Date:**

12. Are any research activities involving human subjects planned at any time during the proposed project period?
___ Yes (Go to 12a.) ___ No (Go to item 13.)

12a. Are **all** the research activities proposed designated to be exempt from the regulations?
___ Yes (Provide Exemption(s) #): _____

___ No (Provide Assurance #): _____

13. Descriptive Title of Applicant's Project:

_____

_____

Estimated Funding

14a. Federal	**$ _____. 00**
b. Applicant	**$ _____. 00**
c. State	**$ _____. 00**
d. Local	**$ _____. 00**
e. Other	**$ _____. 00**
f. Program Income	**$ _____. 00**
g. TOTAL	**$ _____. 00**

Authorized Representative Information

15. To the best of my knowledge and belief, all data in this preapplication/application are true and correct. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.

a. Authorized Representative (*Please type or print name clearly.*)

_____

b. Title: _____

c. Tel. #: ( ) _____-_____ Fax #: ( ) _____-_____

d. E-Mail Address: _____

e. Signature of Authorized Representative

_____ Date:___/____/_____

Application for Federal Education Assistance (ED 424)

U.S. Department of Education

Form Approved
OMB No. 1875-0106
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Applicant Information

1. Name and Address
Legal Name:_____

Address: _____

_____

_____ _____ _____ _____ - _____
City State County ZIP Code + 4

Organizational Unit

2. Applicant's D-U-N-S Number |___|___|___|___|___|___|___|___|___|

3. Applicant's T-I-N |___|___| - |___|___|___|___|___|___|___|

4. Catalog of Federal Domestic Assistance #: **84.____|____|____|____|**

Title: AMERICAN INDIAN TRIBALLY CONTROLLED COLLEGES AND UNIVERSITIES PROGRAM (TCCU)

5. Project Director:_____

Address:_____

_____ _____ _____ _____
City State Zip code + 4
Tel. #: ( ) _____-_____ Fax #: ( )_____-_____

E-Mail Address: _____

6. Novice Applicant ___Yes ___No

7. Is the applicant delinquent on any Federal debt? ___Yes ___No
(If "Yes," attach an explanation.)

8. Type of Applicant *(Enter appropriate letter in the box.)* |____|

A - State	F - Independent School District
B - Local	G - Public College or University
C - Special District	H - Private, Non-profit College or University
D - Indian Tribe	I - Non-profit Organization
E - Individual	J - Private, Profit-Making Organization

K - Other (*Specify*): _____

Application Information

9. Type of Submission:

-PreApplication	*-Application*
___ Construction	___ Construction
___ Non-Construction	___ Non-Construction

10. Is application subject to review by Executive Order 12372 process?
___ Yes (*Date made available to the Executive Order 12372 process for review):* ____/____/_____

___ No *(If "No," check appropriate box below.)*
___ Program is not covered by E.O. 12372.
___ Program has not been selected by State for review.

11. Proposed Project Dates: ____/____/_____ ____/____/_____
Start Date: **End Date:**

12. Are any research activities involving human subjects planned at any time during the proposed project period?
___ Yes (Go to 12a.) ___ No (Go to item 13.)

12a. Are **all** the research activities proposed designated to be exempt from the regulations?
___ Yes (Provide Exemption(s) #): _____

___ No (Provide Assurance #): _____

13. Descriptive Title of Applicant's Project:

_____

_____

Estimated Funding

14a. Federal	**$ _____. 00**
b. Applicant	**$ _____. 00**
c. State	**$ _____. 00**
d. Local	**$ _____. 00**
e. Other	**$ _____. 00**
f. Program Income	**$ _____. 00**
g. TOTAL	**$ _____. 00**

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15. To the best of my knowledge and belief, all data in this preapplication/application are true and correct. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.

a. Authorized Representative (*Please type or print name clearly.*)

_____

b. Title: _____

c. Tel. #: ( ) _____-_____ Fax #: ( ) _____-_____

d. E-Mail Address: _____

e. Signature of Authorized Representative

_____ Date:___/____/_____

Application for Federal Education Assistance (ED 424)

U.S. Department of Education

Form Approved
OMB No. 1875-0106
Exp. 11/30/2004

Applicant Information

1. Name and Address
Legal Name:_____

Address: _____

_____

_____ _____ _____ _____ - _____
City State County ZIP Code + 4

Organizational Unit

2. Applicant's D-U-N-S Number |___|___|___|___|___|___|___|___|___|

3. Applicant's T-I-N |___|___| - |___|___|___|___|___|___|___|

4. Catalog of Federal Domestic Assistance #: **84.____|____|____|____|**

Title: ____NATIVE HAWAIIAN-SERVING INSTITUTIONS _____

_____PROGRAM_____

5. Project Director:_____

Address:_____

_____ _____ _____ _____
City State Zip code + 4
Tel. #: ( ) _____-_____ Fax #: ( )_____-_____

E-Mail Address: _____

6. Novice Applicant ___Yes ___No

7. Is the applicant delinquent on any Federal debt? ___Yes ___No
(If "Yes," attach an explanation.)

8. Type of Applicant *(Enter appropriate letter in the box.)* |____|

A - State	F - Independent School District
B - Local	G - Public College or University
C - Special District	H - Private, Non-profit College or University
D - Indian Tribe	I - Non-profit Organization
E - Individual	J - Private, Profit-Making Organization

K - Other (*Specify*): _____

Application Information

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-PreApplication	*-Application*
___ Construction	___ Construction
___ Non-Construction	___ Non-Construction

10. Is application subject to review by Executive Order 12372 process?
___ Yes (*Date made available to the Executive Order 12372 process for review):* ____/____/_____

___ No *(If "No," check appropriate box below.)*
___ Program is not covered by E.O. 12372.
___ Program has not been selected by State for review.

11. Proposed Project Dates: ____/____/_____ ____/____/_____
Start Date: **End Date:**

12. Are any research activities involving human subjects planned at any time during the proposed project period?
___ Yes (Go to 12a.) ___ No (Go to item 13.)

12a. Are **all** the research activities proposed designated to be exempt from the regulations?
___ Yes (Provide Exemption(s) #): _____

___ No (Provide Assurance #): _____

13. Descriptive Title of Applicant's Project:

_____

_____

Estimated Funding

14a. Federal	**$ _____. 00**
b. Applicant	**$ _____. 00**
c. State	**$ _____. 00**
d. Local	**$ _____. 00**
e. Other	**$ _____. 00**
f. Program Income	**$ _____. 00**
g. TOTAL	**$ _____. 00**

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a. Authorized Representative (*Please type or print name clearly.*)

_____

b. Title: _____

c. Tel. #: ( ) _____-_____ Fax #: ( ) _____-_____

d. E-Mail Address: _____

e. Signature of Authorized Representative

_____ Date:___/____/_____

Application for Federal Education Assistance (ED 424)

U.S. Department of Education

Form Approved
OMB No. 1875-0106
Exp. 11/30/2004

Applicant Information

Organizational Unit

1. Name and Address
Legal Name:_____

Address: _____

_____

_____ _____ _____ _____ - _____
City State County ZIP Code + 4

2. Applicant's D-U-N-S Number |___|___|___|___|___|___|___|___|___|

3. Applicant's T-I-N |___|___| - |___|___|___|___|___|___|___|

4. Catalog of Federal Domestic Assistance #: **84.**____|____|____|____|

Title: ____ALASKA NATIVE-SERVING INSTITUTIONS PROGRAM ____

_____

5. Project Director:_____

Address:_____

_____ _____ _____ _____
City State Zip code + 4
Tel. #: ( ) _____-_____ Fax #: ( )_____-_____

E-Mail Address: _____

6. Novice Applicant ___Yes ___No

7. Is the applicant delinquent on any Federal debt? ___Yes ___No
(If "Yes," attach an explanation.)

8. Type of Applicant *(Enter appropriate letter in the box.)* |____|

A - State	F - Independent School District
B - Local	G - Public College or University
C - Special District	H - Private, Non-profit College or University
D - Indian Tribe	I - Non-profit Organization
E - Individual	J - Private, Profit-Making Organization

K - Other (*Specify*): _____

Application Information

9. Type of Submission:

-PreApplication	*-Application*
___ Construction	___ Construction
___ Non-Construction	___ Non-Construction

10. Is application subject to review by Executive Order 12372 process?
___ Yes (*Date made available to the Executive Order 12372 process for review):* ____/____/_____

___ No *(If "No," check appropriate box below.)*
___ Program is not covered by E.O. 12372.
___ Program has not been selected by State for review.

11. Proposed Project Dates: ____/____/_____ ____/____/_____
Start Date: **End Date:**

12. Are any research activities involving human subjects planned at any time during the proposed project period?
___ Yes (Go to 12a.) ___ No (Go to item 13.)

12a. Are **all** the research activities proposed designated to be exempt from the regulations?
___ Yes (Provide Exemption(s) #): _____

___ No (Provide Assurance #): _____

13. Descriptive Title of Applicant's Project:

_____

_____

Estimated Funding

14a. Federal	**$ _____. 00**
b. Applicant	**$ _____. 00**
c. State	**$ _____. 00**
d. Local	**$ _____. 00**
e. Other	**$ _____. 00**
f. Program Income	**$ _____. 00**
g. TOTAL	**$ _____. 00**

Authorized Representative Information

15. To the best of my knowledge and belief, all data in this preapplication/application are true and correct. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.

a. Authorized Representative (*Please type or print name clearly.*)

_____

b. Title: _____

c. Tel. #: ( ) _____-_____ Fax #: ( ) _____-_____

d. E-Mail Address: _____

e. Signature of Authorized Representative

_____ Date:___/____/_____

Instructions for Form ED 424

1. **Legal Name and Address.** Enter the legal name of applicant and the name of the primary organizational unit which will undertake the assistance activity.

2. **D-U-N-S Number.** Enter the applicant's D-U-N-S Number. If your organization does not have a D-U-N-S Number, you can obtain the number by calling 1-800-333-0505 or by completing a D-U-N-S Number Request Form. The form can be obtained via the Internet at the following URL: **http://www.dnb.com.**

3. **Tax Identification Number.** Enter the taxpayer's identification number as assigned by the Internal Revenue Service.

4. **Catalog of Federal Domestic Assistance (CFDA) Number.** Enter the CFDA number and title of the program under which assistance is requested. The CFDA number can be found in the federal register notice and the application package.

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

6. **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 Form ED 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**.**

7. **Federal Debt Delinquency.** Check **"Yes"** if the applicant's organization is delinquent on any Federal debt. (This question refers to the applicant's organization and not to the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.) Otherwise, check **"No."**

8. **Type of Applicant.** Enter the appropriate letter in the box provided.

9. **Type of Submission.** See "Definitions for Form ED 424" attached.

10. **Executive Order 12372.** See "Definitions for Form ED 424" attached. Check **"Yes"** if the application is subject to review by E.O. 12372. Also, please enter the month, day, and four (4) digit year (e.g., 12/12/2001). Otherwise, check **"No."**

11. **Proposed Project Dates.** Please enter the month, day, and four (4) digit year (e.g., 12/12/2001).

12. **Human Subjects Research.** (See I.A. "Definitions" in attached page entitled "Definitions for Form ED 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 12 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 Form ED 424.")

12a. **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 Form ED 424." Insert this narrative immediately following the ED 424 face page.

12a. **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 Form ED 424." Insert this narrative immediately following the ED 424 face page.

12a. **Human Subjects Assurance Number.** If the applicant has an approved Federal Wide (FWA) or Multiple Project Assurance (MPA) 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 face page, 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.

13. **Project Title.** Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

14. **Estimated Funding.** 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. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 14.

15. **Certification.** To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. Be sure to enter the telephone and fax number and e-mail address of the authorized representative. Also, in item 15e, please enter the month, day, and four (4) digit year (e.g., 12/12/2001) in the date signed field.

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 **1875-0106**. 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. 20202-4651. **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, S.W. ROB-3, Room 3633, Washington, D.C. 20202-4725

Definitions for Form ED 424

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.

Type of Submission. "Construction" includes construction of new buildings and acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees and the cost of acquisition of land). "Construction" also includes remodeling to meet standards, remodeling designed to conserve energy, renovation or remodeling to accommodate new technologies, and the purchase of existing historic buildings for conversion to public libraries. For the purposes of this paragraph, the term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them; and such term includes all other items necessary for the functioning of a particular facility as a facility for the provision of library services.

Executive Order 12372. The purpose of Executive Order 12372 is to foster an intergovernmental partnership and strengthen federalism by relying on State and local processes for the coordination and review of proposed Federal financial assistance and direct Federal development. The application notice, as published in the Federal Register, informs the applicant as to whether the program is subject to the requirements of E.O. 12372. In addition, the application package contains information on the State Single Point of Contact. An applicant is still eligible to apply for a grant or grants even if its respective State, Territory, Commonwealth, etc. does not have a State Single Point of Contact. For additional information on E.O. 12372 go to www.archives.gov/federal_register/codification/executive_order/12372.html.

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 which 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 12 on the ED 424, the applicant must provide a human subjects "exempt research" or "nonexempt research" narrative and insert it immediately following the ED 424 face page.

A. Exempt Research Narrative.

If you marked "Yes" for item 12 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 12 a. you must provide the "nonexempt research" narrative. The narrative must address the following seven points. Although no specific page limitation applies to this section of the application, be succinct.

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

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

(3) **Recruitment and Informed Consent**: Describe plans for the recruitment of subjects and the consent procedures to be followed. Include the circumstances under which consent will be sought and obtained, who will seek it, the nature of the information to be provided to prospective subjects, and the method of documenting consent. State if the Institutional Review Board (IRB) has authorized a modification or waiver of the elements of consent or the requirement for documentation of consent.

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

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

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

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

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. 20202-4248, telephone: (202) 708-8263, and on the U.S. Department of Education's Protection of Human Subjects in Research Web Site at *http://www.ed.gov/about/offices/list/ocfo/humansub.html*

Tie-Breaker Information (On a separate sheet of paper provide the following information)

If the selection process ends in a tie and funds are not sufficient to fund all institutions we will use the information provided here to determine who will receive a grant. We will award up to 3 additional points based on the information provided here.

Total FALL 2000 FULL-TIME EQUIVALENT (FTE) students = _____.

a. Total market value of endowment fund at the end of 2000-2001. $_____.

b. Total expenditures for library material during 2000-2001. $_____.

Endowment Investing

	Yes	No
Have you elected to participate in the Endowment investing component of the Title III, Part A Programs?	☐	☐

Project Abstract

If you are applying for an Individual Development Grant and/or a Cooperative Arrangement Development Grant you are required to provide a project abstract. When writing the project abstract for your application, be sure to do the following:

- **Type all narratives in font size that is either 12-point or larger or no smaller than ten pitch (characters per inch), single-spaced on plain, white or off-white, bond paper.**
- **Type a heading with the name of your institution and the state where it is located along with contact information.**
- **Include a brief descriptive paragraph about your institution and an overview of your project.**
- **Do not exceed one page. A page is 8.5” X 11”, with 1” margins top, bottom, left and right.**

Please follow closely the sample on next page.

SAMPLE PROJECT ABSTRACT

Regular College, Cleveland, Kansas. Located in central Plains, founded in 1902, affiliated with United Church, 4-year private, 980 students in Fall of 2000, current operating budget of $10.3 million in 2000-2001.

Phone: 616-245-9872, FAX: 616-245-9043.

Contact Person: Joseph Doe
E-MAIL Address: JOE@ED.KS.UMC

Activity 1--$1,327,312 over five years. *Improved retention through wide area network*.

To improve student success through advising and to increase retention by expanding access to campus-wide externally linked network. Sample of key measures: a) The average score for the 12 most relevant items for the Spring 2001 ACT Student Satisfaction Survey will increase by one-fourth standard deviation from the average standard deviation the previous year. b) The college's retention rate for freshman to sophomore will increase 2% per year. c) The college's graduation rate will be increased by 3.75% per year from the baseline year. Approximately 51% ($677K) of the 5-year activity budget is for hardware and software. Approximately 21% ($279K) will buy a network manager and user support technician. About 24% ($323K) is for data migration and maintenance for the database and administration system. About 3% ($41K) is for training. The Director of Learning and Info Services directs the activity at 70% time but paid by college.

Activity 2--$293,800 over three years. *Developing faculty to use technology in classroom.*

To improve student learning outcomes and retention through a comprehensive faculty development program that will result in revision and development of courses integrating technology. Sample of key measures:
a) The college's overall retention rate will be increased 2% per year over previous year. b) The student learning outcomes will improve pre-established baseline in redesigned courses piloted during each year. c) 60% of the 51 faculty will know about applications of technology through a faculty development program and they will increase their ability to use technical vocabulary and demonstrate a recognition of educational software in their fields as shown by an annual faculty survey. d) 25 faculty will have piloted courses using technology as shown through course syllabi, evaluation plans, and instruments. About 59% ($172K) of the activity budget goes to buying an outsider, full-time instructional media technology specialist. About 25% ($75K) will be spent on hardware and software. About 8% ($25K) will go toward 3 hours released time or summer stipend for 30 faculty to redesign their courses integrating technology. About 7% ($19K) will be for travel to pertinent technology conferences, visits to other colleges and businesses.

Project management and evaluation---$111,994 About 86% of this budget goes to support a 30% time Title III coordinator and a 75% time secretary. About 4% is for formative and summative evaluation by an outside consultant.

COOPERATIVE ARRANGEMENT FOR PARTICIPATING INSTITUTIONS FORM
(ED FORM 851A-1)

INSTRUCTIONS

The applicant coordinating institution should complete ED FORM 851A-1, as instructed below:

1. Enter the name of the institution that will serve as the coordinating institution of the cooperative arrangement. Provide the legal name of the applicant institution of higher education applying for the grant. This institution should be the same as designated in the Application for Federal Assistance Form.

2. Fill in the requested information in items 2a - 2d.

GRANT APPLICATION FOR THE TITLE III, PART A PROGRAMS Title III, Higher Education Act of 1965, as amended by Public Law 102-325	FORM APPROVED OMB No.: 1840-XXXX EXP. DATE:

COOPERATIVE ARRANGEMENT FOR PARTICIPATING INSTITUTIONS FORM

1. NAME OF APPLICANT INSTITUTION:

2a. Participating Institutions	2b. DUNS Number	2c. Location (City and State)	2d. Funds Requested

ED FORM 851A-1

INSTRUCTIONS -- (ED FORM 851A-2)

ACTIVITY OBJECTIVES AND PERFORMANCE INDICATORS FORM

Each applicant for a development grant, including the coordinating institution in a cooperative arrangement, must complete the Activity Objectives and Performance Indicators Form (ED FORM 851A-2).

Complete ED FORM 851A-2, as follows:

1. Enter the name of the institution submitting the application. If the applicant is a cooperative arrangement of institutions, enter the name of the coordinating institution. This should be the same institution as listed on the Application for Federal Education Assistance Form.

