

**U.S. Department of Education  
Office of Elementary and Secondary Education  
School Support and Rural Programs  
Washington, D.C. 20202-6200**

**Fiscal Year 2016**

**Application for New Grants Under  
The Equity Assistance Centers Program**

**CFDA 84.004D**



**Dated Material - Open Immediately  
Closing Date: August 22, 2016**

**Approved OMB Number: 1894-0006  
Expiration Date: November 30, 2017**

## Paperwork Burden Statement

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**If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, D.C. 20202-4651.

If you have comments or concerns regarding the status of your individual submission of this form, write directly to:

Office of School Support and Rural Programs  
U.S. Department of Education  
400 Maryland Avenue, SW, 3E206  
Washington, D.C. 20202-6200

Note: Please do not return the completed application to this address.

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**United States Department of Education**  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION  
SCHOOL SUPPORT AND RURAL PROGRAMS

Dear Colleague:

Thank you for your interest in the Training and Advisory Services – Equity Assistance Centers (EAC) program (CFDA 84.004D). The EAC program is administered by the Office of School Support and Rural Programs (SSRP), Office of Elementary and Secondary Education (OESE) of the U.S. Department of Education (Department) and authorized under Title IV of the Civil Rights Act of 1964, 42 U.S.C. 2000c-2000c-2, 2000c-5 and regulations at 34 C.F.R Part 270.

This application package contains information and the required forms needed to submit an application to the Department. Please take the time to review all of the applicable requirements, definitions, selection criteria, and application instructions thoroughly. An application will not be evaluated for funding if the applicant does not comply with all of the procedural rules that govern the submission of the application or if the application does not contain the information required (EDGAR §75.216 (b) and (c)).

Be sure to pay attention to specific changes to the program, as outlined in the Notice of Final Regulations. In addition, this competition includes both a competitive and an invitational priority. You may submit an application that addresses both, one, or none of these priorities, but we encourage you to read the Notice of Final Priority and Requirement. Finally, the Notice Inviting Applications provides you with the information you need (e.g., funding levels, the geographic regions, selection criteria) to apply for an EAC grant. All three notices have been published in the Federal Register. You may access them by going to <https://www.federalregister.gov/agencies/education-department>.

Please note the following:

**APPLICATION DEADLINE**

The deadline for submitting an application is August 22, 2016.

**NUMBER OF AWARDS**

The Department will fund four EACs in four geographical regions, in accordance with 34 CFR 270.5.

**GEOGRAPHICAL REGIONS**

*Region I:* Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virgin Islands, West Virginia.

*Region II:* Alabama, Arkansas, District of Columbia, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia.

*Region III:* Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Wisconsin.

*Region IV:* Alaska, American Samoa, Arizona, California, Colorado, Commonwealth of the Northern Mariana Islands, Guam, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming.

**An applicant must submit an application for each region it wishes to serve.** Eligible applicants need not be located in the geographic region for which they choose to apply. A map of the regions can be found in the **Program Background Information** section on page 4.

### **ELIGIBLE APPLICANTS**

A public agency (other than a State educational agency or a school board) or a private, non-profit organization.

### **AWARD AMOUNT**

The Department expects to award \$6,518,563 to fund four EACs for a project period of up to 5 years. Please note that new regulations outlined in the Notice of Final Rulemaking and Notice of Final Priority and Requirement are effective for this competition cycle. To view the new regulations, visit:

<https://www.federalregister.gov/articles/2016/07/18/2016-16811/equity-assistance-centers-formerly-desegregation-assistance-centers-dac>

<https://www.federalregister.gov/articles/2016/07/18/2016-16810/final-priority-and-requirement-equity-assistance-centers>

**The Department will reject any application that proposes a budget exceeding \$1,700,000 for any single budget period of 12 months.** Please be advised that the maximum award amount covers all project costs, including indirect costs.

### **COMPETITIVE AND INVITATIONAL PRIORITIES**

- **Competitive Preference Priority:** A track record of success or demonstrated expertise in developing or providing technical assistance to increase socioeconomic diversity in schools or school districts as a means to further desegregation by race, sex, national origin, and religion.
- **Invitational Priority:** A track record of success or demonstrated expertise in providing effective technical assistance on strategies to ensure equitable access to effective teachers and leaders, particularly for students from low-income families and students of color across and within schools and districts.

An applicant that meets the requirements of the competitive preference priority may receive up to 5 additional points under 34 CFR 75.105(c)(2)(i). For more information on the competitive priority, see **Application Instructions, Part 6: Other Attachment Forms** on page 37.

### **SELECTION CRITERIA**

Complete selection criteria can be found in this application under **Application Instructions, Part 4: Project Narrative Attachment Form** on page 31.

## **RESPONSE TO GPRA**

As required by the Government Performance and Results Modernization Act (GPRA) of 2010, OESE has developed a strategic plan for measuring GPRA performance. Projects funded under this competition are required to submit data on GPRA performance measures as directed by OESE. See the **Reporting and Accountability** section on page 42. Applicants are encouraged to consider this information when preparing their applications.

## **ADDITIONAL INFORMATION**

SSRP will conduct informational webinars to explain the programmatic, application, and administrative requirements. There will be an opportunity for interested applicants to ask questions about the requirements and the application submission process.

**The informational webinars will be on Tuesday, July 26, 2016 at 2:00 pm ET and Thursday, July 28, 2016 at 2:00 pm ET.**

Please use the access information below to participate in either informational webinar:

1. Please dial into the audio portion of the webinar:
  - a. Dial-in Number: 1-855-747-8824
  - b. Enter Passcode 523275
  
2. Join the webinar here: <https://1sourceevents.adobeconnect.com/eacapplicanttawebinar/>
  - a. Type your name
  - b. Select “Enter Room”

Please visit our program website at <http://www2.ed.gov/programs/equitycenters/index.html> for further information on the program’s authorizing legislation and the current cohort of EACs (FY 2011-FY 2016).