2. Enter the title of the activity as it appears in the narrative.

3. Describe the objective(s) to be achieved for each activity in each year of the project period. List the activity objectives in chronological order for each year of the proposed project period.

4. Describe the performance indicator(s) that you will use to measure the extent to which the objective has been met.

A sample ED FORM 851A-2 with objectives follows the form.

GRANT APPLICATION FOR THE TITLE III, PART A PROGRAMS Title III, Higher Education Act of 1965, as amended by Public Law 102-325	FORM APPROVED OMB No.: 1840-XXXX EXP. DATE:

Activity Objectives and Performance Indicators

1. NAME OF APPLICANT INSTITUTION:	2. ACTIVITY TITLE:
3. MAJOR OBJECTIVES IN MEASURABLE TERMS	4. PERFORMANCE INDICATORS

ED FORM 851A-2

SAMPLE

GRANT APPLICATION FOR THE TITLE III, PART A PROGRAMS Title III, Higher Education Act of 1965, as amended by Public Law 102-325	FORM APPROVED OMB No.: 1840-XXXX EXP. DATE:

Activity Objectives and Performance Indicators

1. NAME OF APPLICANT INSTITUTION: SAMPLE COLLEGE	2. ACTIVITY TITLE: Developing Improved Assessment/Advisement System
3. MAJOR OBJECTIVES IN MEASURABLE TERMS	4. PERFORMANCE INDICATORS

(Sample Objectives and Performance Indicators: Objective and indicators may be written in a variety of ways, reviewers of the application will judge the extent to which the activity objectives, taken together with their performance indicators, are defined in terms of measurable results. They will also judge the extent to which the proposed end-results are NOT EXAGGERATED. Note that PROCESS objectives should not appear on this Activity Objectives and Performance Indicators Performance Form but rather, should be placed on the Implementation Strategy and Timetable Form. This sample contains objectives only for the fifth and final year of the activity, applicants are required to submit outcome objectives for each year the activity is proposed to be funded.)

Year 5 2007-2008	
1. To increase by 10% annually over baseline the effectiveness of student advisement as seen by the customer, the student.	
2. To increase the annual persistence rate of students by 5% over baseline.	

INSTRUCTIONS -- (ED FORM 851A-3)

IMPLEMENTATION STRATEGY AND TIMETABLE FORM

An applicant for a development grant must submit an Implementation Strategy and Timetable Form (ED FORM 851A-3) for each proposed activity -- for each year in which funds are requested to support the activity.

Submit a separate ED FORM 851A-3 for each activity. You may reproduce the form or generate it on your computer.

A sample of a completed ED FORM 851A-3 form follows the blank form.

Complete ED FORM 851A-3, as follows:

1. Enter the name of the institution submitting the application. If the applicant is a Cooperative Arrangement of institutions, enter the name of the coordinating institution. This should be the same institution as listed on the Application for Federal Education Assistance (ED Form 424).

2. Enter the title of the activity as it appears in the narrative.

3. Identify the tasks, in chronological order, that you must complete in carrying out the implementation strategy.

4. Identify the principal staff - by position title - that will actively perform the day-to-day major tasks of the activity. Do not list persons who will have only a supervisory or administrative responsibility.

5. List the specific methods that you will use to accomplish the tasks and do so in chronological order.

6. Identify tangible results that you will be able to document.

7. Indicate the proposed time frame for accomplishing each specific task. The time frame should show the completion of the task within one budget period (i.e., Federal fiscal year, October 1-September 30).

GRANT APPLICATION FOR THE TITLE III, PART A PROGRAMS

TITLE III, HIGHER EDUCATION ACT OF 1965, AS AMENDED BY PUBLIC LAW 102-325

IMPLEMENTATION STRATEGY AND TIMETABLE FORM

1. NAME OF APPLICANT:	2. ACTIVITY TITLE:

3. SPECIFIC TASKS TO BE COMPLETED	4. PRIMARY PARTICIPANTS	5. METHODS INVOLVED	6. TANGIBLE RESULTS	7. TIMEFRAME FROM/TO	

ED FORM 851A-3 FORM APPROVED OMB NO.: 1840-XXXX EXP. DATE:

SAMPLE IMPLEMENTATION AND STRATEGY AND TIMETABLE FORM

GRANT APPLICATION FOR THE STRENGTHENING INSTITUTIONS PROGRAM

TITLE III, HIGHER EDUCATION ACT OF 1965, AS AMENDED BY PUBLIC LAW 102-325

IMPLEMENTATION STRATEGY AND TIMETABLE FORM

1. NAME OF APPLICANT:	2. ACTIVITY TITLE:

3. SPECIFIC TASKS TO BE COMPLETED	4. PRIMARY PARTICIPANTS	5. METHODS INVOLVED	6. TANGIBLE RESULTS	7. TIMEFRAME FROM/TO	
YEAR ONE: 2003-2004 1. Establish Activity Task Force. 2. Conduct Advisement Activities.	Activity Director Vice President	Identify faculty, staff and administrators in key areas identified in grant. Convene team monthly during Year One and quarterly for the remaining four years.	Task Force provides necessary monitoring and advising functions including evaluation/continuation plans for all pilot projects.	10/01	09/02
2. Recruit and employ new activity staff.	Activity Director Activity Task Force	Standard recruiting and hiring practices.	Hiring of additional computer services staff, instructional technician, and educational technology specialist.	10/02	03/03
3. Establish pilot systems for Student assessment and advisement.	Computer Services Matriculation Director	Order appropriate computer assessment and advisement software.	Pilot test of assessment software initiated.	01/04	09/05
4. Conduct pilot assessment and advisement with evening students.	Assessment Technician	Student self assesses at computer station.	Valid assessment with immediate feedback for student.	07/05	09/06

ED FORM 851A-3

INSTRUCTIONS -- (ED FORM 851A-4)
ACTIVITY BUDGET FORM

An applicant for a development grant must submit a separate Activity Budget Form (ED FORM 851A-4) for each activity and for project management/evaluation.

Do not submit this form if you are applying for a planning grant.

NOTE: Use the Other Budget Form (ED FORM 851A-5) to provide itemized details on the specific categories of costs.

Complete ED FORM 851A-4, as follows:

> Note: An activity budget form is required for each activity for which funds are requested. Place all activity budget forms immediately following the Project Evaluation Plan in your application, numbering the form with the appropriate page number. If you use more than one page to provide the required information, number the pages in consecutive order, and indicate the total number of pages used to list the costs of the activity.

Item 1. Enter the name of the institution submitting the application and the title of the activity.

If the applicant is a Cooperative Arrangement of institutions, enter the name of the coordinating institution. This should be the same institution as listed on the Application for Federal Education Assistance Form.

Item 2. Activity Number:

Enter an activity number for each activity in the application. Begin with the activity that the institution ranked as priority one.

Item 3. Budget Categories by year.

Enter the amount of funds for each year (1st year-5th year) by object class category (3a-3g).

Enter the amount of funds you are requesting for each category of cost in the "Total Funds Requested" column.

3a. PERSONNEL COSTS

Enter the title of each position for which funds are requested and the percentage of time that staff person will commit to the activity in the specific year. Do not include consultants or other personnel who are not entitled to fringe benefits: Include those costs under the "Other" category.

3b. FRINGE BENEFITS

Enter the percent rate at which the applicant institution calculates fringe benefits.

Enter the total amount requested for Fringe Benefits for each year.

3c. TRAVEL

You may use grant funds only for travel that is necessary and related to achieving the objectives of a specific activity during a specific budget period.

Enter the total funds requested for travel in each year. Include transportation and per diem. Do not include freight costs or consultants' travel expenses. Include those costs under the "Other" category.

3d. EQUIPMENT

Include the cost for all non-expendable personal property having a useful life of more than one year, and having an acquisition cost of $5,000 or more per unit. However, consistent with the institution's policy, lower limits may be established for equipment and those items included here.

Do not include the cost for renting equipment. Include those costs under the "Other" category.

3e. SUPPLIES

Include the cost of all tangible personal property other than that covered under the "Equipment" category above.

Personal property is property other than real property (land and buildings).

3f. CONTRACTUAL

Include the estimated cost of contractual agreements with another institution of higher education or an organization or business. (Please follow the regulations in EDGAR, 74.40-74.48).

Do not include costs for consultants. Include those under the "Other" category.

Complete all contractual agreements only after receipt of a notification of grant award.

3g. CONSTRUCTION

Enter the estimated costs for construction.

3h. OTHER

Include all direct costs not covered by 3a-3i. Some examples are communications, freight costs (not included by vendor purchase price), equipment rental, computer use charges, summer employment stipends, consultant costs, etc.

3i. TOTAL DIRECT CHARGES

Enter the sum of all costs (3a-3i) for each year in the appropriate column.
The total for the first year should be the same as the amount listed on the Application for Federal Education Assistance Form (ED 424).

Enter the sum for all categories for all years under the "Total Funds Requested" column.

GRANT APPLICATION FOR THE TITLE III, PART A PROGRAMS TITLE III, HIGHER EDUCATION ACT OF 1965, AS AMENDED	ACTIVITY NUMBER	PAGE NUMBER	NUMBER OF PAGES	FORM APPROVED OMB NO. 1840-XXXX EXP. DATE:

ACTIVITY BUDGET (To be completed for every major activity for which funding is requested)

1. Name of Applicant Institution:	1. Activity Title:

3. Budget Categories By Year	First Year		Second Year		Third Year		Fourth Year		Fifth Year		Total Funds Requested
Object Class	% of Time	Funds Requested	% of Time	Funds Requested	% of Time	Funds Requested	% of Time	Funds Requested	% of Time	Funds Requested	
a. Personnel (Position Title)		$		$		$		$		$	
SUB-TOTAL											
b. Fringe Benefits %											
c. Travel											
d. Equipment											
e. Supplies											
f. Contractual											
g. Construction											
h. Other											
i. TOTAL DIRECT CHARGES		$		$		$		$		$	$

ED FORM 851A-4

SAMPLE ACTIVITY BUDGET

ED FORM 851A-4

GRANT APPLICATION FOR THE TITLE III, PART A PROGRAMS TITLE III, HIGHER EDUCATION ACT OF 1965, AS AMENDED	ACTIVITY NUMBER	PAGE NUMBER	NUMBER OF PAGES	FORM APPROVED OMB NO. : 1840-XXX EXP. DATE:

ACTIVITY BUDGET (To be completed for every major activity for which funding is requested)

1. Name of Applicant Institution: SAMPLE COLLEGE

2. Activity Title:

3. Budget Categories By Year	First Year		Second Year		Third Year		Fourth Year		Fifth Year		Total Funds Requested
Object Class	% of Time	Funds Requested	% of Time	Funds Requested	% of Time	Funds Requested	% of Time	Funds Requested	% of Time	Funds Requested	
a. Personnel (Position Title)											
ACTIVITY DIRECTOR	50	$ 23,042	50	$ 23,042	50	$ 24,302	50	$ 24,302	50	$ 24,302	$ 118,990
EDUCATION TECHNOLOGY COORDINATOR	30	$ 12,500	30	$ 12,500	30	$ 12,500	30	$ 12,500	30	$ 12,500	$ 62,500
CLERICAL SUPPORT	50	$ 8,514	50	$ 8,837	50	$ 9,159	50	$ 9,482	50	$ 9,804	$ 45,796
SUB-TOTAL		$ 44,056		$ 44,379		$ 45,961		$ 46,284		$ 46,606	$ 227,286
b. Fringe Benefits 28 %		$ 11,288		$ 11,344		$ 11,620		$ 11,677		$ 11,733	$ 57,662
c. Travel		$ 7,000		$ 7,000		$ 7,000		$ 6,000		$ 8,000	$ 35,000
d. Equipment		$ 0		$ 0		$ 0		$ 0		$ 0	$ 0
e. Supplies		$ 23,247		$ 36,768		$ 34,910		$ 44,730		$ 51,552	$ 191,207
f. Contractual		$ 0		$ 0		$ 0		$ 0		$ 0	$ 0
g. Construction		$ 0		$ 0		$ 0		$ 0		$ 0	$ 0
h. Other		$ 0		$ 0		$ 0		$ 0		$ 0	$ 0
i. TOTAL DIRECT CHARGES		$ 85,591		$ 99,491		$ 99,491		$ 108,691		$ 117,891	$ 511,155

INSTRUCTIONS -- ED FORM 851A-5

OTHER BUDGET INFORMATION FORM

Submit an Other Budget Information Form (ED FORM 851A-5) for each activity and for Project Management/Evaluation for each of the years for which you are requesting funds. Place the ED FORM 851A-5 after the Activity Budget Form (ED FORM 851A-4).

Also submit an Other Budget Information Form (ED FORM 851A-5) with your Summary Budget Form (ED 524) to explain those costs that are common to all activities.

If you fail to provide sufficient details, we may disallow costs.

Use ED FORM 851A-5 to explain the costs you are requesting on ED FORM 851A-4.

1. Enter the name of the institution submitting the application.

If the applicant is a cooperative arrangement of institutions, enter the name of the coordinating institution. This should be the same institution as listed on the Application for Federal Education Assistance Form.

2. Enter the title of the activity as it appears in the narrative.

3. In the remarks section, you should itemize costs requested for the activity. Explain how you arrived at the total amount requested in each object class in each year of the activity.

A. <u>PERSONNEL COSTS</u> as requested on ED FORM 851A-4

Enter each individual's name and/or the position titles for which funds are requested.

Indicate the percentage of time that each staff person will commit to the project for each year for which you are requesting funds.

Explain the basis for calculating release time and hourly rates, as they relate to current established institutional policies.

B. <u>FRINGE BENEFITS</u> as requested on ED FORM 851A-4

List the specific benefits you provide to your employees and the percentage rate that you calculate fringe benefits. If you calculate fringe benefits by different methods for different categories of Activity personnel (e.g., support staff vs. part-time personnel, faculty vs. administrative staff), provide a detailed explanation.

C. <u>TRAVEL</u> as requested on ED FORM 851A-4

Indicate the names or titles of the personnel who will travel and justify the need for the travel -- in terms of completion of the specific tasks during the budget period.

Provide an itemized breakdown of:

* transportation costs - including destinations;
* per diem rates;
* number of travel days; and
* other costs that the current institutional policies provide for travel.

D. EQUIPMENT as requested on ED FORM 851A-4.

Itemize and justify all non-expendable personal property having a useful life of more than one year, and having an acquisition cost of $5,000 or more per unit. However, consistent with the institution's policy, lower limits may be established for equipment and those items included here. All equipment purchases must be necessary for achieving the activity objectives.

Include detailed information, including -- quantities, brand or trade names, and unit costs, and explain how and who will use the equipment.

E. SUPPLIES as requested on ED FORM 851A-4

List all tangible personal property other than that covered under the "Equipment" category above.

Personal property is property other than real property (land and buildings).

Provide itemized costs, and an itemized breakdown of all supplies, including -- quantities, brand or trade names, if known, and unit costs.

F. CONTRACTUAL as requested on ED FORM 851A-4

Include the estimated costs of any contractual agreement with another institution of higher education, an organization or business. (Please follow the regulations in EDGAR, 74.40-74.48).

G. CONSTRUCTION as requested on ED FORM 851A-4.

Itemize all construction costs including labor and materials.

H. OTHER as requested on ED FORM 851A-4.

Itemize all costs not covered in items A through G above.

GRANT APPLICATION FOR THE TITLE III, PART A PROGRAMS Title III, Higher Education Act of 1965, as amended by Public Law 102-325	Form Approved: OMB No.:1840-XXXX Exp. Date:

OTHER BUDGET INFORMATION FORM

1. NAME OF APPLICANT INSTITUTION:	2. ACTIVITY TITLE:

3. REMARKS

ED FORM 851A-5

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.

INSTRUCTIONS FOR ED FORM 524

General Instructions

This form is used to apply to individual U.S. Department of Education 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.

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.

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 - Other Budget Information
Pay attention to applicable program specific instructions, if attached.

1. Provide an itemized budget breakdown, 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, enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period. In addition, enter the estimated amount of the base to which the rate is applied, and the total indirect expense.

3. If applicable to this program, provide the rate and base on which fringe benefits are calculated.

4 Provide other explanations or comments you deem necessary.

SUMMARY BUDGET FORM ED 524
SUPPLEMENTARY INSTRUCTIONS

Complete the Summary Budget Form (ED 524) after you have prepared all Activity Budget Forms (ED FORM 851A-4).

If the institution is requesting to use grant monies for the establishment or development of its endowment fund, provide this information in Item 8.

Provide the total costs you are requesting for each budget category for all activities for project years 1-5, and the sum totals for all five years.

Examples:

If the institution is requesting personnel costs for all activities in project year 1, totaling $50,000, the institution should enter "$50,000" in Budget Category 1. Personnel, Project Year 1 (column (a)).

If the institution is requesting $50,000 in personnel costs in all project years (1-5), totaling $250,000, the institution should enter that figure in column (f):

"$50,000" in Budget Category 1. Personnel, Project Year 1- Project Year 5
(columns (a) – (e); and
"$250,000" in Budget Category 1 – Personnel, Total (column (f)).

NOTE: In place of Section C of the ED Form 524, use ED Form 851A-5

U.S. DEPARTMENT OF EDUCATION

BUDGET INFORMATION

NON-CONSTRUCTION PROGRAMS

OMB Control Number: 1890-0004

Expiration Date: 1/31/2004

Name of Institution/Organization

Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION A - BUDGET SUMMARY
U.S. DEPARTMENT OF EDUCATION FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

ED Form No. 524

INSTRUCTIONS - ED FORM 851A-5

OTHER BUDGET INFORMATION FORM—SUMMARY BUDGET

Place the completed Other Budget Information Form (ED FORM 851A-5) behind the Summary Budget Form (ED FORM 524)

Use the Other Budget Information Form (ED FORM 851A-5) to explain those costs that are common to all activities. Including:

- The basis for the estimated annual increments of salaries calculated for personnel in subsequent years under the grant;

- The basis for the percentage of fringe benefits claimed, including the elements involved in the fringe benefits calculation, and the difference, if any, between fringe benefits for administrators, faculty, temporary employees, students, etc.;

- Institutional policies regarding travel costs, within and out-of-state, including the basis for calculating the per diem rates;

- Institutional policies governing procurement procedures for the purchase of equipment and supplies, including policies on competitive bidding;

- Institutional policies and procedures governing the selection and payment of

AND

- The use of grant monies for the establishment or development of the institution's endowment fund.