Thank you again for your interest in the EAC program and ensuring that all students have access to equitable educational opportunities. If you have additional questions, please contact Britt Jung, (202) 205-4513 or [Britt.Jung@ed.gov](mailto:Britt.Jung@ed.gov).

Sincerely,

Lisa Ramirez  
Acting Director  
School Support and Rural Programs

## **Program Background Information**

### **Program Theory of Change**

Federal support for coordinated technical assistance to address issues occasioned by desegregation and inequities will improve the capacity of State educational agencies (SEAs), local educational agencies (LEAs), and other relevant stakeholders to provide better educational opportunities for all students regardless of race, sex, religion, national origin, or socioeconomic status.

### **Program Overview**

The Equity Assistance Centers (EACs) program is authorized under Title IV of the Civil Rights Act of 1964, 42 U.S.C. 2000c-2000c-2, 2000c-5, and the implementing regulations in 34 CFR part 270. This program awards grants through cooperative agreements to operate four regional EACs that provide technical assistance (including training) at the request of school boards and other responsible governmental agencies in the preparation, adoption, and implementation of plans for the desegregation of public schools—which in this context means plans for equity (including desegregation based on race, sex, national origin, and religion)—and in the development of effective methods of coping with special educational problems occasioned by desegregation. In this context, special educational problems are defined as those issues (based on race, sex, national origin, or religion) that have come up in classrooms, schools, and communities in the course of desegregation efforts.

Technical assistance may include, among other activities:

- (1) dissemination of information regarding effective methods of coping with special educational problems occasioned by desegregation;
- (2) assistance and advice in coping with these problems; and
- (3) training designed to improve the ability of teachers, supervisors, counselors, parents, community members, community organizations, and other elementary or secondary school personnel to deal effectively with special educational problems (*e.g.*, civil rights conflicts, hate crimes, racial prejudice, and bullying) occasioned by desegregation.

An EAC grantee must be prepared to provide technical assistance in all four of the desegregation assistance areas: race, sex, national origin, and religion. A grantee may provide technical assistance only if requested by school boards and other responsible governmental agencies located in its geographical service area. Such assistance may be provided only to a school board or a responsible governmental agency.

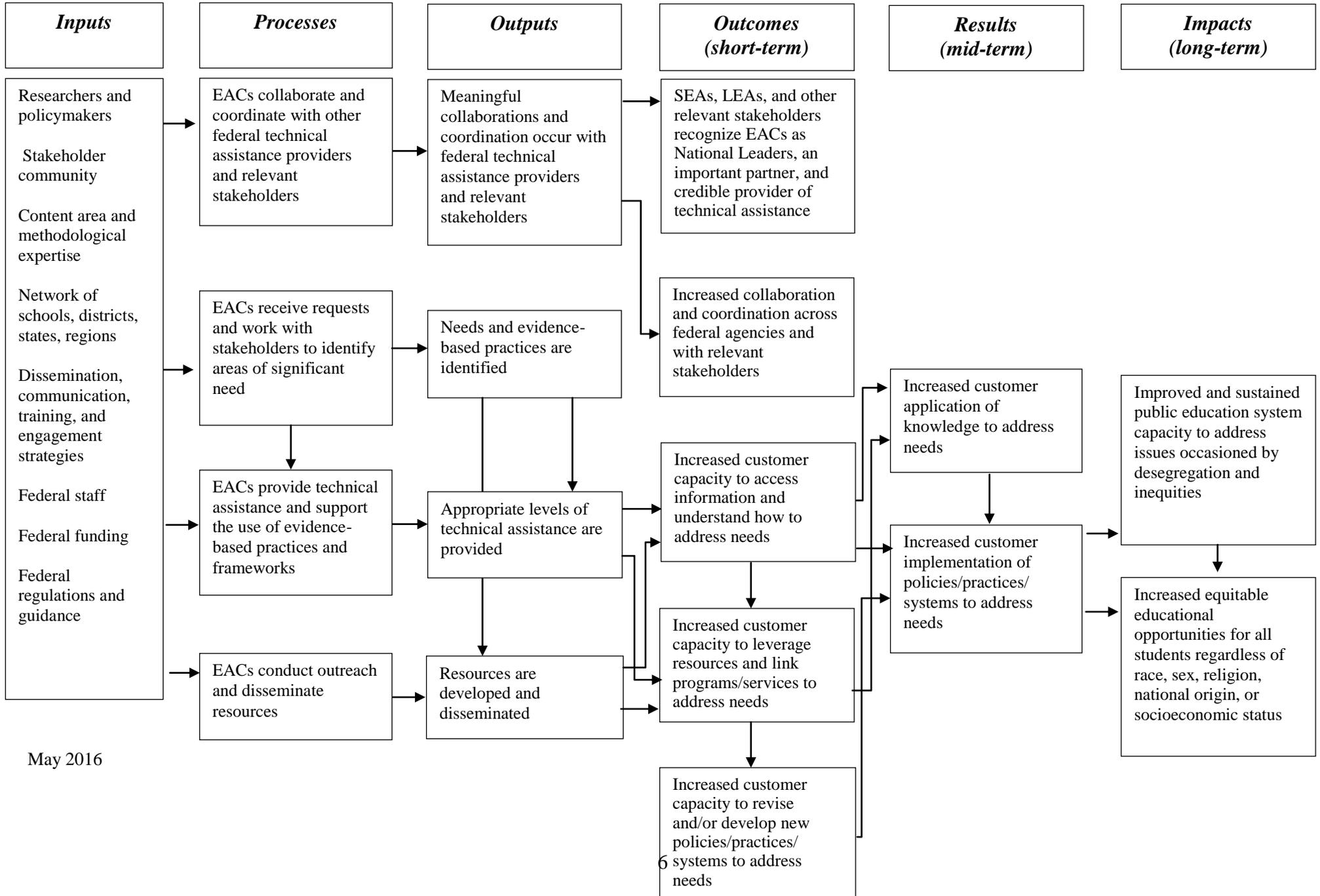
A school board means any agency or agencies that administer a system of one or more public schools and any other agency that is responsible for the assignment of students to or within that system. A responsible governmental agency means any school board, State, municipality, LEA, or other governmental unit legally responsible for operating a public school or school.