GRANT APPLICATION FOR THE TITLE III, PART A PROGRAMS **Title III, Higher Education Act of 1965, as amended by Public Law 102-325**	Form Approved: OMB No.:1840--XXXX Exp. Date

OTHER BUDGET INFORMATION FORM

1. NAME OF APPLICANT INSTITUTION:	**2. ACTIVITY TITLE:**

3. REMARKS

Assurances and Certification Forms

- ✓ ***ENDOWMENT FUND ASSURANCE FORM***
  (ED FORM 851A-6)

- ✓ **ALASKA NATIVE-SERVING INSTITUTIONS CERTIFICATION FORM**
  (ED FORM 851A-7)
  This certification is required by all applicants seeking funding under the Alaska Native-Serving Institutions Program.

- ✓ **NATIVE HAWAIIAN-SERVING INSTITUTIONS CERTIFICATION FORM**
  (ED FORM 851A-8)
  This certification is required by all applicants seeking funding under the Native Hawaiian-Serving Institutions Program.

- ✓ **DUAL SUBMISSION CERTIFICATION FORM (ED FORM 851A-9)**
  If you intend to submit an application under more than one program in this competition please complete this form.

- ✓ **DEPARTMENT OF EDUCATION'S GENERAL EDUCATION PROVISIONS ACT (GEPA) Requirement Section 427**

- ✓ **CERTIFICATION REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS**
  (ED 80-0013)

- ✓ **ASSURANCES – NON-CONSTRUCTION PROGRAMS (SF 424 B)**

- ✓ **DISCLOSURE OF LOBBYING ACTIVITIES (SF LLL)**
  Complete this form if you have lobbying activities to disclose.

- ✓ **Certification regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions (ED 80-0014) (Signed form(s) are retained by the applicant)**

Applies to applicants for new grant awards under Department programs.

ENDOWMENT FUND
ASSURANCE FORM

The institution of higher education proposed to use no more than up to twenty percent (20%) of the Strengthening Institutions Program or American Indian Tribally Controlled Colleges and Universities Program development grant award, made under the authority of Title III, Part A of the Higher Education Act of 1965, as amended to establish or increase the institution's endowment fund.

The institution agrees to abide by the Department of Education's regulations governing the Endowment Challenge Grant Program, 34 CFR Part 628, the program statute, and the program regulations, 34 CFR Part 607.

The institution further agrees to raise the required matching funds.

_____
Typed Name of Institution of Higher Education

_____ _____
Signature of President or Chief Executive — Date

_____
Typed Name and Title of Signatory

_____ _____
Signature of President or Chief Executive — Date

_____
Typed Name and Title of Signatory

ED FORM 851A-6

ALASKA NATIVE-SERVING INSTITUTIONS CERTIFICATION

Pursuant to the statutory requirements governing the Alaska Native and Native Hawaiian-Serving Institutions Program, authorized under Title III, Part A of the Higher Education Act of 1965, as amended, I certify to the following:

The named institution of higher education, at the time of application, has an enrollment of undergraduate students that is at least twenty percent (20%) Alaska Native. The term "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 Metlaktla[1] Indian Community) Eskimo, or Aleut blood, or combination thereof. The term includes any Native as so defined either or both of whose adoptive parents are not Natives. It also includes, 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 claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native by any village or group."

(See Section 1602 of the "Alaska Native Claims Settlement Act as codified)

Specifically

_____

Total Undergraduate Headcount Enrollment

_____

Alaska Native Undergraduate Headcount Enrollment

_____

Percent of Alaska Native Enrollment of Undergraduate Students

_____

Name of Institution

_____

Signature of President of the Institution

_____ _____

Type Name of Signatory Date

ED Form 851A-7 OMB No. 1840-XXXX Expiration Date:

_____

NATIVE HAWAIIAN-SERVING INSTITUTIONS CERTIFICATION

Pursuant to the statutory requirements governing the Alaska Native and Native Hawaiian-Serving Institutions Program, authorized under Title III, Part A of the Higher Education Act of 1965, as amended, I certify to the following:

The institution of higher education, at the time of application, has an enrollment of undergraduate students that is at least ten percent (10%) Native Hawaiian. The term "Native Hawaiian" means any individual who is —
(A) a citizen of the United States; and
(B) a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii, as evidenced by —
(i) genealogical records;
(ii) Kupuna (elders) or Kamaaina (long-term community residents) verification; or
(iii) certified birth records.
(See Section 7207 of the "No Child Left Behind Act of 2001")

Specifically

_____
Total Undergraduate Headcount Enrollment

_____
Native Hawaiian Undergraduate Headcount Enrollment

_____
Percent of Native Hawaiian Enrollment of Undergraduate Students

_____
Name of Institution

_____
Signature of President of the Institution

_____ _____
Type Name of Signatory Date

DUAL SUBMISSION CERTIFICATION

If an institution applies for a grant under more than one program it must indicate that fact in each application, and further indicate which grant it wishes to receive if it is selected to receive a grant under more than one program.

I have submitted applications under: **(check all submissions that apply to your institution)**

- ☐ Strengthening Institutions Program
- ☐ American Indian Tribally Controlled Colleges and Universities Program
- ☐ Native Hawaiian-Serving Institutions Program
- ☐ Alaska Native-Serving Institutions Program
- ☐ Title V Hispanic-Serving Institutions Program

If my institution should be selected to receive a grant under more than one program, I will accept the grant for_____(insert name of program).

_____
Name of Institution

_____
Signature of President of the Institution

_____
Type Name of Signatory

_____
Date

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

To Whom Does This Provision Apply?

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

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

What Does This Provision Require?

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

Section 427 is not intended to duplicate the requirements of civil rights statutes, but rather to ensure that, in designing their projects, applicants for Federal funds address equity concerns that may affect the ability of certain potential beneficiaries to fully participate in the project and to achieve to high standards. Consistent with program requirements and its approved application, an applicant may use the Federal funds awarded to it to eliminate barriers it identifies.

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

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

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

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

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

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

Estimated Burden Statement for GEPA Requirements

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

OMB Control No. 1890-0007 (Exp. 09/30/2004)

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

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

1. **LOBBYING**

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

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

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

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

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2. **DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS**

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

A. The applicant certifies that it and its principals:

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

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

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

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

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

---

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

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

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

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

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

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

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

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

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

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

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

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

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

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

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

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

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

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

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

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

_____

_____

_____

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

DRUG-FREE WORKPLACE
(GRANTEES WHO ARE INDIVIDUALS)

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

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

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

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

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

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

Approved by OMB
0348-0046

Disclosure of Lobbying Activities

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

1. Type of Federal Action: a. contract ____ b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	**2. Status of Federal Action:** a. bid/offer/application _____ b. initial award c. post-award	**3. Report Type:** a. initial filing _____ b. material change **For material change only:** Year _____ quarter _____ Date of last report_____
4. Name and Address of Reporting Entity: ____ Prime _____ Subawardee Tier_____, if Known: **Congressional District, if known:**	**5. If Reporting Entity in No. 4 is Subawardee,** Enter Name and Address of Prime: **Congressional District, if known:**	
6. Federal Department/Agency:	**7. Federal Program Name/Description:** CFDA Number, *if applicable*: _____	
8. Federal Action Number, *if known:*	**9. Award Amount**, *if known:* **$**	
10. a. Name and Address of Lobbying Registrant *(if individual, last name, first name, MI):*	**b. Individuals Performing Services** *(including address if different from No. 10a)* *(last name, first name, MI):*	
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.	**Signature:** _____ **Print Name:**_____ **Title:**_____ **Telephone No.:** _____ **Date:** _____	
Federal Use Only	**Authorized for Local Reproduction** **Standard Form - LLL (Rev. 7-97)**	

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

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

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitations for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Included prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).

11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

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

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

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

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," " person," "primary covered transaction," " principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transactions, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

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

ED 80-0014, 9/90 (Replaces GCS-009 (REV.12/88), which is obsolete)

Appendices

Appendix II

PROGRAM STATUTE

TITLE III---INSTITUTIONAL AID

SEC. 301. FINDINGS AND PURPOSES.
(a) **FINDINGS. --**The Congress finds that--
(1) there are a significant number of institutions of higher education serving high percentages of minority students and students from low-income backgrounds, that face problems that threaten their ability to survive;
(2) the problems relate to the management and fiscal operations of certain institutions of higher education, as well as to an inability to engage in long-range planning and development activities, including endowment building;
(3) in order to be competitive and provide a high-quality education for all, institutions of higher education should improve their technological capacity and make effective use of technology;
(4) the title III program prior to 1985 did not always meet the specific development needs of historically Black colleges and universities and other institutions with large concentrations of minority, low-income students;
(5) the solution of the problems of these institutions would enable them to become viable, fiscally stable and independent, thriving institutions of higher education;
(6) providing assistance to eligible institutions will enhance the role of such institutions in providing access and quality education to low-income and minority students;
(7) these institutions play an important role in the American system of higher education, and there is a strong national interest in assisting them in solving their problems and in stabilizing their management and fiscal operations, and in becoming financially independent; and
(8) there is a particular national interest in aiding those institutions of higher education that have historically served students who have been denied access to postsecondary education because of race or national origin and whose participation in the American system of higher education is in the Nation's interest so that equality of access and quality of postsecondary education opportunities may be enhanced for all students.
(b) PURPOSE. --It is the purpose of this title to assist such institutions in equalizing educational opportunity through a program of Federal assistance.

PART A STRENGTHENING INSTITUTIONS
SEC. 311. PROGRAM PURPOSE.
(a) GENERAL AUTHORIZATION. --The Secretary shall carry out a program, in accordance with this

part, to improve the academic quality, institutional management, and fiscal stability of eligible institutions, in order to increase their self-sufficiency and strengthen their capacity to make a substantial contribution to the higher education resources of the Nation.

(b) GRANTS AWARDED; SPECIAL CONSIDERATION.C(1) From the sums available for this part under section 399(a)(1), the Secretary may award grants to any eligible institution with an application approved under section 351 in order to assist such an institution to plan, develop, or implement activities that promise to strengthen the institution.

(2) Special consideration shall be given to any eligible institution--

(A) which has endowment funds (other than any endowment fund built under section 332 of this Act as in effect on September 30, 1986, and under part B) the market value of which, per full-time equivalent student, is less than the average current market value of the endowment funds, per full-time equivalent student (other than any endowment fund built under section 332 of this Act as in effect on September 30, 1986, and under part B) at similar institutions; or

(B) which has expenditures per full-time equivalent student for library materials which is less than the average of the expenditures for library materials per full-time equivalent student by other similarly situated institutions.

(3) Special consideration shall be given to applications which propose, pursuant to the institution's plan, to engage in

(A) faculty development;

(B) (B) funds and administrative management;

(C) development and improvement of academic programs;

(D) acquisition of equipment for use in strengthening funds management and academic programs;

(E) joint use of facilities such as libraries and laboratories;

and

(F) student services.

(c) AUTHORIZED ACTIVITIES.--Grants awarded under this section shall be used for 1 or more of the following activities:

(1) Purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes.

(2) Construction, maintenance, renovation, and improvement in classrooms, libraries, laboratories, and other instructional facilities, including the integration of computer technology into institutional facilities to create smart buildings.

(3) Support of faculty exchanges, faculty development, and faculty fellowships to assist in attaining advanced degrees in the field of instruction of the faculty.

(4) Development and improvement of academic programs

(5) Purchase of library books, periodicals, and other educational materials, including telecommunications program material.

(6) Tutoring, counseling, and student service programs designed

(7) Funds management, administrative management, and acquisition of equipment for use in strengthening funds management.

(8) Joint use of facilities, such as laboratories and libraries.

(9) Establishing or improving a development office to strengthen or improve contributions from alumni and the private sector.
(10) Establishing or improving an endowment fund.
(11) Creating or improving facilities for Internet or other distance learning academic instruction capabilities, including purchase or rental of telecommunications technology equipment or services.
(12) Other activities proposed in the application submitted pursuant to subsection (c) that-
(A) contribute to carrying out the purposes of the program assisted under this part; and
(B) are approved by the Secretary as part of the review and acceptance of such application.
(d) ENDOWMENT FUND.
(1) IN GENERAL.--An eligible institution may use not more than 20 percent of the grant funds provided under this part to establish or increase an endowment fund at such institution.
(2) MATCHING REQUIREMENT.--In order to be eligible to use grant funds in accordance with paragraph (1), the eligible institution shall provide matching funds from non-Federal sources, in an amount equal to or greater than the Federal funds used in accordance with paragraph (1), for the establishment or increase of the endowment fund.
(3) COMPARABILITY.--The provisions of part C, regarding the establishment or increase of an endowment fund, that the Secretary determines are not inconsistent with this subsection, shall apply to funds used under paragraph (1).

SEC. 312. DEFINITIONS; ELIGIBILITY.

(a) EDUCATIONAL AND GENERAL EXPENDITURES. -- For the purpose of this part, the term “educational and general expenditures” means the total amount expended by an institution of higher education for instruction, research, public service, academic support (including library expenditures), student services, institutional support, scholarships and fellowships, operation and maintenance expenditures for the physical plant, and any mandatory transfers which the institution is required to pay by law.
(b) ELIGIBLE INSTITUTION. -- For the purpose of this part, the term “eligible institution” means --
(1) an institution of higher education--
(A) which has an enrollment of needy students as required by subsection (c) of this section;
(B) except as provided in section 392(b), the average educational and general expenditures of which are low, per full-time equivalent undergraduate student, in comparison with the average educational and general expenditures per full-time equivalent undergraduate student of institutions that offer similar instruction;
(C) which is
(i) legally authorized to provide, and provides within the State, an educational program for which such institution awards a bachelor’s degree;
(ii) a junior or community college; or
(iii) the College of the Marshall Islands, the College of

Micronesia/Federated States of Micronesia, and
Palau Community College;
(D) which is accredited by a nationally recognized accrediting agency or association determined by the Secretary to be reliable authority as to the quality of training offered or which is, according to such an agency or association, making reasonable progress toward accreditation;
(E) which meets such other requirements as the Secretary may prescribe; and
(F) located in a State; and
(2) any branch of any institution of higher education described under paragraph (1) which by itself satisfies the requirements contained in subparagraphs (A) and (B) of such paragraph. For purposes of the determination of whether an institution is an eligible institution under this paragraph, the factor described
under paragraph (1)(A) shall be given twice the weight of the factor described under paragraph (1)(B).
(c) ENDOWMENT FUND.-- For the purpose of this part, the term ‘‘endowment fund” means a fund that--
(1) is established by State law, by an institution of higher education, or by a foundation that is exempt from Federal income taxation;
(2) is maintained for the purpose of generating income for the support of the institution; and
(3) does not include real estate.
(d) ENROLLMENT OF NEEDY STUDENTS. -- For the purpose of this part, the term “enrollment of needy students” means an enrollment at an institution of higher education or a junior or community college
which includes--
(1) at least 50 percent of the degree students so enrolled who are receiving need-based assistance under title IV of this Act in the second fiscal year preceding the fiscal year for which the determination is being made (other than loans for which an interest subsidy is paid pursuant to section 428), or
(2) a substantial percentage of students receiving Pell Grants in the second fiscal year preceding the fiscal year for which determination is being made, in comparison with the percentage of students receiving Pell Grants at all such institutions in the second fiscal year preceding the fiscal year for
which the determination is made, unless the requirement of this subdivision is waived under section 392(a).
(e) FULL-TIME EQUIVALENT STUDENTS. For the purpose of this part, the term “full-time equivalent students” means the sum of the number of students enrolled full time at an institution, plus the
(f) JUNIOR OR COMMUNITY COLLEGE.--For the purpose of this part, the term “junior or community college” means an institution of higher education--
(1) that admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located and who have the ability to benefit from the training offered by the institution;

(2) that does not provide an educational program for which it awards a bachelor's degree (or an equivalent degree); and
(3) that--
(A) provides an educational program of not less than 2 years that is acceptable for full credit toward such a degree, or
(B) offers a 2-year program in engineering, mathematics, or the physical or biological sciences, designed to prepare a student to work as a technician or at the semiprofessional level in engineering, scientific, or other technological fields requiring the understanding and application of basic engineering, scientific, or mathematical principles of knowledge.
(g) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.--For the purposes of this section, no historically black college or university which is eligible for and receives funds under part B of this title is eligible for or may receive funds under this part.

SEC. 313. DURATION OF GRANT.
(a) AWARD PERIOD.--The Secretary may award a grant to an eligible institution under this part for 5 years.
(b) LIMITATIONS.--In awarding grants under this part the Secretary shall give priority to applicants who are not already receiving a grant under this part, except that for the purpose of this subsection
a grant under subsection (c) and a grant under section 394(a)(1) shall not be considered a grant under this part.
(c) PLANNING GRANTS.--Notwithstanding subsection (a), the Secretary may award a grant to an eligible institution under this part for a period of one year for the purpose of preparation of plans and applications for a grant under this part.
(d) WAIT-OUT-PERIOD.--Each eligible institution that received a grant under this part for a 5-year period shall not be eligible to receive an additional grant under this part until 2 years after the date on which the 5-year grant period terminates.

SEC. 314. APPLICATIONS.
Each eligible institution desiring to receive assistance under this part shall submit an application in accordance with the requirements of section 391.

SEC. 315. GOALS FOR FINANCIAL MANAGEMENT AND ACADEMIC PROGRAM.
(a) GOALS.-- Any application for a grant under this part shall describe measurable goals for the institution's financial management and academic programs, and include a plan of how the applicant intends to achieve those goals.
(b) CONTINUATION REQUIREMENTS. -- Any continuation application shall demonstrate the progress made toward achievement of the goals described pursuant to subsection (a).

Sec. 316 AMERICAN INDIAN TRIBALLY CONTROLLED COLLEGES AND UNIVERSITIES.
(a) PROGRAM AUTHORIZED. -- The Secretary shall provide grants

and related assistance to Indian Tribal Colleges and Universities to enable such institutions to improve and expand their capacity to serve Indian students.

(b) DEFINITIONS. – In this section:

(1) INDIAN. -- The term “Indian” has the meaning given the term in section 2 of the Tribally Controlled College or University Assistance Act of 1978.

(2) INDIAN TRIBE. -- The term “Indian tribe” has the meaning given the term in section 2 of the Tribally Controlled College or University Assistance Act of 1978.

(3) TRIBAL COLLEGE OR UNIVERSITY. -- The term “Tribal College or University” has the meaning give the term “tribally controlled college or university” in section 2 of the Tribally Controlled College or University Assistance Act of 1978, and includes an institution listed in the Equity in Educational Land Grant Status Act of 1994.

(4) INSTITUTION OF HIGHER EDUCATION.--The term “institution of higher education” means an institution of higher education as defined in section 101(a), except that paragraph (2) of such section shall not apply.

(c) AUTHORIZED ACTIVITIES.--

(1) IN GENERAL. --Grants awarded under this section shall be used by Tribal Colleges or Universities to assist such institutions to plan, develop, undertake, and carry out activities to improve and expand such institutions’ capacity to serve Indian students.

(2) EXAMPLES OF AUTHORIZED ACTIVITIES.--The activities described in paragraph (1) may include--

(A) purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes;

(B) construction, maintenance, renovation, and improvement in classrooms, libraries, laboratories, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services;

(C) support of faculty exchanges, faculty development, and faculty fellowships to assist in attaining advanced degrees in the faculty’s field of instruction;

(D) academic instruction in disciplines in which Indians are underrepresented;

(E) purchase of library books, periodicals, and other educational materials, including telecommunications program material;

(F) tutoring, counseling, and student service programs designed to improve academic success;

(G) funds management, administrative management, and acquisition of equipment for use in strengthening funds management;

(H) joint use of facilities, such as laboratories and libraries;

(I) establishing or improving a development office to strengthen or improve contributions from alumni and the private sector;

(J) establishing or enhancing a program of teacher education designed to qualify students to teach in elementary schools or secondary schools, with a particular emphasis on teaching Indian children and youth, that shall include, as part of such program, preparation for teacher certification;

(K) establishing community outreach programs that encourage Indian elementary school and secondary school students to develop the academic skills and the interest to pursue postsecondary education; and
(L) other activities proposed in the application submitted pursuant to subsection (d) that--
(i) contribute to carrying out the activities described in subparagraphs (A) through (K); and
(ii) are approved by the Secretary as part of the review and acceptance of such application.
(3) ENDOWMENT FUND.--
(A) IN GENERAL.-- A Tribal College or University may use not more than 20 percent of the grant funds provided under this section to establish or increase an endowment fund at the institution.
(B) MATCHING REQUIREMENT.-- In order to be eligible to use grant funds in accordance with subparagraph (A), the Tribal College or University shall provide matching funds, in an amount equal to the Federal funds used in accordance with subparagraph (A), for the establishment or increase of the endowment fund.
(C) COMPARABILITY. -- The provisions of part C regarding the establishment or increase of an endowment fund, that the Secretary determines are not inconsistent with this paragraph, shall apply to funds used under subparagraph (A).
(d) APPLICATION PROCESS--
(1) INSTITUTIONAL ELIGIBILITY.-- To be eligible to receive assistance under this section, a Tribal College or University shall be an eligible institution under section 312(b).
(2) APPLICATION.-- Any Tribal College or University desiring to receive assistance under this section shall submit an application to the Secretary at such time, and in such manner, as the Secretary may by regulation reasonably require. Each such application shall include--
(A) a 5-year plan for improving the assistance provided by the Tribal College or University to Indian students, increasing the rates at which Indian secondary school students enroll in higher education, and increasing overall postsecondary retention rates for Indian students; and
(B) such enrollment data and other information and assurances as the Secretary may require to demonstrate compliance with paragraph (1).
(3) SPECIAL RULE.-- For the purposes of this part, no Tribal College or University that is eligible for and receives funds under this section may concurrently receive other funds under this part or part B.

SEC. 317. ALASKA NATIVE AND NATIVE HAWAIIAN-SERVING INSTITUTIONS.
(a) PROGRAM AUTHORIZED. -- The Secretary shall provide grants and related assistance to Alaska Native-serving institutions and Native Hawaiian-serving institutions to enable such institutions to improve and expand their capacity to serve Alaska Natives and Native Hawaiians.
(b) DEFINITIONS.-- For the purpose of this section--(1) the term “Alaska Native” has the meaning given the term in section 9308 of the

Elementary and Secondary Education Act of 1965;
(2) the term “Alaska Native-serving institution” means an institution of higher education that--
(A) is an eligible institution under section 312(b); and (B) at the time of application, has an enrollment of undergraduate students that is at least 20 percent Alaska Native students;
(3) the term “Native Hawaiian” has the meaning given the term in section 9212 of the Elementary and Secondary Education Act of 1965; and
(4) the term “Native Hawaiian-serving institution” means an institution of higher education which--
(A) is an eligible institution under section 312(b); and (B) at the time of application, has an enrollment of undergraduate students that is at least 10 percent Native Hawaiian students.
(c) AUTHORIZED ACTIVITIES.--
(1) TYPES OF ACTIVITIES AUTHORIZED.-- Grants awarded under this section shall be used by Alaska Native-serving institutions and Native Hawaiian-serving institutions to assist such institutions to plan, develop, undertake, and carry out activities to improve and expand such institutions’ capacity to serve Alaska Natives or Native Hawaiians.
(2) EXAMPLES OF AUTHORIZED ACTIVITIES. -- Such programs may include--
(A) purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes;
(B) renovation and improvement in classroom, library, laboratory, and other instructional facilities;
(C) support of faculty exchanges, and faculty development and faculty fellowships to assist in attaining advanced degrees in the faculty’s field of instruction;
(D) curriculum development and academic instruction;
(E) purchase of library books, periodicals, microfilm, and other educational materials;
(F) funds and administrative management, and acquisition of equipment for use in strengthening funds management;
(G) joint use of facilities such as laboratories and libraries;
and
(H) academic tutoring and counseling programs and student support services.
(d) APPLICATION PROCESS.--
(1) INSTITUTIONAL ELIGIBILITY.-- Each Alaska Native-serving institution and Native Hawaiian-serving institution desiring to receive assistance under this section shall submit to the Secretary such enrollment data as may be necessary to demonstrate that the institution is an Alaska Native-serving institution
or a Native Hawaiian-serving institution as defined in subsection (b), along with such other information and data as the Secretary may by regulation require.
(2) APPLICATIONS.-- Any institution which is determined by the Secretary to be an Alaska Native-serving institution or a Native Hawaiian-serving institution may submit an application for assistance under this

section to the Secretary. Such application shall include--
(A) a 5-year plan for improving the assistance provided by the Alaska Native-serving institution or the Native Hawaiian-serving institution to Alaska Native or Native Hawaiian students; and
(B) such other information and assurance as the Secretary may require.
(e) SPECIAL RULE.-- For the purposes of this section, no Alaska Native-serving institution or Native Hawaiian-serving institution which is eligible for and receives funds under this section may concurrently receive other funds under this part or part B.

PART F--GENERAL PROVISIONS

SEC. 391. APPLICATIONS FOR ASSISTANCE.
(a) APPLICATIONS.C
(1) APPLICATIONS REQUIRED.-- Any institution which is eligible for assistance under this title shall submit to the Secretary an application for assistance at such time, in such form, and containing such information, as may be necessary to enable the Secretary to evaluate the institution's need for the assistance. Subject to the availability of appropriations to carry out this title, the Secretary may approve an application for assistance under this title only if the Secretary determines that--
(A) the application meets the requirements of subsection (b);
(B) the applicant is eligible for assistance in accordance with the part of this title under which the assistance is sought; and
(C) the applicant's performance goals are sufficiently rigorous as to meet the purposes of this title and the performance objectives and indicators for this title established by the Secretary pursuant to the Government Performance and Results Act of 1993 and the amendments made by such Act.
(2) PRELIMINARY APPLICATIONS.-- In carrying out paragraph (1), the Secretary may develop a preliminary application for use by eligible institutions applying under part A prior to the submission of the principal application.
(b) CONTENTS.-- An institution, in its application for a grant, shall--
(1) set forth, or describe how the institution (other than an institution applying under part C, D or E) will develop, a comprehensive development plan to strengthen the institution's academic quality and institutional management, and otherwise provide for institutional self-sufficiency and growth (including measurable objectives for the institution and the Secretary to use in monitoring the effectiveness of activities under this title);
(2) set forth policies and procedures to ensure that Federal funds made available under this title for any fiscal year will be used to supplement and, to the extent practical, increase the funds that would otherwise be made available for the purposes of section 311(b) or 323, and in no case supplant those funds;
(3) set forth policies and procedures for evaluating the effectiveness in accomplishing the purpose of the activities for which a grant is sought under this title;

(4) provide for such fiscal control and fund accounting procedures as may be necessary to ensure proper disbursement of and accounting for funds made available to the applicant under this title;
(5) provide (A) for making such reports, in such form and containing such information, as the Secretary may require to carry out the functions under this title, including not less than one report annually setting forth the institution's progress toward achieving the objectives for which the funds were awarded, and
(B) for keeping such records and affording such access thereto, as the Secretary may find necessary to assure the correctness and verification of such reports;
(6) provide that the institution will comply with the limitations set forth in section 357, except that for purposes of section 316, paragraphs (2) and (3) of section 396 shall not apply;
(7) describe in a comprehensive manner any proposed project for which funds are sought under the application and include--
(A) a description of the various components of the proposed project, including the estimated time required to complete each such component;
(B) in the case of any development project which consists of several components (as described by the applicant pursuant to subparagraph (A)), a statement identifying those components which, if separately funded, would be sound investments of Federal funds and those components which would be sound investments of Federal funds only if funded under this title in conjunction with other parts of the development project (as specified by the applicant);
(C) an evaluation by the applicant of the priority given any proposed project for which funds are sought in relation to any other projects for which funds are sought by the applicant under this title, and a similar evaluation regarding priorities among the components of any single proposed project (as described by the applicant pursuant to subparagraph (A));
(D) a detailed budget showing the manner in which funds for any proposed project would be spent by the applicant; and
(E) a detailed description of any activity which involves the expenditure of more than $25,000, as identified in the budget referred to in subparagraph (E); and
(8) include such other information as the Secretary may prescribe.
(c) PRIORITY CRITERIA PUBLICATION REQUIRED.-- The Secretary shall publish in the Federal Register, pursuant to chapter 5 of title 5, United States Code, all policies and procedures required to exercise the authority set forth in subsection (a). No other criteria, policies, or procedures shall apply.
(d) ELIGIBILITY DATA.-- The Secretary shall use the most recent and relevant data concerning the number and percentage of students receiving need-based assistance under title IV of this Act in making eligibility determinations under section 312 and shall advance the base-year forward following each annual grant cycle.
(a) WAIVER REQUIREMENTS; NEED-BASED ASSISTANCE STUDENTS.--

The Secretary may waive the requirements set forth in section 312(b)(1)(A) in the case of an institution--
(1) which is extensively subsidized by the State in which it is located and charges low or no tuition;
(2) which serves a substantial number of low-income students as a percentage of its total student population;
(3) which is contributing substantially to increasing higher education opportunities for educationally disadvantaged, underrepresented, or minority students, who are low-income individuals;
(4) which is substantially increasing higher educational opportunities for individuals in rural or other isolated areas which are unserved by postsecondary institutions;
(5) located on or near an Indian reservation or a substantial population of Indians, if the Secretary determines that the waiver will substantially increase higher education opportunities appropriate to the needs of American Indians;
(6) that is a tribally controlled college or university as defined in section 2 of the Tribally Controlled College or University Assistance Act of 1978; or
(7) wherever located, if the Secretary determines that the waiver will substantially increase higher education opportunities appropriate to the needs of Black Americans, Hispanic Americans, Native Americans, Asian Americans, or Pacific Islanders, including Native Hawaiians.
(b) WAIVER DETERMINATIONS; EXPENDITURES.-- (1) The Secretary may waive the requirements set forth in section 312(b)(1)(B) if the Secretary determines, based on persuasive evidence submitted by the institution, that the institution's failure to meet that criterion is due to factors which, when used in the determination of compliance with such criterion, distort such determination, and that the institution's designation as an eligible institution under part A is otherwise consistent with the purposes of such parts.
(2) The Secretary shall submit to the Congress every other year a report concerning the institutions which, although not satisfying the criterion contained in section 312(b)(1)(B), have been determined to be eligible institutions under part A institutions which enroll significant numbers of Black American, Hispanic, Native American, Asian American, or Native Hawaiian students under part A, as the case may be. Such report shall--
(A) identify the factors referred to in paragraph (1) which were considered by the Secretary as factors that distorted the determination of compliance with subparagraphs (A) and (B) of section 312(b)(1); and
(B) contain a list of each institution determined to be an eligible institution under part A including a statement of the reasons for each such determination.
(3) The Secretary may waive the requirement set forth in section 312(b)(1)(E) in the case of an institution located on or near an Indian reservation or a substantial population of Indians, if the Secretary determines that the waiver will substantially increase higher education opportunities appropriate to the needs of American Indians.

SEC. 393. APPLICATION REVIEW PROCESS.

(a) REVIEW PANEL.C(1) All applications submitted under this title by institutions of higher education shall be read by a panel of readers composed of individuals selected by the Secretary. The Secretary shall assure that no individual assigned under this section to review any application has any conflict of interest with regard to the application which might impair the impartiality with which the individual conducts the review under this section.

(2) The Secretary shall take care to assure that representatives of historically and predominantly Black colleges, Hispanic institutions, Tribal Colleges and Universities, and institutions with substantial numbers of Hispanics, Native Americans, Asian Americans, and Native American Pacific Islanders (including Native Hawaiians) are included as readers.

(3) All readers selected by the Secretary shall receive thorough instruction from the Secretary regarding the evaluation process for applications submitted under this title and consistent with the provisions of this title, including--

(A) explanations and examples of the types of activities referred to in section 311(b) that should receive special consideration for grants awarded under part A and of the types of activities referred to in section 323 that should receive special consideration for grants awarded under part B;

(B) an enumeration of the factors to be used to determine the quality of applications submitted under this title; and

(C) an enumeration of the factors to be used to determine whether a grant should be awarded for a project under this title, the amount of any such grant, and the duration of any such grant.

(b) RECOMMENDATIONS OF PANEL.-- In awarding grants under this title, the Secretary shall take into consideration the recommendations of the panel made under subsection (a).

(c) NOTIFICATION.-- Not later than June 30 of each year, the Secretary shall notify each institution of higher education making an application under this title of--

(1) the scores given the applicant by the panel pursuant to this section;

(2) the recommendations of the panel with respect to such application; and

(3) the reasons for the decision of the Secretary in awarding or refusing to award a grant under this title, and any modifications, if any, in the recommendations of the panel made by the Secretary.

(d) EXCLUSION.-- The provisions of this section shall not apply to applications submitted under part D.

SEC. 394. COOPERATIVE ARRANGEMENTS.

(a) GENERAL AUTHORITY.-- The Secretary may make grants to encourage cooperative arrangements

(1) with funds available to carry out part A, between institutions eligible for assistance under part A and between such institutions and institutions not receiving assistance under this title; or

(2) with funds available to carry out part B, between institutions eligible for assistance under part B and institutions not receiving assistance under this title; for the activities described in section 311(b) or section 323, as the case may be, so that the resources of the cooperating institutions might be combined and shared to achieve the purposes of such parts and avoid costly duplicative efforts and to enhance the development of part A and part B eligible institutions.
(b) PRIORITY. -- The Secretary shall give priority to grants for the purposes described under subsection (a) whenever the Secretary determines that the cooperative arrangement is geographically and economically sound or will benefit the applicant institution.
(c) DURATION. -- Grants to institutions having a cooperative arrangement may be made under this section for a period as determined under section 313 or section 323.

SEC. 395. ASSISTANCE TO INSTITUTIONS UNDER OTHER PROGRAMS.
(a) ASSISTANCE ELIGIBILITY.-- Each institution which the Secretary determines to be an institution eligible under part A or an institution eligible under part B may be eligible for waivers in accordance with subsection (b).
(b) WAIVER APPLICABILITY.-- (1) Subject to, and in accordance with, regulations promulgated for the purpose of this section, in the case of any application by an institution referred to in subsection (a) for assistance under any programs specified in paragraph (2), the Secretary is authorized, if such application is otherwise approvable, to waive any requirement for a non-Federal share of the cost of the program or project, or, to the extent not inconsistent with other law, to give, or require to be given, priority consideration of the application in relation to applications from other institutions.
(2) The provisions of this section shall apply to any program authorized by part D or title IV of this Act.
(c) LIMITATION. -- The Secretary shall not waive, under sub-section (b), the non-Federal share requirement for any program for applications which, if approved, would require the expenditure of more than 10 percent of the appropriations for the program for any fiscal year.

SEC. 396. LIMITATIONS.
The funds appropriated under section 360 may not be used--
(1) for a school or department of divinity or any religious worship or sectarian activity;
(2) for an activity that is inconsistent with a State plan for desegregation of higher education applicable to such institution;
(3) for an activity that is inconsistent with a State plan of higher education applicable to such institution; or
(4) for purposes other than the purposes set forth in the approved application under which the funds were made available to the institution.

SEC. 397. PENALTIES.

Whoever, being an officer, director, agent, or employee of, or connected in any capacity with, any recipient of Federal financial assistance or grant pursuant to this title embezzles, willfully misapplies, steals, or obtains by fraud any of the funds which are the subject of such grant or assistance, shall be fined not more than $10,000 or imprisoned for not more than 2 years, or both.

SEC. 398. CONTINUATION AWARDS

The Secretary shall make continuation awards under this title for the second and succeeding years of a grant only after determining that the recipient is making satisfactory progress in carrying out the grant.

SEC. 399. AUTHORIZATIONS OF APPROPRIATIONS.

(a) AUTHORIZATIONS.C

(1) PART A.C(A) There are authorized to be appropriated to carry out part A, $135,000,000 (other than section 316) for fiscal year 1999, and such sums as may be necessary for each of the 4 succeeding fiscal years.

(B) There are authorized to be appropriated to carry out section 316, $10,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years.

(C) There are authorized to be appropriated to carry out section 317, $5,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years.

(2) PART B.C(A) There are authorized to be appropriated to carry out part B (other than section 326), $135,000,000 for fiscal year 1999, and such sums as may be necessary for each of the 4 succeeding fiscal years.

(B) There are authorized to be appropriated to carry out section 326, $35,000,000 for fiscal year 1999, and such sums as may be necessary for each of the 4 succeeding fiscal years.

(3) PART C.-- There are authorized to be appropriated to carry out part C, $10,000,000 for fiscal year 1999, and such sums as may be necessary for each of the 4 succeeding fiscal years.

(4) PART D.-- (A) There are authorized to be appropriated to carry out part D (other than section 345(7), but including section 347), $110,000 for fiscal year 1999, and such sums as may be necessary for each of the 4 succeeding fiscal years.

(B) There are authorized to be appropriated to carry out section 345(7), such sums as may be necessary for fiscal year 1999 and each of the 4 succeeding fiscal years.

(5) PART E.-- There are authorized to be appropriated to carry out part E, $10,000,000 for fiscal year 1999, and such sums as may be necessary for each of the 4 succeeding fiscal years.

(b) USE OF MULTIPLE YEAR AWARDS.-- In the event of a multiple year award to any institution under this title, the Secretary shall make funds available for such award from funds appropriated for this title for the fiscal year in which such funds are to be used by the recipient.