Technical assistance activities carried out by a grantee should result in the following long-term impacts: (1) improved and sustained public education system capacity to address issues occasioned by desegregation and inequities and (2) increased equitable educational opportunities for all students regardless of race, sex, religion, national origin, or socioeconomic status.

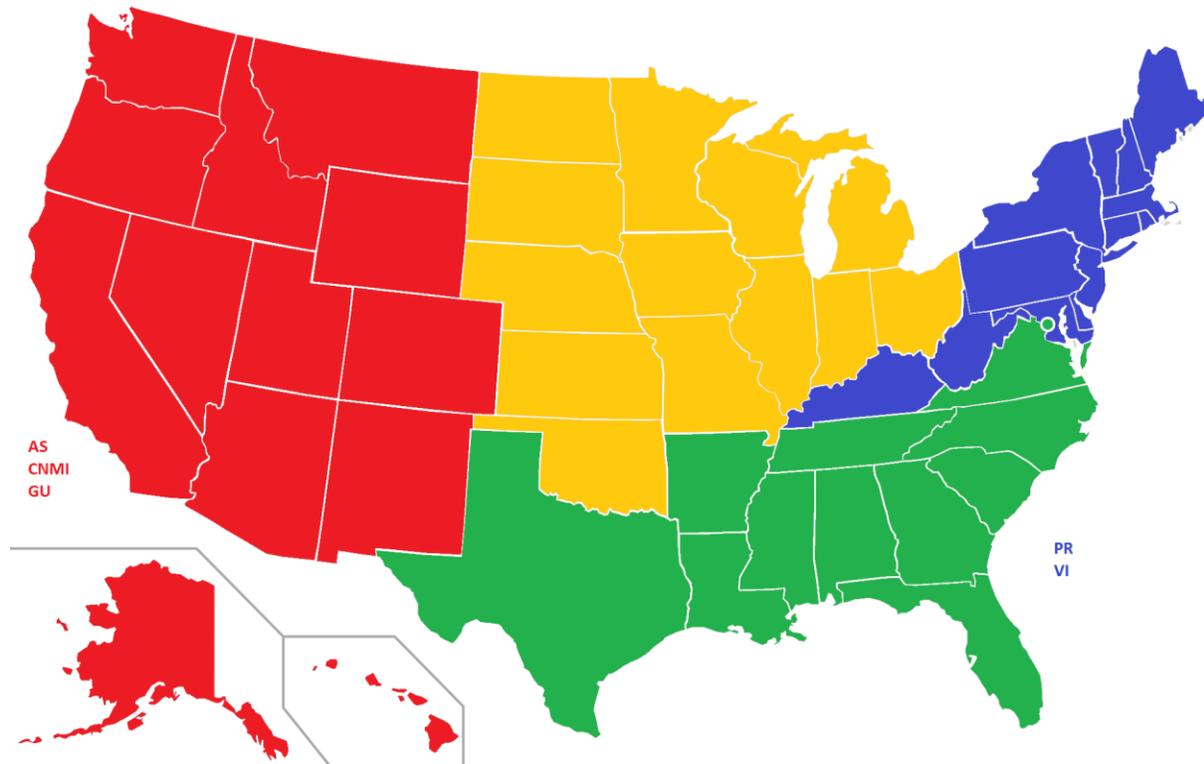
In addition, the EACs serve as a resource for and partner to the Department's Office for Civil Rights and the Department of Justice in addressing Title IX issues and working with school districts that have achieved unitary status (*i.e.*, those released from court-ordered desegregation plans). EACs develop strong partnerships and collaborate with other technical assistance providers, clients, and networks to deliver services throughout the four national regions. Please see the **Regional Map** (effective for the FY 2016-FY 2020 cohort of EACs) on page 7.

# Program Logic Model

This logic model depicts the goals, activities, outputs, and intended outcomes of the program.



## Regional Map Effective for FY 2016



**Region I:** Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virgin Islands, West Virginia.

**Region II:** Alabama, Arkansas, District of Columbia, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia.

**Region III:** Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Wisconsin.

**Region IV:** Alaska, American Samoa, Arizona, California, Colorado, Commonwealth of the Northern Mariana Islands, Guam, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming.

## Application Submission Procedures

The deadline for submitting Training and Advisory Services – Equity Assistance Center Program applications through Grants.gov is no later than 4:30:00 p.m. Eastern Time on August 22, 2016.

### Application Submission Webinars

The Department will conduct informational webinars to explain the programmatic, application, and administrative requirements. There will be an opportunity for interested applicants to ask questions about the requirements and the application submission process. These webinars will occur at the following times:

- Tuesday, July 26, 2016 from 2:00-3:00 PM, ET
- Thursday, July 28, 2016 from 2:00-3:00 PM, ET

Please use the access information below to participate in either informational webinar:

1. Please dial into the audio portion of the webinar:
  - a. Dial-in Number: 1-855-747-8824
  - b. Enter Passcode 523275
2. Join the webinar here: <https://1sourceevents.adobeconnect.com/eacapplicanttawebinar/>
  - a. Type your name
  - b. Select “Enter Room”

If you have inquiries about the webinars, contact Britt Jung by telephone at (202) 205-4513 or by email at [Britt.Jung@ed.gov](mailto:Britt.Jung@ed.gov).

### Attention Electronic Applicants:

This program **requires** the electronic submission of applications. Specific requirements and instructions can be found in the Federal Register notice. Please note that you **must** follow the Application Procedures as described in the Federal Register notice announcing the grant competition.

We will reject your application if you submit it in paper format unless, as described in the Federal Register notice for this competition, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions.

### Applications Submitted Electronically

**Applications for grants under this program must be submitted electronically using the Government-wide Grants.gov website at <http://www.Grants.gov>.** Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may **not** e-mail an electronic copy of a grant application to us.

Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system **no later than 4:30:00 p.m., Eastern Time, on the application deadline**

**date.** Except as otherwise noted in the Federal Register notice for this competition, we will not consider your application if it is date and time stamped by the Grants.gov system later than 4:30:00 p.m., Eastern Time on the application deadline date.

You should review and follow the Application Submission Procedures for submitting an application through Grants.gov that are included in this application package to ensure that you submit your application in a timely manner to the Grants.gov system.

### **Electronic Application Format**

Applications for grants under this competition must be submitted electronically, unless you qualify for an exception to the electronic submission requirement in accordance with the instructions in this application package.

In accordance with EDGAR §75.216 (b) and (c), an application will not be evaluated for funding if the applicant does not comply with all of the procedural rules that govern the submission of the application or the application does not contain the information required under the program.

**Important note:** Applications submitted to Grants.gov for the Department of Education will be posted using Adobe forms. Therefore, applicants will need to download a compatible version of Adobe reader (see Grants.gov for compatible versions).

Information on computer and operating system compatibility with Adobe and links to download the latest version is available on Grants.gov. Also, please review the **Submitting Applications with Adobe Reader Software** and **Grants.gov Submission Procedures and Tips for Applicants** sections found within this package for further information and guidance related to this requirement.

We strongly recommend that you review these details on [www.Grants.gov](http://www.Grants.gov) before completing and submitting your application. In addition, applicants should submit their application a day or two in advance of the closing date as detailed below. If you have any questions regarding this matter please email the Grants.gov Contact Center at [support@grants.gov](mailto:support@grants.gov) or call 1-800-518-4726.

**Note:** Please do not attach any narratives, supporting files, or application components to any forms unless it is specifically required by the instructions for the individual section of the application. Although several forms accept attachments, the Department of Education will only review materials/files attached in accordance with the instructions provided within this application package.

### **Please note the following:**

- You must attach any narrative sections of your application as files in a **.pdf** (Portable Document Format). **If you upload a file type other than a .pdf file, or submit a password-protected file, we will not review that material.**

- Grants.gov cannot process an application that includes two or more files that have the same name within a grant submission.
- When attaching files, applicants should limit the size of their file names. Lengthy file names could result in difficulties with opening and processing your application. We recommend your file names be less than 50 characters. The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov. Your electronic application must comply with any page-limit requirements described in this application package.
- If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1-800-518-4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

According to the instructions found in the Federal Register notice, **only those requesting and qualifying** for an exception to the electronic submission requirement may submit an application via mail, commercial carrier or by hand delivery.

### **Submission of Paper Applications by Mail**

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address:

U.S. Department of Education  
 Application Control Center  
 Attention: (CFDA Number 84.004D)  
 LBJ Basement Level 1  
 400 Maryland Avenue, SW.  
 Washington, DC 20202-4260

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

You 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 Secretary of the U.S. Department of Education.

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

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

If your application is postmarked after the application deadline date, we will not consider your application.

Note: 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.

Note for Mail or Hand Delivery of Paper Applications:

If you mail or hand deliver your application to the Department--

(1) You must indicate on the envelope and--if not provided by the Department--in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245-6288.

## Submitting Applications with Adobe Reader Software

The Department of Education, working with Grants.gov, is currently using Adobe Reader software exclusively, and applications submitted to Grants.gov for the Department of Education will be posted using Adobe forms.

**Please note:** The compatible version of Adobe Reader is **required** for viewing, editing and submitting a complete grant application package for the Department of Education through Grants.gov. Applicants should confirm the compatibility of their Adobe Reader version **before** downloading the application. To ensure applicants have a version of Adobe Reader on their computer that is compatible with Grants.gov, applicants are encouraged to use the test package provided by Grants.gov that can be accessed at <http://www.grants.gov/documents/19/18249/Adobe-Versioning-Test-Application-Package.pdf>.

### Important issues to consider:

- If the applicant opened or edited the application package with any software other than the compatible version of Adobe Reader, the application package may contain errors that will be transferred to the new package even if you later download the compatible Adobe Reader version.
- Applicants **cannot** copy and paste data from a package initially opened or edited with an incompatible version of Adobe Reader and will need to download an **entirely new package** using the compatible version of Adobe Reader.
- Some applicants using an incompatible version of Adobe Reader **may have trouble** opening and viewing the application package while others may find they can open, view and complete the application package but **may not be able to submit** the application package through Grants.gov.
- Grants.gov **does not** guarantee to support versions of Adobe Reader that are not compatible with Grants.gov.
- Any and all edits made to the Adobe Reader application package **must** be made with the compatible version of Adobe Reader.