Appendix III

THE CODE OF FEDERAL REGULATIONS PART 607 (JULY 1, 1998)

REGULATIONS

PART 607-STRENGTHENING INSTITUTIONS PROGRAM
Subpart A-General

607.1 What is the Strengthening Institutions Program?
607.2 What institutions are eligible to receive a grant under the Strengthening Institutions Program?
607.3 What is an enrollment of needy students?
607.4 What are low educational and general expenditures?
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607.7 What definitions apply?
607.8 What is a comprehensive development plan and what must it contain?
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Authority: 20 U.S.C. 1057-1059c, 1066-1069f, unless otherwise noted.
Source: 52 FR 30529, Aug. 14, 1987, unless otherwise noted.

Subpart A-General

607.1 What is the Strengthening Institutions Program?
The purpose of the Strengthening Institutions Program is to provide grants to eligible institutions of higher education to improve their academic programs, institutional management, and fiscal stability in order to increase their self-sufficiency and strengthen their capacity to make a substantial contribution to the higher education resources of the Nation.
(Authority: 20 U.S.C. 1057)
[59 FR 41921, Aug. 15, 1994]

607.2 What institutions are eligible to receive a grant under the Strengthening Institutions Program?
(a) Except as provided in paragraphs (b) and (c) of this section, an institution of higher education is eligible to receive a grant under the Strengthening Institutions Program if-
(1) It has an enrollment of needy students as described in 607.3(a), unless the Secretary waives this requirement under 607.3(b);
(2) It has low average educational and general expenditures per full-time equivalent undergraduate student as described in 607.4(a), unless the Secretary waives this requirement under 607.4(c).
(3) It is legally authorized by the State in which it is located to be a junior college or to provide an educational program for which it awards a bachelor's degree; and
(4) It is accredited or pre-accredited by a nationally recognized accrediting agency or association that the Secretary has determined to be a reliable authority as to the quality of education or training offered.
(b) A branch campus of an institution of higher education, if the institution as a whole meets the requirements of paragraphs (a)(1) through (4) of this section, is eligible to receive a grant under the Strengthening Institutions Program even if, by itself, it does not satisfy the requirements of paragraphs (a)(3) and (a)(4) of this section, although the branch must meet the requirements of paragraphs (a)(1) and (a)(2) of this section.
(c) For the purpose of paragraphs (b) and (c) of this section, an institution's enrollment consists of a head count of its entire student body.
(d) A Hispanic-serving institution (HSI) may receive a grant authorized under 316 of the HEA if-
(1) It is an eligible institution under this part;
(2) It provides assurances that-
(i) When it applies for a grant, its enrollment of undergraduate full-time

equivalent students is at least 25 percent Hispanic students ;
(ii) Not less than 50 percent of its Hispanic students are low-income individuals who are first generation college students; and
(iii) Another 25 percent of its Hispanic students are either low-income individuals or first generation college students.
(e)
(1) An institution that qualifies for a grant under the Strengthening Historically Black Colleges and Universities Program (34 CFR Part 608) or the Hispanic-Serving Institution Program (20 U.S.C. 1059c) and receives a grant under either of these programs for a particular fiscal year is not eligible to receive a grant under the Strengthening Institutions Program for that same fiscal year.
(2) An HSI that receives a grant under 316 of the HEA may not concurrently receive grant funds under the Strengthening Institutions program, Strengthening Historically Black Colleges and Universities program, or Strengthening Historically Black Graduate Institutions program.
(Authority: 20 U.S.C. 1057 et seq.)
[59 FR 41922, Aug. 15, 1994, as amended at 60 FR 15447, Mar. 23, 1995]

607.3 What is an enrollment of needy students?
(a) Except as provided in paragraph (b) of this section, for the purpose of 607.2(a)
(1) an applicant institution has an enrollment of needy students if in the base year-
(1) At least 50 percent of its degree students received student financial assistance under one or more of the following programs: Pell Grant, Supplemental Educational Opportunity Grant, College Work-Study, and Perkins Loan; or
(2) The percentage of its undergraduate degree students who were enrolled on at least a half-time basis and received Pell Grants exceeded the median percentage of undergraduate degree students who were enrolled on at least a half-time basis and received Pell Grants at comparable institutions that offer similar instruction.
(b) The Secretary may waive the requirement contained in paragraph (a) of this section if the institution demonstrates that-
(1) The State provides more than 30 percent of the institution's budget and the institution charges not more than $99.00 for tuition and fees for an academic year;
(2) At least 30 percent of the students served by the institution in the base year were students from low-income families;
(3) The institution substantially increases the higher education opportunities for low-income students who are also educationally disadvantaged, underrepresented in postsecondary education, or minority students;
(4) The institution substantially increases the higher education opportunities for individuals who reside in an area that is not included in a “metropolitan statistical area'' as defined by the Office of Management and Budget and who are unserved by other postsecondary institutions;

(5) The institution is located on or within 50 miles of an Indian reservation, or a substantial population of Indians and the institution will, if granted the waiver, substantially increase higher education opportunities for American Indians; or
(6) The institution will, if granted the waiver, substantially increase the higher education opportunities for Black Americans, Hispanic Americans, Native Americans, Asian Americans or Pacific Islanders, including Native Hawaiians.
(c) For the purpose of paragraph (b) of this section, the Secretary considers ``low-income'' to be an amount which does not exceed 150 percent of the amount equal to the poverty level as established by the United States Bureau of the Census.
(d) Each year, the Secretary notifies prospective applicants through a notice in the Federal Register of the low-income figures.
(Authority: 20 U.S.C. 1058 and 1067)
[52 FR 30529, Aug. 14, 1987, as amended at 60 FR 15447, Mar. 23, 1995]

607.4 What are low educational and general expenditures

(a)
(1) Except as provided in paragraph (b) of this section, for the purpose of 6072(a)(2), an applicant institution's average educational and general expenditures per full-time equivalent undergraduate student in the base year must be less than the average educational and general expenditures per full-time equivalent undergraduate student of comparable institutions that offer similar instruction in that year.
(2) For the purpose of paragraph (a)(1) of this section, the Secretary determines the average educational and general expenditure per FTE undergraduate student for institutions with graduate students that do not differentiate between graduate and undergraduate E&G expenditures by discounting the graduate enrollment using a factor of 2.5 times the number of graduate students.
(b) Each year, the Secretary notifies prospective applicants through a notice in the Federal Register of the average educational and general expenditures per full-time equivalent undergraduate student at comparable institutions that offer similar instruction.
(c) The Secretary may waive the requirement contained in paragraph (a) of this section, if the Secretary determines, based upon persuasive evidence provided by the institution, that-
(1) The institution's failure to satisfy the criteria in paragraph (a) of this section was due to factors which, if used in determining compliance with those criteria, distorted that determination; and
(2) The institution's designation as an eligible institution under this part is otherwise consistent with the purposes of this part.
(d) For the purpose of paragraph (c)(1) of this section, the Secretary considers that the following factors may distort an institution's educational and general expenditures per full-time equivalent undergraduate student-
(1) Low student enrollment;
(2) Location of the institution in an unusually high cost-of-living area;

(3) High energy costs;
(4) An increase in State funding that was part of a desegregation plan for higher education; or
(5) Operation of high cost professional schools such as medical or dental schools.
(Authority: 20 U.S.C. 1058 and 1067)
[59 FR 41922, Aug. 15, 1994]

607.5 How does an institution apply to be designated an eligible institution?
An institution shall apply to the Secretary to be designated an eligible institution under the Strengthening Institutions Program by submitting an application to the Secretary in the form, manner and time established by the Secretary. The application must contain-
(a) The information necessary for the Secretary to determine whether the institution satisfies the requirements of '607.2, 607.3(a) and 607.4(a);
(b) Any waiver request under '607.3(b) and 607.4(c); and
(c) Information or explanations justifying any requested waiver.
(Authority: 20 U.S.C. 1058 and 1067)

607.6 What regulations apply?
The following regulations apply to the Strengthening Institutions Program:
(a) The Education Department General Administrative Regulations (EDGAR) as follows:
(1) 34 CFR Part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations).
(2) 34 CFR Part 75 (Direct Grant Programs), except 34 CFR 75.128(a)(2) and 75.129(a) in the case of applications for cooperative arrangements.
(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 82 (New Restrictions on Lobbying).
(6) 34 CFR Part 85 (Government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug-Free Workplace (Grants)).
(7) 34 CFR Part 86 (Drug-Free Schools and Campuses).
(b) The regulations in this Part 607.
(Authority: 20 U.S.C. 1057)

607.7 What definitions apply?
(a) Definitions in EDGAR. The following terms that apply to the Institutional Aid Programs are defined in 34 CFR 77.1:
EDGAR
Fiscal year
Grant
Grantee
Grant period
Nonprofit
Private
Project period
Public
Secretary
State
(b) The following terms used in this part are defined in 316 of the HEA:
First generation college student
Hispanic-serving institution
Low-income individuals
(c) The following definitions also apply to this part:
Accredited means the status of public recognition which a nationally recognized accrediting agency or

association grants to an institution which meets certain established qualifications and educational standards.
Activity means an action that is incorporated into an implementation plan designed to meet one or more objectives. An activity is a part of a project and has its own budget that is approved to carry out the objectives of that subpart.
Base year means the second fiscal year preceding the fiscal year for which an institution seeks a grant under this part.
Branch campus means a unit of a college or university that is geographically apart from the main campus of the college or university and independent of that main campus. The Secretary considers a unit of a college or university to be independent of the main campus if the unit-
(1) Is permanent in nature;
(2) Offers courses for credit and programs leading to an associate or bachelor's degree; and
(3) Is autonomous to the extent that it has-
(i) Its own faculty and administrative or supervisory organization; and
(ii) Its own budgetary and hiring authority.
College Work-Study Program means the part-time employment program authorized under title IV-C of the HEA.
Comparable institutions that offer similar instruction means institutions that are being compared with an applicant institution and that fall within one of the following four categories-
(1) Public junior or community colleges;
(2) Private nonprofit junior or community colleges;
(3) Public institutions that offer an educational program for which they offer a bachelor's degree; or
(4) Private nonprofit institutions that offer an educational program for which they offer a bachelor's degree.
Cooperative arrangement means an arrangement to carry out allowable grant activities between an institution eligible to receive a grant under this part and another eligible or ineligible institution of higher education, under which the resources of the cooperating institutions are combined and shared to better achieve the purposes of this part and avoid costly duplication of effort.
Degree student means a student who enrolls at an institution for the purpose of obtaining the degree, certificate, or other recognized educational credential offered by that institution.
Developmental program and services means new or improved programs and services, beyond those regularly budgeted, specifically designed to improve the self sufficiency of the school.
Educational and general expenditures means the total amount expended by an institution of higher education for instruction, research, public service, academic support (including library expenditures), student services, institutional support, scholarships and fellowships, operation and maintenance expenditures for the physical plant, and any mandatory transfers which the institution is required to pay by law.
Educationally disadvantaged means a college student who requires

special services and assistance to enable them to succeed in higher education. The phrase includes, but is not limited to, students who come from-
(1) Economically disadvantaged families;
(2) Limited English proficiency families;
(3) Migrant worker families; or
(4) Families in which one or both of their parents have dropped out of secondary school.
Full-time equivalent students means the sum of the number of students enrolled full-time at an institution, plus the full-time equivalent of the number of students enrolled part time (determined on the basis of the quotient of the sum of the credit hours of all part-time students divided by 12) at such institution.
HEA means the Higher Education Act of 1965, as amended.
Hispanic student means a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
Institution of higher education means an educational institution defined in 1201(a)of the HEA.
Junior or community college means an institution of higher education-
(1) That admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located and who have the ability to benefit from the training offered by the institution;
(2) That does not provide an educational program for which it awards a bachelor's degree (or an equivalent degree); and
(3) That-
(i) Provides an educational program of not less than 2 years that is acceptable for full credit toward such a degree, or
(ii) Offers a 2-year program in engineering, mathematics, or the physical or biological sciences, designed to prepare a student to work as a technician or at the semiprofessional level in engineering, scientific, or other technological fields requiring the understanding and application of basic engineering, scientific, or mathematical principles of knowledge.
Minority student means a student who is Alaskan Native, American Indian, Asian-American, Black (African-American), Hispanic American, Native Hawaiian, or Pacific Islander.
Nationally recognized accrediting agency or association means an accrediting agency or association that the Secretary has recognized to accredit or pre-accredited a particular category of institution in accordance with the provisions contained in 34 CFR part 603. The Secretary periodically publishes a list of those nationally recognized accrediting agencies and associations in the Federal Register.
Operational programs and services means the regular, ongoing budgeted programs and services at an institution.
Pell Grant Program means the grant program authorized by title IV-A-1 of the HEA.
Perkins Loan Program, formerly called the National Direct Student Loan Program, means the loan program authorized by title IV-E of the HEA.

Pre-accredited means a status that a nationally recognized accrediting agency or association, recognized by the Secretary to grant that status, has accorded an unaccredited institution that is progressing toward accreditation within a reasonable period of time.
Project means all the funded activities under a grant.
Self-sufficiency means the point at which an institution is able to survive without continued funding under the Strengthening Institutions Program.
Special Needs Program means the program authorized by part B of title III of the HEA before part B was amended by the Higher Education Amendments of 1986.
Supplemental Education Opportunity Grant means the grant program authorized by title IV A-2 of the HEA.
Underrepresented means proportionate representation as measured by degree recipients, that is less than the proportionate representation in the general population-
(1) As indicated by-
(i) The most current edition of the Department's Digest of Educational Statistics;
(ii) The National Research Council's Doctorate Recipients from United States Universities; or
(iii) Other standard statistical references, as announced annually in the Federal Register notice inviting applications for new awards under this program; or
(2) As documented by national survey data submitted to and accepted by the Secretary on a case-by-case basis.

(Authority: 20 U.S.C. 1051, 1057-1059 and 1066-1069f; OMB Directive No. 15)
[52 FR 30529, Aug. 14, 1987, as amended at 59 FR 41922, Aug. 15, 1994; 60 FR 15447, Mar. 23, 1995]

607.8 What is a comprehensive development plan and what must it contain?
(a) A comprehensive development plan is an institution's strategy for achieving growth and self-sufficiency by strengthening its-
(1) Academic programs;
(2) Institutional management; and
(3) Fiscal stability.
(b) The comprehensive development plan must include the following:
(1) An analysis of the strengths, weaknesses, and significant problems of the institution's academic programs, institutional management, and fiscal stability.
(2) A delineation of the institution's goals for its academic programs, institutional management, and fiscal stability, based on the outcomes of the analysis described in paragraph (b)(1) of this section.
(3) Measurable objectives related to reaching each goal and timeframes for achieving the objectives.
(4) Methods and resources that will be used to institutionalize practices and improvements developed under the proposed project.
(Authority: 20 U.S.C. 1066)

607.9 What are the type, duration and limitations in the awarding of grants under this part?
(a)
(1) Under this part, the Secretary may award planning grants and two types of development grants,

individual development grants and cooperative arrangement development grants.
(2) Planning grants may be awarded for a period not to exceed one year.
(3) Either type of development grant may be awarded for a period of five years.
(b)
(1) An institution that receives a planning grant may not subsequently receive another planning grant but may subsequently receive a development grant after its planning grant expires.
(2) An institution that receives a development grant of up to three years may subsequently receive another development grant after its development grant expires.
(3) An institution that receives a development grant of four years may not subsequently receive another development grant for a period of eight years from the date it received the four year grant.
(4) An institution that receives a development grant of five years may not subsequently receive another development grant for a period of ten years from the date it received the five year grant.

607.10 What activities may and may not be carried out under a grant?
(a) Planning grants. Under a planning grant, a grantee shall formulate-
(1) A comprehensive development plan described in 607.8; and
(2) An application for a development grant.
(b) Development grants-allowable activities. Under a development grant, except as provided in paragraph (c) of this section, a grantee shall carry out activities that implement its comprehensive development plan and hold promise for strengthening the institution. Activities that may be carried out include, but are not limited to-
(1) Faculty development that provides faculty with the skills and knowledge needed to-
(i) Develop academic support services, including advising and mentoring students;
(ii) Develop academic programs or methodology, including computer-assisted instruction, that strengthen the academic quality of the institution; or
(iii) Acquire terminal degrees that are required to obtain or retain accreditation of an academic program or department;
(2) Funds and administrative management that will improve the institution's ability to-
(i) Manage financial resources in an efficient and effective manner; and
(ii) Collect, access, and use information about the institution's operations for improved decision making;
(3) Developing and improving academic programs that enable the institution to-
(i) Develop new academic programs or new program options that show promise for increased student enrollment;
(ii) Provide new technology or methodology to increase student success and retention or to retain accreditation; or
(iii) Improve curriculum or methodology for existing academic programs to stabilize or increase student enrollment;

(4) Acquiring equipment for use in strengthening management and academic programs to achieve objectives such as those described in paragraphs (b)(2) and (b)(3) of this section;
(5) Establishing or increasing the joint use of facilities such as libraries and laboratories to-
(i) Eliminate the distance and high cost associated with providing academic programs and academic support; or
(ii) Provide clinical experience that is part of an approved academic program at off-campus locations;
(6) Developing or improving student services to provide-
(i) New or improved methods to deliver student services, including counseling, tutoring, and instruction in basic skills; or
(ii) Improved strategies to train student services personnel;
(7) Payment of any portion of the salary of a dean, with proper justification, to fill a position under the project such as project coordinator or activity director. For purposes of this paragraph, proper justification includes evidence that the position entitled ``Dean'' is not one that has college-wide administrative authority and responsibility; or
(8) For grants authorized under 316 of the HEA to HSIs-
(i) Purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes;
(ii) Renovation and improvement in classroom, library, laboratory, and other instructional facilities;
(iii) Support of faculty exchanges, faculty development, and faculty fellowships to assist in attaining advanced degrees in their field of instruction;
(iv) Curriculum development and academic instruction;
(v) Purchase of library books, periodicals, microfilm, and other educational materials;
(vi) Funds and administrative management, and acquisition of equipment for use in strengthening funds management;
(vii) Joint use of facilities such as laboratories and libraries; and
(viii) Academic tutoring and counseling programs and student support services.
(c) Development grants-unallowable activities. A grantee may not carry out the following activities or pay the following costs under a development grant:
(1) Activities that are not included in the grantee's approved application.
(2) Activities that are inconsistent with any State plan for higher education that is applicable to the institution, including, but not limited to, a State plan for desegregation of higher education.
(3) Activities or services that relate to sectarian instruction or religious worship.
(4) Activities provided by a school or department of divinity. For the purpose of this provision, a ``school or department of divinity'' means an institution, or a department of an institution, whose program is specifically for the education of students to prepare them to become ministers of religion or to enter into some other religious vocation or to prepare them to teach theological subjects.

(5) Developing or improving non-degree or non-credit courses other than basic skills development courses.
(6) Developing or improving community-based or community services programs, unless the program provides academic-related experiences or academic credit toward a degree for degree students.
(7) Purchase of standard office equipment, such as furniture, file cabinets, bookcases, typewriters, or word processors.
(8) Payment of any portion of the salary of a president, vice president, or equivalent officer who has college-wide administrative authority and responsibility at an institution to fill a position under the grant such as project coordinator or activity director.
(9) Costs of organized fund-raising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions.
(10) Costs of student recruitment such as advertisements, literature, and college fairs.
(11) Services to high school students.
(12) Instruction in the institution's standard courses as indicated in the institution's catalog.
(13) Costs for health and fitness programs, transportation, and day care services.
(14) Student activities such as entertainment, cultural, or social enrichment programs, publications, social clubs, or associations.
(15) Activities that are operational in nature rather than developmental in nature.

(Authority: 20 U.S.C. 1057 et seq.)
[52 FR 30529, Aug. 14, 1987, as amended at 59 FR 41923, Aug. 15, 1994; 60 FR 15447, Mar. 23, 1995]

Subpart B-How Does an Institution Apply for a Grant?

607.11 What must be included in individual development grant applications?

In addition to the information needed by the Secretary to determine whether the institution should be awarded a grant under the funding criteria contained in subpart C, an application for a development grant must include-
(a) The institution's comprehensive development plan;
(b) A description of the relationship of each activity for which grant funds are requested to the relevant goals and objectives of its plan;
(c) A description of any activities that were funded under previous development grants awarded under the Strengthening Institutions of Special Needs Program that expired within five years of when the development grant will begin and the institution's justification for not completing the activities under the previous grant;
(d) The provisions required by 351 of the HEA which are not specified in other sections of this part. These provisions require that an institution applying for more than one activity shall-
(1) Identify those activities that would be a sound investment of Federal funds if funded separately;
(2) Identify those activities that would be a sound investment of Federal

funds only if funded with the other activities; and
(3) Rank the activities in preferred funding order; and
(e) For a grant under 316 of the HEA to an HSI, as a part of the applicant's Comprehensive Development Plan (CDP) required in 607.8, a five-year plan for improving the assistance provided by the HSI to Hispanic and other low-income students.
(Approved by the Office of Management and Budget under control number 1840-0114)
(Authority: 20 U.S.C. 1057 et seq.)
[52 FR 30529, Aug. 14, 1987, as amended at 59 FR 41924, Aug. 15, 1994; 60 FR 15447, Mar. 23, 1995]

607.12 What must be included in cooperative arrangement grant applications?
(a)
(1) Institutions applying for a cooperative arrangement grant shall submit only one application for that grant regardless of the number of institutions participating in the cooperative arrangement.
(2) The application must include the names of each participating institution, the role of each institution, and the rationale for each eligible participating institution's decision to request grant funds as part of a cooperative arrangement rather than as an individual grantee.
(b) If the application is for a development grant, the application must contain-
(1) Each participating institution's comprehensive development plan;
(2) The information required under 607.11; and
(3) An explanation from each eligible participating institution of why participation in a cooperative arrangement grant rather than performance under an individual grant will better enable it to meet the goals and objectives of its comprehensive development plan at a lower cost.
(4) The name of the applicant for the group that is legally responsible for-
(i) The use of all grant funds; and
(ii) Ensuring that the project is carried out by the group in accordance with Federal requirements.
(Approved by the Office of Management and Budget under control number 1840-0114)
(Authority: 20 U.S.C. 1066 and 1069)

[52 FR 30529, Aug. 14, 1987, as amended at 59 FR 41924, Aug. 15, 1994]

607.13 How many applications for a development grant may an institution submit?
In any fiscal year, an institution of higher education may-
(a) Submit an application for an individual development grant; and
(b) Be part of a cooperative arrangement application.
(Authority: 20 U.S.C. 1057, 1069)
[59 FR 41924, Aug. 15, 1994]

Subpart C-How Does the Secretary Make an Award?

607.20 How does the Secretary choose applications for funding?
(a) The Secretary evaluates an application on the basis of the criteria in-
(1) Sections 607.21 and 607.23 for a planning grant; and

(2) Sections 607.22, 607.23, and 607.25 for a development grant.
(b)
(1) With regard to applicants that satisfy the requirements of paragraph (d) of this section, for each fiscal year, the Secretary awards development grants to applicants that are not, or were not, individual grantees under this part during the fiscal year, before the Secretary awards a development grant to any applicant that is or was an individual grantee under this part during the fiscal year.
(2) For purposes of paragraph (b)(1) of this section, an institution that is a recipient of a cooperative arrangement grant is not an individual grantee under this part.
(c)
(1) The Secretary awards up to 100 points for the criteria in 607.21 and up to 100 points for the criteria in 607.22.
(2) The maximum possible score for each complete criterion is in parentheses.
(d)
(1) The Secretary considers funding an application for a planning grant that scores at least 50 points under 607.21.
(2) The Secretary considers funding an application for a development grant that-
(i) Scores at least 50 points under 607.22;
(ii) Is submitted with a comprehensive development plan that satisfies all the elements required of such a plan under 607.8; and
(iii) In the case of an application for a cooperative arrangement grant, demonstrates that the grant will enable each eligible participant to meet the goals and objectives of its comprehensive development plan better and at a lower cost than if each eligible participant were funded individually.
(Authority: 20 U.S.C. 1057-1059, 1066-1069f)

607.21 What are the selection criteria for planning grants?
The Secretary uses the following criteria to evaluate an application to determine whether the applicant will produce a good comprehensive development plan and a fundable Strengthening Institutions Program application:
(a) Design of the planning process. (Total: 60 points) The Secretary reviews each application to determine the quality of the planning process that the applicant will use to develop a comprehensive development plan and an application for a development grant based on the extent to which-
(1) The planning process is clearly and comprehensively described and based on sound planning practice (15 points);
(2) The president or chief executive officer, administrators and other institutional personnel, students, and governing board members systematically and consistently will be involved in the planning process (15 points);
(3) The applicant will use its own resources to help implement the project (10 points); and
(4) The planning process is likely to achieve its intended results (20 points).
(b) Key personnel. (Total: 20 points) The Secretary reviews each

application to determine the quality of key personnel to be involved in the project based on the extent to which-
(1) The past experience and training of key personnel such as the project coordinator and persons who have key roles in the planning process are suitable to the tasks to be performed (10 points); and
(2) The time commitments of key personnel are adequate (10 points).
(c) Project Management. (Total: 15 points) The Secretary reviews each application to determine the quality of the plan to manage the project effectively based on the extent to which-
(1) The procedures for managing the project are likely to ensure effective and efficient project implementation (10 points); and
(2) The project coordinator has sufficient authority, including access to the president or chief executive officer, to conduct the project effectively (5 points).
(d) Budget. (Total: 5 points) The Secretary reviews each application to determine the extent to which the proposed project costs are necessary and reasonable.
(Approved by the Office of Management and Budget under control number 1840-0114)
(Authority: 20 U.S.C. 1057-1059, 1066-1069)

607.22 What are the selection criteria for development grants?
The Secretary uses the following criteria to evaluate applications for development grants:
(a) Quality of the applicant's comprehensive development plan. (Total: 30 points) The extent to which-
(1) The strengths, weaknesses, and significant problems of the institution's academic programs, institutional management, and fiscal stability are clearly and comprehensively analyzed and result from a process that involved major constituencies of the institution. (12 points);
(2) The goals for the institution's academic programs, institutional management, and fiscal stability are realistic and based on comprehensive analysis. (5 points);
(3) The objectives stated in the plan are measurable, related to institutional goals, and, if achieved, will contribute to the growth and self-sufficiency of the institution (5 points);
(4) The plan clearly and comprehensively describes the methods and resources the institution will use to institutionalize practice and improvements developed under the proposed project, including, in particular, how operational costs for personnel, maintenance, and upgrades of equipment will be paid with institutional resources (8 points).
(b) Quality of activity objectives. (Total: 10 points) The extent to which the objectives for each activity are-
(1) Realistic and defined in terms of measurable results (5 points); and
(2) Directly related to the problems to be solved and to the goals of the comprehensive development plan (5 points).
(c) Quality of implementation strategy. (Total: 25 points) The extent to which-

(1) The implementation strategy for each activity is comprehensive (10 points);
(2) The rationale for the implementation strategy for each activity is clearly described and is supported by the results of relevant studies or projects (10 points); and
(3) The timetable for each activity is realistic and likely to be attained (5 points).
(d) Quality of key personnel. (Total: 10 points) The extent to which-
(1) The past experience and training of key professional personnel are directly related to the stated activity objectives (7 points); and
(2) The time commitment of key personnel is realistic (3 points).
(e) Quality of project management plan. (Total: 10 points) The extent to which-
(1) Procedures for managing the project are likely to ensure efficient and effective project implementation (5 points); and
(2) The project coordinator and activity directors have sufficient authority to conduct the project effectively, including access to the president or chief executive officer (5 points).
(f) Quality of evaluation plan. (Total: 10 points) The extent to which-
(1) The data elements and the data collection procedures are clearly described and appropriate to measure the attainment of activity objectives and to measure the success of the project in achieving the goals of the comprehensive development plan (5 points); and
(2) The data analysis procedures are clearly described and are likely to produce formative and summative results on attaining activity objectives and measuring the success of the project on achieving the goals of the comprehensive development plan (5 points).
(g) Budget. (Total: 5 points) The extent to which the proposed costs are necessary and reasonable in relation to the project's objectives and scope.
(Approved by the Office of Management and Budget under control number 1840-0114)
(Authority: 20 U.S.C. 1057-1059, 1066-1069f)
[59 FR 41924, Aug. 15, 1994]

607.23 What special funding consideration does the Secretary provide?
(a) If funds are available to fund only one additional planning grant and each of the next fundable applications has received the same number of points under 607.21, the Secretary awards additional points, up to a maximum of two points, to any of those applicants that-
(1) Has an endowment fund of which the current market value, per full-time equivalent enrolled student, is less than the average current market value of the endowment funds, per full-time equivalent enrolled student, at similar type institutions; (one point) or
(2) Has expenditures for library materials per full-time equivalent enrolled student which is less than the average expenditure for library materials per full-time equivalent enrolled student at similar type institutions. (one point)
(b) If funds are available to fund only one additional development grant and each of the next fundable applications has received the same number of points under 607.22, the

Secretary will award additional points, up to a maximum of three points, to any of those applicants that-
(1) Has an endowment fund of which the current market value, per full-time equivalent enrolled student, is less than the average current market value of the endowment funds, per full-time equivalent enrolled student, at comparable institutions that offer similar instruction; (one point)
(2) Has expenditures for library materials per full-time equivalent enrolled student which is less than the average expenditure for library materials per full-time equivalent enrolled student at comparable institutions that offer similar instruction (one point); or
(3) Propose to carry out one or more of the following activities-
(i) Faculty development;
(ii) Funds and administrative management;
(iii) Development and improvement of academic programs;
(iv) Acquisition of equipment for use in strengthening management and academic programs;
(v) Joint use of facilities; and
(vi) Student services. (one point)
(c) As used in this section, an endowment fund does not include any fund established or supported under 34 CFR part 628.
(d) Each year, the Secretary provides prospective applicants with the average expenditure of endowment funds and library materials per full-time equivalent student.
(e) The Secretary gives priority to applications from HSIs that contain satisfactory evidence that the HSI has entered into or will enter into a collaborative arrangement with at least one local educational agency to provide that agency with assistance (from funds other than funds provided under Title III Part A of the HEA) in-
(1) Reducing the dropout rates of Hispanic students;
(2) Improving rates of academic achievement of Hispanic students; and
(3) Increasing the rates at which Hispanic high school graduates enroll in higher education.
(Authority: 20 U.S.C. 1057 et seq.)
[52 FR 30529, Aug. 14, 1987, as amended at 59 FR 41925, Aug. 15, 1994; 60 FR 15447, Mar. 23, 1995]

607.24 How does the Secretary use an applicant's performance under a previous development grant when awarding a development grant?
(a)
(1) In addition to evaluating an application under the selection criteria in 607.22, the Secretary evaluates an applicant's performance under any previous development grant awarded under Strengthening Institutions and Special Needs Programs that expired within five years of the year when the development grant will begin.
(2) The Secretary evaluates whether the applicant fulfilled, or is making substantial progress toward fulfilling, the goals and objectives of the previous grant, including, but not limited to, the applicant's success in institutionalizing practices developed and improvements made under the grant.

(3) The Secretary bases the evaluation of the applicant's performance on information contained in-
(i) Performance and evaluation reports submitted by the applicant;
(ii) Audit reports submitted on behalf of the applicant; and
(iii) Other information obtained by the Secretary, including reports prepared by the Department.
(b) If the Secretary initially determines that the applicant did not fulfill the goals and objectives of a previous grant or is not making substantial progress towards fulfilling those goals and objectives, the Secretary affords the applicant the opportunity to respond to that initial determination.
(c) If the Secretary determines that the applicant did not fulfill the goals and objectives of a previous grant or is not making substantial progress towards fulfilling those goals and objectives, the Secretary may-
(1) Decide not to fund the applicant; or
(2) Fund the applicant but impose special grant terms and conditions, such as specific reporting and monitoring requirements.
(Authority: 20 U.S.C. 1066)
[59 FR 41925, Aug. 15, 1994]

607.25 What priority does the Secretary use in awarding cooperative arrangement grants?
Among applications for cooperative arrangement grants, the Secretary gives priority to proposed cooperative arrangements that are geographically and economically sound, or will benefit the institutions applying for the grant.
(Authority: 20 U.S.C. 1057, 1069)
[59 FR 41925, Aug. 15, 1994]

Subpart D-What Conditions Must a Grantee Meet?

607.30 What are allowable costs and what are the limitations on allowable costs?
(a) Allowable costs. Except as provided in paragraphs (b) and (c) of this section, a grantee may expend grant funds for activities that are related to carrying out the allowable activities included in its approved application.
(b) Supplement and not supplant. Grant funds shall be used so that they supplement and, to the extent practical, increase the funds that would otherwise be available for the activities to be carried out under the grant and in no case supplant those funds.
(c) Limitations on allowable costs. A grantee may not use an indirect cost rate to determine allowable costs under its grant.
(Authority: 20 U.S.C. 1057-1059 and 1066)

607.31 How does a grantee maintain its eligibility?
(a) A grantee shall maintain its eligibility under the requirements in 607.2, except for 607.2(a)
(1) and (2), for the duration of the grant period.
(b) The Secretary reviews an institution's application for a continuation award to ensure that-
(1) The institution continues to meet the eligibility requirements described in paragraph (a) of this section; and
(2) The institution is making substantial progress toward

achieving the objectives set forth in its grant application including, if applicable, the institution's success in institutionalizing practices and improvements developed under the grant.

(Authority: 20 U.S.C. 1057-1059b, 1066-1069f)

[59 FR 41925, Aug. 15, 1994]

Revised Program Regulations

[Federal Register: December 15, 1999 (Volume 64, Number 240)]
[Rules and Regulations]
[Page 70145-70155]
From the Federal Register Online via GPO Access [wais.access.gpo.gov]
[DOCID:fr15de99-12]

Part III

Department of Education

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34 CFR Parts 606 and 607

Strengthening Institutions Program and Developing Hispanic-Serving Institutions Program; Final Rule

[[Page 70146]]

DEPARTMENT OF EDUCATION

34 CFR Parts 606 and 607

Strengthening Institutions Program and Developing Hispanic-Serving Institutions Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: We amend the regulations governing the Strengthening Institutions and Developing Hispanic-Serving Institutions (HSI) Programs to conform them to statutory changes made to those programs by the Higher Education Amendments of 1998 (1998 Amendments). We have also moved the regulations for the HSI Program to a new part. These regulations also make technical corrections and changes.

EFFECTIVE DATE: These regulations are effective January 14, 2000.

FOR FURTHER INFORMATION CONTACT: Darlene Collins, U.S. Department of Education, 1990 K Street, NW., Washington, DC 20006-8512. Telephone: (202) 502-7576. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person.

SUPPLEMENTARY INFORMATION: The Strengthening Institutions Program is authorized under title III, part A of the Higher Education Act of 1965 as amended (HEA). The HSI Program is now authorized under title V of the HEA. However, prior to the 1998 Amendments, it was also authorized under title III, part A of the HEA. Accordingly, because the HSI Program was moved from title III to title V of the HEA, we moved the regulations governing the program from part 607 to a new part, part 606. However, new part 606 either contains regulatory provisions already included in part 607 or statutory changes made to the HSI Program by the 1998 Amendments.

The 1998 Amendments made several other changes to the HEA with regard to those two programs that require conforming changes to the regulations for the two programs. These statutory amendments incorporated in the regulations in part 606 include:

- Expanding the specific allowable activities, and
- Providing that an institution that receives a five-year individual grant under the HSI Program is not eligible to receive an additional development grant until two years after the date on which the five-year grant terminates.

The statutory amendments incorporated in the regulations in part 607 include:

- Expanding the specific allowable activities, and
- Extending from one year to two years the period that a previous grantee must sit out before it can receive another individual development grant.

The 1998 Amendments also created several new programs under the Strengthening Institutions Program umbrella. These programs provide grants to Indian Tribal Colleges and Universities, Alaska Native-serving institutions, and Native Hawaiian-serving institutions. Grants made to these institutions under these programs are subject to the requirements in part 607. However, to implement these programs, part 607 is further amended to incorporate the following statutory provisions that:

- Authorize grants to Tribal Colleges and Universities to plan, develop, and carry out approved program activities.
- Define the terms ``Indian'', ``Indian Tribe'' and ``Tribal College or University''.
- Allow the Secretary to waive the needy student eligibility requirement if the applicant is a Tribal College or University.
- List activities that Tribal Colleges and Universities may carry out under a grant.
- Provide that no Tribal College or University that receives funds under the Indian Tribal Colleges and Universities Program may concurrently receive other grant funds under the Strengthening Institutions Program, Strengthening Historically Black Colleges and Universities Program, or Strengthening Historically Black Graduate Institutions Program.
- Require a five-year plan for improving the assistance provided by the Tribal College or University to Indian students, increasing the rates at which Indian secondary school students enroll in higher education, and increasing overall postsecondary retention rates for Indian students.
- Authorize grants to assist Alaska Native-serving and Native Hawaiian-serving institutions of higher education to plan, develop and carry out approved program activities.
- Define the terms ``Alaska Native'', ``Alaska Native-serving Institution'' and ``Native Hawaiian-serving institution''.
- List activities that Alaska Native-serving institutions of higher education and Native Hawaiian-serving institutions of higher education may carry out under a grant.
- Provide that no Alaska Native-serving institution or Native Hawaiian-serving institution that receives funds under the programs specifically serving those institutions may concurrently receive other grant funds under the Strengthening Institutions Program, Strengthening Historically Black Colleges and Universities Program, or Strengthening Historically Black Graduate Institutions Program.
- Require a five-year plan for improving the assistance provided by the Alaska Native-serving institution or the Native Hawaiian-serving institution to Alaska Native students or Native Hawaiian students.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local government for coordination and review of proposed Federal financial assistance.