Visit <http://www.grants.gov/web/grants/applicants/adobe-software-compatibility.html> to download the latest version of Adobe Reader free of charge and to review software compatibility information. We strongly recommend that you review the information on computer and operating system compatibility prior to completing application materials.

Applicants are reminded that they should submit their application a day or two in advance of the closing date. If you have any questions regarding this matter please email the Grants.gov Contact Center at [support@grants.gov](mailto:support@grants.gov) or call 1-800-518-4726.

## Grants.gov Submission Procedures and Tips for Applicants

To facilitate your use of Grants.gov, this document includes important submission procedures you need to be aware of to ensure your application is received in a timely manner and accepted by the Department of Education.

### Attention – Adobe Forms and PDF Files Required

Applications submitted to Grants.gov for the Department of Education will be posted using Adobe forms. Therefore, applicants will need to download a compatible version of Adobe reader. Information on computer and operating system compatibility with Adobe and links to download the latest version is available on Grants.gov. We strongly recommend that you review these details on [www.Grants.gov](http://www.Grants.gov) before completing and submitting your application. In addition, applicants should submit their application a day or two in advance of the closing date as detailed below. Also, applicants are required to upload their attachments in .pdf format only. (See details below under **Attaching Files – Additional Tips** on page 16.) If you have any questions regarding this matter please email the Grants.gov Contact Center at [support@grants.gov](mailto:support@grants.gov) or call 1-800-518-4726.

- 1) **Register Early** – Grants.gov registration involves many steps including registration on SAM ([www.sam.gov](http://www.sam.gov)) which may take approximately one week to complete, but could take upwards of several weeks to complete, depending upon the completeness and accuracy of the data entered into the SAM database by an applicant. You may begin working on your application while completing the registration process, but you cannot submit an application until all of the registration steps are complete. Please note that once your SAM registration is active, it will take 24-48 hours for the information to be available in Grants.gov, and before you can submit an application through Grants.gov. For detailed information on the Registration Steps, please go to: <http://www.grants.gov/web/grants/register.html> [Note: Your organization will need to update its SAM registration annually.]

Primary information about SAM is available at [www.sam.gov](http://www.sam.gov). However, to further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, the Department of Education has prepared a SAM.gov Tip Sheet which you can find at: <http://www2.ed.gov/fund/grant/apply/sam-faqs.html>

- 2) **Submit Early** – We strongly recommend that you do not wait until the last day to submit your application. Grants.gov will put a date/time stamp on your application and then process it after it is fully uploaded. The time it takes to upload an application will vary depending on a number of factors including the size of the application, the speed of your Internet connection, and the time it takes Grants.gov to process the application will vary as well. If Grants.gov rejects your application (see step three below), you will need to resubmit successfully before 4:30:00 p.m. Washington, DC time on the deadline date.

**Note: To submit successfully, you must provide the DUNS number on your application that was used when you registered as an Authorized Organization Representative (AOR) on Grants.gov. This DUNS number is typically the same**

**number used when your organization registered with SAM. If you do not enter the same DUNS number on your application as the DUNS you registered with, Grants.gov will reject your application.**

- 3) **Verify Submission is OK**– You will want to verify that Grants.gov and the Department of Education receive your Grants.gov submission on time and that it was validated successfully. To see the date/time your application was received, login to Grants.gov and click on the “Track My Application” link. For a successful submission, the date/time received should be earlier than 4:30:00 p.m. Washington, DC time, on the deadline date, AND the application status should be: Validated, Received by Agency, or Agency Tracking Number Assigned. Once the Department of Education receives your application from Grants.gov, an Agency Tracking Number (PR/award number) will be assigned to your application and will be available for viewing on the Grants.gov Track My Application link.

If the date/time received is later than 4:30:00 p.m. Washington, D.C. time, on the deadline date, your application is late. If your application has a status of “Received” it is still awaiting validation by Grants.gov. Once validation is complete, the status will either change to “Validated” or “Rejected with Errors.” If the status is “Rejected with Errors,” your application has not been received successfully. Some of the reasons Grants.gov may reject an application can be found on the Grants.gov site:

<http://www.grants.gov/web/grants/applicants/applicant-faqs.html>. For more detailed information on troubleshooting Adobe errors, you can review the Adobe Reader Error Messages document at <http://www.grants.gov/web/grants/applicants/encountering-error-messages.html>. If you discover your application is late or has been rejected, please see the instructions below. Note: You will receive a series of confirmations both online and via e-mail about the status of your application. Please do not rely solely on e-mail to confirm whether your application has been received timely and validated successfully.

### **Submission Problems – What should you do?**

If you have problems submitting to Grants.gov before the closing date, please contact Grants.gov Customer Support at 1-800-518-4726 or <http://www.grants.gov/web/grants/support.html>. You may also access the Grants.gov Self-Service Knowledge Base web portal at: <https://grants-portal.psc.gov/Welcome.aspx?pt=Grants>.

If electronic submission is optional and you have problems that you are unable to resolve before the deadline date and time for electronic applications, please follow the transmittal instructions for hard copy applications in the Federal Register notice and get a hard copy application postmarked by midnight on the deadline date.

You must submit an electronic application before 4:30:00 p.m. Eastern Time, unless you follow the procedures in the Federal Register notice and qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. (See the Federal Register notice for detailed instructions.)

### **Helpful Hints When Working with Grants.gov**

Please note, once you download an application from Grants.gov, you will be working offline and saving data on your computer. Please be sure to note where you are saving the Grants.gov file on your computer. You will need to logon to Grants.gov to upload and submit the application.