In accordance with the order, we intend this document to provide early notification of the Department's specific plans and actions for this program.

Assessment of Education Impact

Based on our review, we have determined that these final regulations do not require transmission of information that any other agency or authority of the United States gathers or makes available.

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Waiver of Proposed Rulemaking

It is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations in accordance with the Administrative Procedure Act (5 U.S.C. 553). However, since these changes merely incorporate statutory amendments into the regulations and do not implement substantive policy, public comment could have no effect. Therefore, the Secretary has determined pursuant to 5 U.S.C. 553(b)(B) that public comment on the regulations is unnecessary and contrary to the public interest.

List of Subjects in 34 CFR Parts 606 and 607

Colleges and universities, Grant programs--education, Reporting and Record-keeping requirements.

Dated: December 8, 1999.
A. Lee Fritschler,
Assistant Secretary, Office of Postsecondary Education.

For the reasons discussed in the preamble, the Secretary amends title 34 of the Code of Federal Regulations by…and amending part 607 as follows:

1. …

PART 607--STRENGTHENING INSTITUTIONS PROGRAM

2. The authority citation for part 607 continues to read as follows:

Authority: 20 U.S.C. 1057-1059c, 1066-1069f, unless otherwise noted.

3. Section 607.2 is amended by revising paragraphs (c), (d), and (e); and by adding new paragraphs (f) and (g) to read as follows:

Sec. 607.2 What institutions are eligible to receive a grant under the Strengthening Institutions Program?

* * * * *

(c) For the purpose of paragraphs (e)(2) and (f)(2) of this section, an institution's enrollment consists of a head count of its entire student body.

(d) A tribal college or university may receive a grant authorized under section 316 of the HEA if--

(1) It satisfies the requirements of paragraph (a) of this section, other than Sec. 607.2(a)(3), and

(2)(i) It meets the definition of the term ``tribally controlled college or university'' in section 2 of the Tribally Controlled College or University Assistance Act of 1978; or

(ii) It is listed in the Equity in Educational Land Grant Status Act of 1994.

(e) An Alaska Native-serving institution may receive a grant under section 317 of the HEA if--

(1) It satisfies the requirements of paragraph (a) of this section; and

(2) It has, at the time of application, an enrollment of undergraduate students that is at least 20 percent Alaska Native students.

(f) A Native Hawaiian-serving institution may receive a grant authorized under section 317 of the HEA if--

(1) It satisfies the requirements of paragraph (a) of this section; and

(2) It has, at the time of application, an enrollment of undergraduate students that is at least 10 percent Native Hawaiian students.

(g)(1) An institution that qualifies for a grant under the Strengthening Historically Black Colleges and Universities Program (34 CFR part 608) or the Developing Hispanic-Serving Institutions Program (34 CFR part 606) and receives a grant under either of these programs for a particular fiscal year is not eligible to receive a grant under this part for the same fiscal year.

(2) A tribal college or university that receives a grant under

section 316 of the HEA or an Alaska Native or Native Hawaiian-serving institution that receives a grant under section 317 of the HEA may not concurrently receive other grant funds under the Strengthening Institutions Program, Strengthening Historically Black Colleges and Universities Program, or Strengthening Historically Black Graduate Institutions Program.

4. Section 607.3 is amended by removing the word "or" at the end of paragraph (b)(5); redesignating paragraph (b)(6) as paragraph (b)(7); and adding a new paragraph (b)(6) to read as follows:

Sec. 607.3 What is an enrollment of needy students?

* * * * *

(b) * * *

(6) It is a tribal college or university; or

* * * * *

5. Section 607.7 is amended by:

A. Revising paragraph (b);

B. Redesignating paragraph (c) as paragraph (e);

C. adding new paragraphs (c) and (d);

D. Removing the definitions of ``College Work-Study Program'', ``Pell Grant Program'', ``Perkins Loan Program'', ``Special Needs Program'', and ``Supplemental Education Opportunity Grant'' from newly designated paragraph (e);

E. Revising the definition of ``Institution of higher education'' in newly designated paragraph (e); and

F. Adding, in alphabetical order, new definitions of ``Federal Pell Grant Program'', ``Federal Perkins Loan Program'', ``Federal Supplemental Education Opportunity Grant Program'', ``Federal Work-Study Program'', and ``Low-income individual'' in newly redesignated paragraph (e).

The revisions and additions read as follows:

Sec. 607.7 What definitions apply?

* * * * *

(b) The following term used in this part is defined in section 312 of the HEA:

Endowment fund

(c) The following terms used in this part are defined in section 316 of the HEA:

Indian
Indian tribe
Tribal college or university

(d) The following terms used in this part are defined in section 317 of the HEA:

Alaska Native
Alaska Native-serving institution
Native Hawaiian
Native Hawaiian-serving institution

(e) * * *

Federal Pell Grant Program means the grant program authorized by title IV-A-1 of the HEA.

Federal Perkins Loan Program, formerly called the National Direct Student Loan Program, means the loan program authorized by title IV-E of the HEA.

Federal Supplemental Education Opportunity Grant Program means the

grant program authorized by title IV-A-3 of the HEA.

Federal Work-Study Program means the part-time employment program
authorized under title IV-C of the HEA.

* * * * *

Institution of higher education means an educational institution defined in section 101 of the HEA.

* * * * *

Low-income individual means an individual from a family whose taxable income for the preceding year did not exceed 150 percent of an
amount equal to the poverty level determined by using criteria of poverty established by the Bureau of Census.

* * * * *

6. Section 607.8(b) is amended by adding paragraphs (b)(5) and (b)(6) to read as follows:

Sec. 607.8 What is a comprehensive development plan and what must it contain?

* * * * *

(b) * * *

(5) For a grant under section 316 of the HEA to a tribal college or university, its five-year plan for improving its services to Indian students, increasing the rates at which Indian secondary school students enroll in higher education, and increasing overall postsecondary retention rates for Indian students.

(6) For a grant under section 317 of the HEA to an Alaska Native-serving institution or to a Native Hawaiian-serving institution, its five-year plan for improving its services to Alaska Native or Native Hawaiian students, respectively.

7. Section 607.9 is amended by revising paragraph (b) to read as follows:

Sec. 607.9 What are the type, duration and limitations in the awarding of grants under this part?

* * * * *

(b)(1) An institution that received an individual development grant of five years may not subsequently receive another individual development grant for a period of two years from the date on which the
five-year grant period terminates.

(2) A cooperative arrangement grant is not considered to be an individual development grant under paragraph (b)(1) of this section.

8. Section 607.10 is amended by:

A. Revising paragraph (b)(1) introductory text;

B. Removing the word ``or'' at the end of paragraph (b)(7);

C. Redesignating paragraph (b)(8) as paragraph (b)(13);

D. Adding new paragraphs (b)(8) through (12) and (b)(14);

E. Revising the introductory text in newly designated paragraph (b)(13) and paragraphs (b)(13)(ii), (v), and (viii);

F. Removing the word ``and'' at the end of newly designated paragraph (b)(13)(vii);

G. Adding new paragraphs (b)(13)(ix) through (xiii); and

H. Revising paragraphs (c)(6) and (11).

The revisions and additions read as follows:

Sec. 607.10 What activities may and may not be carried out under a grant?

* * * * *

(b) * * *

(1) Faculty exchanges, faculty fellowships, and faculty development that provide faculty with the skills and knowledge needed to--

* * * * *

(8) Purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes;

(9) Construction, maintenance, renovation, and improvement in classrooms, libraries, laboratories, and other instructional facilities, including the integration of computer technology into institutional facilities to create smart buildings;

(10) Establishing or improving a development office to strengthen or improve contributions from alumni and the private sector;

(11) Establishing or improving an endowment fund, provided a grantee uses no more than 20 percent of its grant funds for this purpose and at least matches those grant funds with non-Federal funds;

(12) Creating or improving facilities for Internet or other distance learning academic instruction capabilities, including purchase or rental of telecommunications technology equipment or services;

(13) For grants authorized under section 316 of the HEA to tribal colleges or universities--

* * * * *

(ii) Construction, maintenance, renovation, and improvement in classroom, library, laboratory, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services;

* * * * *

(v) Purchase of library books, periodicals, microfilm, and other educational materials, including telecommunications program materials;

* * * * *

(viii) Academic tutoring and counseling programs and student support services designed to improve academic services;

(ix) Academic instruction in disciplines in which Indians are underrepresented;

(x) Establishing or improving a development office to strengthen or improve contributions from the alumni and the private sector;

(xi) Establishing or enhancing a program of teacher education designed to qualify students to teach in elementary schools or secondary schools, with a particular emphasis on teaching Indian children and youth, that shall include, as part of such program, preparation for teacher certification;

(xii) Establishing community outreach programs that encourage Indian elementary school and secondary school students to develop the academic skills and the interest to pursue postsecondary education; and

(xiii) Establishing or improving an endowment fund, provided a grantee uses no more than 20 percent of its grant funds for this purpose and at least matches those grant funds with non-Federal funds; or

(14) For grants authorized under section 317 of the HEA to Alaska Native-serving institutions and Native Hawaiian-serving institutions-

-

(i) Purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes;

(ii) Renovation and improvement in classroom, library, laboratory, and other instructional facilities;

(iii) Support of faculty exchanges, faculty development, and faculty fellowships to assist in attaining advanced degrees in the faculty's field of instruction;

(iv) Curriculum development and academic instruction;

(v) Purchase of library books, periodicals, microfilm, and other educational materials;

(vi) Funds and administrative management, and acquisition of equipment for use in strengthening funds management;

(vii) Joint use of facilities such as laboratories and libraries;

(viii) Academic tutoring and counseling programs and student support services.

(c) * * *

(6) Developing or improving community-based or community services programs, unless the program provides academic-related experiences or academic credit toward a degree for degree students, or unless it is an outreach program that encourages Indian elementary school and secondary school students to develop the academic skills and the interest to pursue postsecondary education.

* * * * *

(11) Services to high school students, unless they are part of a program to encourage Indian students to develop the academic skills and the interest to pursue postsecondary education.

* * * * *

9. Section 607.11 is amended by revising paragraphs (c) and (d); and removing paragraph (e) to read as follows:

Sec. 607.11 What must be included in individual development grant applications?

* * * * *

(c) A description of any activities that were funded under previous development grants awarded under the Strengthening Institutions Program that expired within five years of when the development grant will begin and the institution's justification for not completing the activities under the previous grant, if applicable; and

(d) If the applicant is applying to carry out more than one activity--

(1) A description of those activities that would be a sound investment of Federal funds if funded separately;

(3) A description of those activities that would be a sound investment of Federal funds only if funded with the other activities; and

(3) A ranking of the activities in preferred funding order.

10. Section 607.13 is amended by revising the introductory text and paragraph (a) to read as follows:

Sec. 607.13 How many applications for a development grant may an institution submit?

In any fiscal year, an institution of higher education that meets the

eligibility requirements under sections 311, 316, and 317 of the HEA may--

(a) Submit an application for a development grant authorized under sections 311, 316, and 317 of the HEA; and

* * * * *

11. Section 607.20 is amended by revising paragraphs (a)(2) and (b)(1) to read as follows:

Sec. 607.20 How does the Secretary choose applications for funding?

(a) * * *

(2) Sections 607.22, 607.23, 607.24, and 607.25 for a development grant.

(b)(1) With regard to applicants that satisfy the requirements of paragraph (d) of this section, for each fiscal year, the Secretary awards individual development grants to applicants that are not individual development grantees under this part, before the Secretary awards an individual development grant to any applicant that is an individual grantee under this part.

* * * * *

Sec. 607.23 [Amended]

12. Section 607.23 is amended by removing the words ``is less than the average expenditure'', and adding, in their place, ``are less than the average expenditures'' in paragraph (b)(2); and by removing paragraph (e).

Sec. 607.24 [Amended]

13. Section 607.24 is amended by removing the words ``Strengthening Institutions and Special Needs Programs'', and adding, in their place ``the Strengthening Institutions Program'' in paragraph (a)(1).

[FR Doc. 99-32323 Filed 12-14-99; 8:45 am]
BILLING CODE 4000-01-U

Appendix IV

ENDOWMENT INVESTING—UP TO 20% OF FUNDS

PERTINENT EXCERPT FROM REGULATIONS FOR THOSE USING UP TO 20% OF THEIR GRANT FOR ENDOWMENT INVESTING:

628.42 What may a grantee not use to match an endowment challenge grant?
To match an endowment challenge grant, a grantee may not use--
(a) A pledge of funds or securities;
(b) Deferred gifts such as a charitable remainder annuity trust or unitrust;
(c) Any Federal funds;
(d) Any borrowed funds; or
(e) The corpus or income of an endowment fund or quasi-endowment
fund existing at the closing date established by the Secretary for submission of eligibility requests under the Endowment Challenge Grant
Program. This includes the corpus or income of an endowment or quasi-
endowment fund established by a foundation if the foundation is tax-exempt and was established for the purpose of raising money for the institution.
(Authority: 20 U.S.C. 1065)

628.43 What investment standards shall a grantee follow?
(a) A grantee shall invest, for the duration of the grant period, the endowment fund established under this part in savings accounts or in low-risk securities in which a regulated insurance company may invest
under the law of the State in which the institution is located.
(b) When investing the endowment fund, the grantee shall exercise the judgment and care, under the circumstances, that a person of prudence, discretion and intelligence would exercise in the management of his or her own financial affairs.
(c) An institution may invest its endowment fund in savings accounts permitted under paragraph (a) of this section such as--
(1) A federally insured bank savings account;
(2) A comparable interest bearing account offered by a bank; or
(3) A money market fund.
(d) An institution may invest its endowment fund in low-risk securities permitted under paragraph (a) of this section such as--
(1) Certificates of deposit;
(2) Mutual funds;
(3) Stocks; or
(4) Bonds.
(e) An institution may not invest its endowment fund in real estate.
(Authority: 20 U.S.C. 1065)

628.44 When and for what purposes may a grantee use the endowment fund corpus?
(a)(1) During the grant period, a grantee may not withdraw or spend any part of the endowment fund corpus.
(2) If, during the grant period, a grantee withdraws or spends all or part of the endowment fund corpus, it must repay to the Secretary an amount equal of 50 percent of the amount withdrawn or spent plus the

income earned on that amount.
(b) At the end of the grant period, the institution may use the endowment fund corpus for any educational purpose.
(Authority: 20 U.S.C. 1065)

628.45 How much endowment fund income may a grantee use and for what purposes?
(a) During the endowment challenge grant period, a grantee--
(1) May withdraw and spend up to 50 percent of the total aggregate endowment fund income earned prior to the date of expenditure;
(2) May spend the endowment fund income for--
(i) Costs necessary to operate the institution, including general operating and maintenance costs;
(ii) Costs to administer and manage the endowment fund; and
(iii) Costs associated with buying and selling securities, such as stockbroker commissions and fees to “load" mutual funds;
(3) May not use endowment fund income for--
(i) A school or department of divinity or any religious worship or sectarian activity;
(ii) An activity that is inconsistent with a State plan for desegregation applicable to the grantee; or
(iii) An activity that is inconsistent with a State plan applicable to the grantee; and
(4) May not withdraw or spend the remaining 50 percent of the endowment fund income.
(b) Notwithstanding paragraph (a)(1) of this section, the Secretary may permit a grantee that requests to spend more than 50 percent of the total aggregate endowment fund income to do so if the grantee demonstrates that the expenditure is necessary because of--
(1) A financial emergency such as a pending insolvency or temporary liquidity problem;
(2) A situation threatening the existence of the institution such as destruction due to a natural disaster or arson; or
(3) Another unusual occurrence or demanding circumstance, such as a judgment against the institution for which the institution would be liable.
(c) If, during the grant period, a grantee spends more endowment fund income or uses it for purposes other than permitted under paragraphs (a) or (b) of this section, it shall repay to the Secretary an amount equal to 50 percent of the amount improperly spent.
(d) At the end of the grant period, the institution may use all of the endowment fund income for any educational purpose.
(Authority: 20 U.S.C. 1065)
[49 FR 28521, July 21, 1984, as amended at 52 FR 11258, Apr. 8, 1987; 58
FR 11163, Feb. 23, 1993]

628.46 How shall a grantee calculate the amount of endowment fund income that it may withdraw and spend?
A grantee shall calculate the amount of endowment fund income that it may withdraw and spend at a particular time as follows:
(a) On each date that the grantee plans a withdrawal of income, it must--
(1) Determine the value of endowment fund income by subtracting the endowment fund corpus from the current total value of the endowment fund on that date; and
(2) Calculate the amount of endowment fund income previously withdrawn from the endowment

fund.
(b) If the value of endowment fund income in the endowment fund exceeds the aggregate amount of previously withdrawn endowment fund income, the grantee may withdraw and spend up to 50 percent of that excess fund income.
(Authority: 20 U.S.C. 1065)
[49 FR 28521, July 21, 1984, as amended at 52 FR 11258, Apr. 8, 1987]

628.47 What shall a grantee record and report?
A grantee shall--
(a) Keep records of--
(1) The source, kind and amount of matching funds;
(2) The type and amount of investments of the endowment fund;
(3) The amount of endowment fund income; and
(4) The amount and purpose of expenditures of endowment fund income;
(b) Retain each year's records for a minimum of five years after the grant period ends;
(c) Allow the Secretary access to information that the Secretary judges necessary to audit or examine the records required in paragraph (a) of this section;
(d) Carry out the audit required in 34 CFR 74.61(h) or 80.26 and the appendix to 34 CFR part 80, as applicable;
(e) Provide to the Secretary a copy of the external or internal audit to be performed under 34 CFR 74.61(h) or 80.26 and the appendix to 34 CFR part 80, as applicable; and
(f) Submit reports on a timely basis that are requested by the Secretary.
(Approved by the Office of Management and Budget under control number (1840-0564)
(Authority: 20 U.S.C. 1065 and 1232f)
[49 FR 28521, July 12, 1984, as amended at 52 FR 11258, Apr. 8, 1987; 53
FR 49146, Dec. 6, 1988; 58 FR 11164, Feb. 23, 1993]

628.48 What happens if a grantee fails to administer the endowment challenge grant in accordance with applicable regulations?
(a) The Secretary may, after giving the grantee notice and an opportunity for a hearing, terminate an endowment challenge grant if the grantee--
(1) Withdraws or spends any part of the endowment fund corpus in violation of Sec. 628.44(a)(1);
(2) Spends any portion of the endowment fund income not permitted to be spent in Sec. 628.45;
(3) Fails to invest the endowment fund in accordance with the investment standards set forth in Sec. 628.43; or
(4) Fails to meet the requirements in Sec. 628.41.
(b) If the Secretary terminates a grant under paragraph (a) of this section, the grantee must return to the Secretary an amount equal to the sum of the original endowment challenge grant or grants plus the income earned on that sum.
(Authority: 20 U.S.C. 1065)

Some answers to your questions regarding the use of a maximum of 20% of Title III monies for <u>endowment investing</u>.

1. Q. **What is the matching requirement?**
   A. One ($1) local dollar for every two ($2) Federal dollars for those whose grant started 10/1/98 but one ($1) local dollar for every one ($1) Federal dollar for those whose grant started 10/1/99 or after.

2. Q. **By what date must you raise the matching funds?**
   A. You must simply raise your matching funds BEFORE you draw down the Federal funds. In other words, you may draw down a portion of your Title III Federal funds for endowment investing anytime during the five-year grant period but you must FIRST raise your non-Federal matching funds. By and large, you will draw down Federal monies for endowment investing according to the budget years in your original budget request to the Education Department.

3. Q. **May you make changes to the endowment line item of your budget?**
   A. The answer is a very qualified "yes". You must follow the Education Department General Administrative Regulations (EDGAR 74.25) and any other pertinent rules while doing so. You may increase or decrease the amount or change the year in which you are to use the monies for endowment investing, but you must get prior written approval from the ED program officer if it's going to change the scope or objectives of your project.

4. Q. **May you use monies for endowment investing even though you never had projected to do so in your original project budget.**
   A. That too demands a very, very qualified answer. It's extremely likely that if you suddenly want to use lots of monies for endowment, the rest of your project will suffer or the scope will be changed or your objectives will change. If so, you would need to submit a written request to your program officer for approval of same. The question in the program officer's mind undoubtedly would be: will the project suffer if the grantee wants to move monies out of the project into endowment investing?

5. Q. **What may you NOT use in matching Federal monies?**
   A. You may not use pledges, deferred gifts, Federal funds, borrowed funds, or endowment/quasi-endowment monies that existed at your institution on the deadline date for your original submission of Title III eligibility data back before your grant project started. It's obviously wisest to go out and get NEW donors rather than simply use some old donor monies for matching purposes. But that is not an absolute must.

6. Q. **For how long must you invest the Federal and matching funds and at least half of the income (appreciation, interest and dividends)?**

A. For a period of 20 years from the start of your grant project.

7. Q. **How do you draw down your Federal funds for endowment investing?**

A. Consult your business office as they are familiar with draw-down of grant monies from the Education Department. They draw it down the same way they do for the other part of your Title III budget and for the Federal student financial aid they receive from the Education Department.

8. Q. **In investing both the Federal and matching funds, what is the most important principle to follow?**

A. DIVERSIFY. Diversify your monies among stocks, bonds and other investment vehicles and diversify WITHIN those groups of investment vehicles.

9. Q. **When do you report on your endowment fundraising and investing?**

A. Do so in your annual performance report which is due in the Spring---usually April 30--- of each of the project's first four budget periods and in your final performance report which is due within 90 days after the termination of your grant. Additionally you will receive an Endowment Reporting Form annually for the term of the endowment.

10.Q. **For what purposes may you use up to 50% of the cumulative income from your endowment investment?**

A. You may use up to 50% of income for costs of operating the institution, including general operating and maintenance costs, costs of administering and managing the endowment fund and costs associated with buying and selling securities, such as stockbroker commissions and fees to load mutual funds.

11.Q. **What are the most important sections in the old Endowment Challenge Grant regulations that still pertain to grantees that wish to use a portion of project monies for endowment investing?**

A. Pay close attention to sections 628.42 through 628.47 of the old Endowment Challenge Grant regulations. Those are key.

12.Q. **What if you don't raise all the matching funds you projected to raise in a particular 12-month budget period?**

A. If you do nothing, the Federal monies will automatically carry over into the next 12-month budget period. If, however, you wish to use the monies for something other than endowment investing, you request approval to do so.

Appendix V

Intergovernmental Review of Federal Programs

This appendix applies to each program that is subject to the requirements of 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. Applicants proposing to perform activities in more than one State should immediately contact the Single Point of Contact for each of those States and follow the procedure established in each of those States under the Executive order. A listing containing the Single Point of Contact for each State is included in this appendix.

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

Any State Process Recommendation and other comments submitted by a State Single Point of Contact and any comments from State, areawide, regional, and local entities must be mailed or hand-delivered by the date indicated in the actual application notice to the following address: The Secretary, EO 12372--CFDA# [commenter must insert number--including suffix letter, if any], U.S. Department of Education, room 7W301, 400 Maryland Avenue, SW., Washington, DC 20202.

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

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

Appendix VI

This publication by the U.S. Department of Education is an unofficial version of the State Single Point of Contact (SPOC) List published by the Office of Management and Budget (OMB). This publication incorporates the most recent revisions made by OMB. The Department has made every effort to ensure the accuracy of the information contained in this unofficial version. However, the only official version of the State Single Point of Contact (SPOC) List is posted on the Grants Management section of the OMB web site **http://www.whitehouse.gov/omb/grants/spoc.html**.
You may save a text version of this document at the aforementioned site. Please note it will be necessary to put a row of space between each state listing.

STATE SINGLE POINTS OF CONTACT (SPOCs)

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

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

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

ARKANSAS Tracy L. Copeland Manager, State Clearinghouse Office of Intergovernmental Services Department of Finance and Administration 1515 7th Street, Room 412 Little Rock, Arkansas 72203 Telephone: (501) 682-1074 FAX: (501) 682-5206 Tlcopeland@dfa.state.ar.us	**CALIFORNIA** Grants Coordination State Clearinghouse Office of Planning and Research P.O. Box 3044, Room 222 Sacramento, California 95812-3044 Telephone: (916) 445-0613 FAX: (916) 323-3018 State.clearinghouse@opr.ca.gov
DELAWARE Charles H. Hopkins Executive Department Office of the Budget 540 S. Dupont Highway , 3rd Floor Dover, Delaware 19901 Telephone: (302) 739-3323 FAX: (302) 739-5661 Chopkins@state.de.us	**DISTRICT OF COLUMBIA** Luisa Montero-Diaz Office of Partnerships and Grants Development Executive Office of the Mayor District of Columbia Government 414 4th Street, NW, Suite 530 South Washington, DC 20001 Telephone: (202) 727-8900 FAX: (202) 727-1652 opgd.eom@dc.gov

FLORIDA Jasmin Raffington Florida State Clearinghouse Department of Community Affairs 2555 Shumard Oak Blvd. Tallahassee, Florida 32399-2100 Telephone: (850) 922-5438 FAX: (850) 414-0479 clearinghouse@dca.state.fl.us	**GEORGIA** Georgia State Clearinghouse 270 Washington Street, SW Atlanta, Georgia 30334 Telephone: (404) 656-3855 FAX: (404) 656-7901 Gach@mail.opb.state.ga.us
ILLINOIS Virginia Bova Department of Commerce and Community Affairs James R. Thompson Center 100 West Randolph, Suite 3-400 Chicago, Illinois 60601 Telephone: (312) 814-6028 FAX: (312) 814-8485 vbova@commerce.state.il.us	**IOWA** Steven R. McCann Division of Community and Rural Development Iowa Department of Economic Development 200 East Grand Avenue Des Moines, Iowa 50309 Telephone: (515) 242-4719 FAX: (515) 242-4809 Steve.mccann@ided.state.ia.us
KENTUCKY Ron Cook Department for Local Government 1024 Capital Center Drive, Suite 340 Frankfort, Kentucky 40601 Telephone: (502) 573-2382 FAX: (502) 573-2512 Ron.cook@mail.state.ky.us	**MAINE** Joyce Benson State Planning Office 184 State Street 38 State House Station Augusta, Maine 04333 Telephone: (207) 287-3261 Telephone: (207) 1461 (direct) FAX: (207) 287-6489 Joyce.benson@state.me.us
MARYLAND Linda Janey Manager, Clearinghouse and Plan Review Unit Maryland Office of Planning 301 West Preston Street – Room 1104 Baltimore, Maryland 21201-2305 Telephone: (410) 767-4490 FAX: (410) 767-4480 linda@mail.op.state.md.us	**MICHIGAN** Richard Pfaff Southeast Michigan Council of Governments 535 Griswold, Suite 300 Detroit, Michigan 48226 Telephone: (313) 961-4266 FAX: (313) 961-4869 pfaff@semcog.org
MISSISSIPPI Cathy Mallette Clearinghouse Officer Department of Finance and Administration 1301 Woolfolk Building, Suite E 501 North West Street Jackson, Mississippi 39201 Telephone: (601) 359-6762 FAX: (601) 359-6758	**MISSOURI** Angela Boessen Federal Assistance Clearinghouse Office of Administration P.O. Box 809 Truman Building, Room 840 Jefferson City, Missouri 65102 Telephone: (573) 751-4834 FAX: (573) 522-4395 igr@mail.oa.state.mo.us

NEVADA Heather Elliott Department of Administration State Clearinghouse 209 E. Musser Street, Room 200 Carson City, Nevada 89701-4298 Telephone: (775) 684-0209 FAX: (775) 684-0260 Helliot@govmail.state.nv.us	**NEW HAMPSHIRE** Jeffrey H. Taylor Director New Hampshire Office of State Planning Attn: Intergovernmental Review Process Mike Blake 2½ Beacon Street Concord, New Hampshire 03301 Telephone: (603) 271-2155 FAX: (603) 271-1728 Jtaylor@osp.state.nh.us
NEW MEXICO Ken Hughes Local Government Division Room 201, Bataan Memorial Building Santa Fe, New Mexico 87503 Telephone: (505) 827-4370 FAX: (505) 827-4948 Khughes@dfa.state.nm.us	**NORTH CAROLINA** Jeanette Furney Department of Administration 1302 Mail Service Center Raleigh, North Carolina 27699-1302 Telephone: (919) 807-2323 FAX: (919) 733-9571 Jeanette.furney@ncmail.net
NORTH DAKOTA Jim Boyd Division of Community Services 600 East Boulevard Ave, Dept 105 Bismarck, North Dakota 58505-0170 Telephone: (701) 328-2094 FAX: (701) 328-2308 Jboyd@state.nd.us	**RHODE ISLAND** Kevin Nelson Department of Administration Statewide Planning Program One Capitol Hill Providence Rhode Island 02908-5870 Telephone: (401) 222-2093 FAX: (401) 222-2083 knelson@doa.state.ri.us
SOUTH CAROLINA Omeagia Burgess Budget and Control Board Office of State Budget 1122 Ladies Street – 12th Floor Columbia, South Carolina 29201 Telephone: (803) 734-0494 FAX: (803) 734-0645 Aburgess@budget.state.sc.us	**TEXAS** Denise S. Francis Director, State Grants Team Governor's Office of Budget and Planning P.O. Box 12428 Austin, Texas 78711 Telephone: (512) 305-9415 FAX: (512) 936-2681 dfrancis@governor.state.tx.us
UTAH Carolyn Wright Utah State Clearinghouse Governor's Office of Planning and Budget State Capitol, Room 114 Salt Lake City, Utah 84114 Telephone: (801) 538-1535 FAX: (801) 538-1547 cwright@gov.state.ut.us	**WEST VIRGINIA** Fred Cutlip, Director Community Development Division West Virginia Development Office Building #6, Room 553 Charleston, West Virginia 25305 Telephone: (304) 558-4010 FAX: (304) 558-3248 fcutlip@wvdo.org

WISCONSIN Jeff Smith Section Chief, Federal/State Relations Wisconsin Department of Administration 101 East Wilson Street – 6th Floor P.O. Box 7868 Madison, Wisconsin 53707 Telephone: (608) 266-0267 FAX: (608) 267-6931 jeffrey.smith@doa.state.wi.us	**AMERICAN SAMOA** Pat M. Galea'i Federal Grants/Programs Coordinator Office of Federal Programs Office of the Governor/Department of Commerce American Samoa Government Pago Pago, American Samoa 96799 Telephone: (684) 633-5155 Fax: (684) 633-4195 pmgaleai@samoatelco.com
GUAM Director Bureau of Budget and Management Research Office of the Governor P.O. Box 2950 Agana, Guam 96910 Telephone: 011-671-472-2285 FAX: 011-671-472-2825 jer@ns.gov.gu	**PUERTO RICO** Jose Caballero / Mayra Silva Puerto Rico Planning Board Federal Proposals Review Office Minillas Government Center P.O. Box 41119 San Juan, Puerto Rico 00940-1119 Telephone: (787) 723-6190 FAX: (787) 722-6783
NORTHERN MARIANA ISLANDS Ms. Jacoba T. Seman Federal Programs Coordinator Office of Management and Budget Office of the Governor Saipan, MP 96950 Telephone: (670) 664-2289 FAX: (670) 664-2272 omb.jseman@saipan.com	**VIRGIN ISLANDS** Ira Mills Director, Office of Management & Budget # 41 Norre Gade Emancipation Garden Station, Second Floor Saint Thomas, Virgin Islands 00802 Telephone: (340) 774-0750 FAX: (787) 776-0069 Irmills@usvi.org

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

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

Please note: **Inquiries about obtaining a Federal grant should not be sent to the OMB e-mail or postal address shown above. The best source for this information is the CFDA.**

Appendix VII

Application Transmittal Instructions

ATTENTION ELECTRONIC APPLICANTS: Please note that you must follow the Application Procedures as described in the Federal Register notice announcing the grant competition. Some programs may require electronic submission of applications, and those programs will have specific requirements and waiver instructions in the Federal Register notice.

An original and two copies of an application for an award must be mailed or hand-delivered by the application deadline date unless it is submitted electronically.

Applications Submitted Electronically

You must submit your grant application through the Internet using the software provided on the e-Grants Web site (http://e-grants.ed.gov) by 4:30 p.m. (Washington, DC time) on the application deadline date. The regular hours of operation of the e-Grants website are 6:00 a.m. Monday until 7:00 p.m. Wednesday; and 6:00 a.m. Thursday until midnight Saturday (Washington, DC time). Please note that the system is unavailable on Sundays, and after 7:00 p.m. on Wednesday for maintenance (Washington, DC time). Any modifications to these hours are posted on the e-Grants Web site.

If you submit your application through the Internet via the e-Grants Web site, you will receive an automatic acknowledgment when we receive your application.

Applications Delivered by Mail

Applications sent by mail must be addressed to:

U.S. Department of Education
Application Control Center
Attention: CFDA# (84.031 A, N, T, W)
7th & D Streets, SW
Room 3671
Regional Office Building 3
400 Maryland Avenue, SW.
Washington, D.C. 20202-4725

Applicants must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service Postmark
(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier
(4) Any other proof of mailing acceptable to the U.S. Secretary of Education

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

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

Applicants should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

If you send your application by mail or if you or your courier deliver it by hand, the Application Control Center will mail a Grant Application Receipt Acknowledgment to you. If you do not receive the notification of application receipt within 15 days from the mailing of the application, you should call the U.S. Department of Education Application Control Center at (202) 708-9493.

You must indicate on the envelope and—if not provided by the Department—in Item 4 of the Application for Federal Education Assistance (ED 424 (exp. 11/30/2004)) the CFDA number – and suffix letter, if any – of the competition under which you are submitting your application.

If your application is late, we will notify you that we will not consider the application.

Applications Delivered by Hand/Courier Service

An application that is hand-delivered must be taken to:

U.S. Department of Education
Application Control Center
Room 3671
Regional Office Building 3
7th & D Streets, SW.
Washington, D.C. 20202-4725

The Application Control Center accepts deliveries daily between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time), except Saturdays, Sundays and Federal holidays.

The Center accepts application deliveries must use the D Street entrance only. A person delivering an application must show identification to enter the building.

Appendix VIII

Survey on Ensuring Equal Opportunity

FOR APPLICANTS

Do not enter information below unless instructed to do so
OMB No. 1890-0014 Exp. 1/31/2006

Purpose: This form is for applicants that are nonprofit private organizations (not including private universities). Please complete it to assist the Federal government in ensuring that all qualified applicants, small or large, non-religious or faith-based, have an equal opportunity to compete for Federal funding. Information provided on this form will not be considered in any way in making funding decisions and will not be included in the Federal grants database.

Instructions for Submitting Survey

If submitting hard copy, please place the completed survey in an envelope labeled "Applicant Survey." Seal the envelope and include it with your application package.

If submitting electronically, please include the PR Award Number assigned to your e-application in the box above entitled "***Do not enter information below unless instructed to do so.***" Place and seal the completed survey in an envelope and mail it to: Joyce I. Mays, Application Control Center, U.S. Department of Education, 7th and D Streets, SW, ROB-3, Room 3671, Washington, DC 20202-4725.

1. Does the applicant have 501(c)(3) status?

   ☐ Yes ☐ No

2. How many full-time equivalent employees does the applicant have? *(Check only one box).*

   ☐ 3 or Fewer ☐ 15-50
   ☐ 4-5 ☐ 51-100
   ☐ 6-14 ☐ over 100

3. What is the size of the applicant's annual budget? *(Check only one box.)*

   ☐ Less Than $150,000
   ☐ $150,000 - $299,999
   ☐ $300,000 - $499,999
   ☐ $500,000 - $999,999
   ☐ $1,000,000 - $4,999,999
   ☐ $5,000,000 or more

4. Is the applicant a faith-based/religious organization?

   ☐ Yes ☐ No

5. Is the applicant a non-religious community-based organization?

   ☐ Yes ☐ No

6. Is the applicant an intermediary that will manage the grant on behalf of other organizations?

   ☐ Yes ☐ No

7. Has the applicant ever received a government grant or contract (Federal, State, or local)?

   ☐ Yes ☐ No

8. Is the applicant a local affiliate of a national organization?

   ☐ Yes ☐ No

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. 20202-4651. **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, DC 20202-4725.

GRANT APPLICATION RECEIPT ACKNOWLEDGEMENT

If you send your application by mail or if you or your courier deliver it by hand, the Application Control Center will mail a Grant Application Receipt acknowledgement to you.) If you fail to receive the notification of application receipt within fifteen (15) days from the closing date call:

U.S. Department of Education
Application Control Center
(202) 708-9493

(If your application is late, we will notify you that we will not consider the application.)

GRANT AND CONTRACT FUNDING INFORMATION

The Department of Education provides information about grant and contract opportunities electronically in several ways:

ED Internet Home	**http://www.ed.gov/**
OFCO Web Internet Page	**http://www.ed.gov/about/offices/list/ocfo/grants/grants.html**
OFCO Contracts Page	**http://www.ed.gov/about/offices/list/ocfo/contracts/contracts.html**

U.S. Department of Education
Washington, DC 20202-4725

First Class Mail
Postage & Fees Paid
U.S. Department of Education
Permit No. G-17

Official Business
Penalty for Private Use $300

REQUESTED MATERIAL