**You must provide the DUNS number on your application that was used when you registered as an Authorized Organization Representative (AOR) on Grants.gov.**

Please go to <http://www.grants.gov/web/grants/support.html> for help with Grants.gov. For additional tips related to applicants, please refer to the Grants.gov page for Applicant resources at <http://www.grants.gov/web/grants/applicants.html>.

### **Dial-Up Internet Connections**

When using a dial up connection to upload and submit your application, it can take significantly longer than when you are connected to the Internet with a high-speed connection, such as a cable modem/DSL/T1. While times will vary depending upon the size of your application, it can take a few minutes to a few hours to complete your grant submission using a dial up connection. **If you do not have access to a high-speed connection and electronic submission is required, you may want to consider following the instructions in the Federal Register notice to obtain an exception to the electronic submission requirement no later than two weeks before the application deadline date.** (See the Federal Register notice for detailed instructions.)

### **Mac Users**

**If electronic submission is required and you are concerned about your ability to submit electronically as a non-Windows user, please follow instructions in the Federal Register notice to obtain an exception to the electronic submission requirement no later than two weeks before the application deadline date.** (See the Federal Register notice for detailed instructions.)

## Attaching Files – Additional Tips

Please note the following tips related to attaching files to your application, especially the requirement that applicants **only include .pdf files** in their application:

1. Ensure that you attach **.pdf files only** for any attachments to your application. Pdf files are the only Education approved file type accepted as detailed in the Federal Register application notice. Applicants must submit individual .pdf files only when attaching files to their application. Specifically, the Department will not accept any attachments that contain files within a file, such as pdf portfolio files or an interactive or fillable .pdf file. Any attachments uploaded that are not .PDF files or are password protected files will not be read.
2. Grants.gov cannot process an application that includes two or more files that have the same name within a grant submission. Therefore, each file uploaded to your application package must have a unique file name.
3. When attaching files, applicants should follow the guidelines established by Grants.gov on the size and content of file names. Uploaded files must have less than 50 characters in the file name, contain no spaces, no special characters (example: -, &, \*, %, /, #, \) including periods (.), blank spaces and accent marks. Applications submitted that do not comply with the Grants.gov guidelines will be rejected at Grants.gov and will not be forwarded to the Department.
4. Applicants should limit the size of their file attachments. Documents submitted that contain graphics and/or scanned material often greatly increase the size of the file attachments and can result in difficulties opening the files. For reference, the average discretionary grant application package totals 1 to 2 MB. Therefore, you may want to check the total size of your package before submission.

# Application Instructions

## Electronic Application Submission Checklist

It is recommended that your electronic application be organized in the following manner and include the following parts in order to expedite the review process. Detailed instructions for all parts and forms of the application are found either on the following pages of the application package or individually for each form on Grants.gov.

Please review your electronic application to ensure you have completed the following forms and sections:

### Part 1: Preliminary Documents

- Application for Federal Assistance (form SF 424)
- ED Supplemental Information for SF 424

### Part 2: Budget Information

- ED Budget Information Non-Construction Programs (ED Form 524)

### Part 3: ED Abstract Form

- Project Abstract

### Part 4: Project Narrative Attachment Form

- Application Narrative

### Part 5: Budget Narrative Attachment Form

- Budget Narrative

### Part 6: Other Attachments Form

- Individual Resumes for Project Directors & Key Personnel
- Optional Supplemental Narrative to Address the Competitive Preference Priority

### Part 7: Assurances and Certifications

- Assurances for Non-Construction Programs (SF 424B Form)
- Disclosure of Lobbying Activities (Standard Form LLL)
- Grants.gov Lobbying Form
- General Education Provisions Act (GEPA) Requirements – Section 427 (ED GEPA427 form)

## **Part 1: Preliminary Documents**

- Application for Federal Assistance (Form SF 424)
- ED Supplemental Information for SF 424

These forms require basic identifying information about the applicant and the application. Please provide all requested applicant information (including name, address, e-mail address and DUNS number).

**When applying electronically via Grants.gov, you will need to ensure that the DUNS number you enter on your application is the same as the DUNS number your organization used when it registered with the System for Awards Management.**

Applicants are advised to complete the Application for Federal Assistance (Form SF 424) first. Grants.gov will automatically insert the correct CFDA and program name automatically wherever needed on other forms.

**NOTE:** Please do not attach any narratives, supporting files, or application components to the Standard Form (SF 424). Although this form accepts attachments, the Department of Education will only review materials/files attached in accordance with the instructions provided within this application.

## INSTRUCTIONS FOR THE SF-424

This is a standard form required for use as a cover sheet for submission of pre-applications and applications and related information under discretionary programs. Some of the items are required and some are optional at the discretion of the applicant or the federal agency (agency). Required fields on the form are identified with an asterisk (\*) and are also specified as “Required” in the instructions below. In addition to these instructions, applicants must consult agency instructions to determine other specific requirements.

Item	Entry:	Item:	Entry:
1.	<b>Type of Submission:</b> (Required) Select one type of submission in accordance with agency instructions. <ul style="list-style-type: none"> <li>• Pre-application</li> <li>• Application</li> <li>• Changed/Corrected Application – Check if this submission is to change or correct a previously submitted application. Unless requested by the agency, applicants may not use this form to submit changes after the closing date.</li> </ul>	10.	<b>Name Of Federal Agency:</b> (Required) Enter the name of the Federal agency from which assistance is being requested with this application.
		11.	<b>Catalog Of Federal Domestic Assistance Number/Title:</b> Enter the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested, as found in the program announcement, if applicable.
2.	<b>Type of Application:</b> (Required) Select one type of application in accordance with agency instructions. <ul style="list-style-type: none"> <li>• New – An application that is being submitted to an agency for the first time.</li> <li>• Continuation - An extension for an additional funding/budget period for a project with a projected completion date. This can include renewals.</li> <li>• Revision - Any change in the Federal government’s financial obligation or contingent liability from an existing obligation. If a revision, enter the appropriate letter(s). More than one may be selected. If "Other" is selected, please specify in text box provided.</li> </ul> <p>A. Increase Award                      D. Decrease Duration            B. Decrease Award                      E. Other (specify)            C. Increase Duration</p>	12.	<b>Funding Opportunity Number/Title:</b> (Required) Enter the Funding Opportunity Number (FON) and title of the opportunity under which assistance is requested, as found in the program announcement.
		13.	<b>Competition Identification Number/Title:</b> Enter the competition identification number and title of the competition under which assistance is requested, if applicable.
		14.	<b>Areas Affected By Project:</b> This data element is intended for use only by programs for which the area(s) affected are likely to be different than the place(s) of performance reported on the SF-424 Project/Performance Site Location(s) Form. Add attachment to enter additional areas, if needed.
3.	<b>Date Received:</b> Leave this field blank. This date will be assigned by the Federal agency.	15.	<b>Descriptive Title of Applicant’s Project:</b> (Required) Enter a brief descriptive title of the project. If appropriate, attach a map showing project location (e.g., construction or real property projects). For pre-applications, attach a summary description of the project.
4.	<b>Applicant Identifier:</b> Enter the entity identifier assigned by the Federal agency, if any, or the applicant’s control number if applicable.		
5a.	<b>Federal Entity Identifier:</b> Enter the number assigned to your organization by the Federal agency, if any.	16.	<b>Congressional Districts Of:</b> 16a. (Required) Enter the applicant’s congressional district. 16b. Enter all district(s) affected by the program or project. Enter in the format: 2 characters state abbreviation – 3 characters district number, e.g., CA-005 for California 5th district, CA-012 for California 12 district, NC-103 for North Carolina’s 103 district. If all congressional districts in a state are affected, enter “all” for the district number, e.g., MD-all for all congressional districts in Maryland. If nationwide, i.e. all districts within all states are affected, enter US-all. If the program/project is outside the US, enter 00-000. This optional data element is intended for use only by programs for which the area(s) affected are likely to be different than place(s) of performance reported on the SF-424 Project/Performance Site Location(s) Form. Attach an additional list of program/project congressional districts, if needed.
5b.	<b>Federal Award Identifier:</b> For new applications, enter NA. For a continuation or revision to an existing award, enter the previously assigned Federal award identifier number. If a changed/corrected application, enter the Federal identifier in accordance with agency instructions.		
6.	<b>Date Received by State:</b> Leave this field blank. This date will be assigned by the state, if applicable.		
7.	<b>State Application Identifier:</b> Leave this field blank. This identifier will be assigned by the state, if applicable.		
8.	<b>Applicant Information:</b> Enter the following in accordance with agency instructions:		

Item	Entry:	Item:	Entry:																		
	<b>a. Legal Name:</b> (Required) Enter the legal name of applicant that will undertake the assistance activity. This is the organization that has registered with the Central Contractor Registry (CCR). Information on registering with CCR may be obtained by visiting <a href="http://www.Grants.gov">www.Grants.gov</a> .	17.	<b>Proposed Project Start and End Dates:</b> (Required) Enter the proposed start date and end date of the project.																		
	<b>b. Employer/Taxpayer Number (EIN/TIN):</b> (Required) Enter the employer or taxpayer identification number (EIN or TIN) as assigned by the Internal Revenue Service. If your organization is not in the US, enter 44-4444444.	18.	<b>Estimated Funding:</b> (Required) Enter the amount requested, or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines, as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses.																		
	<b>c. Organizational DUNS:</b> (Required) Enter the organization's DUNS or DUNS+4 number received from Dun and Bradstreet. Information on obtaining a DUNS number may be obtained by visiting <a href="http://www.Grants.gov">www.Grants.gov</a> .	19.	<b>Is Application Subject to Review by State Under Executive Order 12372 Process?</b> (Required) Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. Select the appropriate box. If "a." is selected, enter the date the application was submitted to the State.																		
	<b>d. Address:</b> Enter address: Street 1 (Required); city (Required); County/Parish, State (Required if country is US), Province, Country (Required), 9-digit zip/postal code (Required if country US).	20.	<b>Is the Applicant Delinquent on any Federal Debt?</b> (Required) Select the appropriate box. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of Federal debt include; but, may not be limited to: delinquent audit disallowances, loans and taxes. If yes, include an explanation in an attachment.																		
	<b>e. Organizational Unit:</b> Enter the name of the primary organizational unit, department or division that will undertake the assistance activity.	21.	<b>Authorized Representative:</b> To be signed and dated by the authorized representative of the applicant organization. Enter the first and last name (Required); prefix, middle name, suffix. Enter title, telephone number, email (Required); and fax number. A copy of the governing body's authorization for you to sign this application as the official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)																		
	<b>f. Name and contact information of person to be contacted on matters involving this application:</b> Enter the first and last name (Required); prefix, middle name, suffix, title. Enter organizational affiliation if affiliated with an organization other than that in 7.a. Telephone number and email (Required); fax number.																				
9.	Type of Applicant: (Required) Select up to three applicant type(s) in accordance with agency instructions.																				
	<table border="0"> <tr> <td>A. State Government</td> <td>M. Nonprofit</td> </tr> <tr> <td>B. County Government</td> <td>N. Private Institution of Higher Education</td> </tr> <tr> <td>C. City or Township Government</td> <td>O. Individual</td> </tr> <tr> <td>D. Special District Government</td> <td>P. For-Profit Organization (Other than Small Business)</td> </tr> <tr> <td>E. Regional Organization</td> <td>Q. Small Business</td> </tr> <tr> <td>F. U.S. Territory or Possession</td> <td>R. Hispanic-serving Institution</td> </tr> <tr> <td>G. Independent School District</td> <td>S. Historically Black Colleges and Universities (HBCUs)</td> </tr> <tr> <td>H. Public/State Controlled Institution of Higher Education</td> <td>T. Tribally Controlled Colleges and</td> </tr> <tr> <td>I. Indian/Native American Tribal</td> <td></td> </tr> </table>	A. State Government	M. Nonprofit	B. County Government	N. Private Institution of Higher Education	C. City or Township Government	O. Individual	D. Special District Government	P. For-Profit Organization (Other than Small Business)	E. Regional Organization	Q. Small Business	F. U.S. Territory or Possession	R. Hispanic-serving Institution	G. Independent School District	S. Historically Black Colleges and Universities (HBCUs)	H. Public/State Controlled Institution of Higher Education	T. Tribally Controlled Colleges and	I. Indian/Native American Tribal			
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Item	Entry:	Item:	Entry:
	Government (Federally Recognized) J. Indian/Native American Tribal Government (Other than Federally Recognized) K. Indian/Native American Tribally Designated Organization L. Public/Indian Housing Authority	Universities (TCCUs) U. Alaska Native and Native Hawaiian Serving Institutions V. Non-US Entity W. Other (specify)	

**[U.S Department of Education note:** As of spring, 2010, the FON discussed in Block 12 of the instructions can be found via the following URL: <http://www.grants.gov/web/grants/search-grants.html>.]

## Instructions for U.S. Department of Education - Supplemental Information for the SF-424

**1. Project Director.** Name, address, telephone and fax numbers, and e-mail address of the person to be contacted on matters involving this application. Items marked with an asterisk (\*) are mandatory.

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

This novice applicant information will be used by ED to: 1) determine the amount and type of technical assistance that a novice might need, if funded, and 2) determine novice applicant eligibility in discretionary grant competitions that give special consideration to novice applications. Certain ED discretionary grant programs give special consideration to novice applications, either by establishing a special competition for novice applicants or by giving competitive preference to novice applicants under the procedures in 34 CFR 75.105(c)(2). If special consideration is being given to novice applications under a particular discretionary grant competition, the application notice for the competition published in the Federal Register will specify this information

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

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

**3a. 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 U.S. Department of Education Supplemental Information for SF-424.”)

**3b. 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. Check 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 U.S. Department of Education Supplemental Information for the SF-424.”

**3b. 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 attached page entitled “Definitions for U.S. Department of Education Supplemental Information for the SF-424.”

**3b. Human Subjects Assurance Number.** If the applicant has an approved Federal Wide Assurance (FWA) on file with the Office for Human Research Protections (OHRP), U.S. Department of Health and Human Services, that covers the specific activity, insert the number in the space provided. (**A list of current FWAs is available at: <http://ohrp.cit.nih.gov/search/asearch.asp#ASUR>**) If the applicant does not have an approved assurance on file with OHRP, enter “None.” In this case, the applicant, by signature on the SF-424, is declaring that it will comply with 34 CFR 97 and proceed to obtain the human subjects assurance upon request by the designated ED official. If the application is recommended/selected for funding, the designated ED official will request that the applicant obtain the assurance within 30 days after the specific formal request.

**3c.** If applicable, please attach your “Exempt Research” or “Nonexempt Research” narrative to your submission of the U.S Department of Education Supplemental Information for the SF-424 form as instructed in item II, “Instructions for Exempt and Nonexempt Human Subjects Research Narratives” in the attached page entitled “Definitions for U.S. Department of Education Supplemental Information for the SF-424.”

**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.

**No covered human subjects research can be conducted until the study has ED clearance for protection of human subjects in research.**

***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 1894-0007. 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. 20202-0170. 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.*

## Definitions for U.S. Department of Education Supplemental Information for the SF-424

### Definitions:

#### Novice Applicant (See 34 CFR 75.225)

For discretionary grant programs, novice applicant means any applicant for a grant from ED that—

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

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

## PROTECTION OF HUMAN SUBJECTS IN RESEARCH

### I. Definitions and Exemptions

#### A. Definitions.

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

#### —Research

The ED Regulations for the Protection of Human Subjects, Title 34, Code of Federal Regulations, Part 97, define research as “a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge. Activities which meet this definition constitute research whether or not they are conducted or supported under a program that is considered research for other purposes. For example, some demonstration and service programs may include research activities.

#### —Human Subject

The regulations define human subject as “a living individual about whom an investigator (whether professional or student) conducting research obtains (1) data through intervention or interaction with the individual, or (2) identifiable private information.” (1) *If an activity involves obtaining information about a living person by manipulating that person or that person's environment, as might occur when a new instructional technique is tested, or by communicating or interacting with the individual, as occurs with surveys and interviews, the definition of human subject is met.* (2) *If an activity involves obtaining private information about a living person in such a way that the information can be **directly or indirectly** linked to that individual, 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. ***If an educational practice is being introduced to the site and is not widely used for similar populations, it is not covered by this exemption.***

(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. ***[This exemption applies only to retrospective studies using data collected before the initiation of the research.]***

(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. ***[The standards of this exemption are rarely met because it was designed to apply only to specific research conducted by HHS at the time the regulations were established. We will strictly construe this exemption because it was not intended to apply to ED research.]***

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

## **II. Instructions for Exempt and Nonexempt Human Subjects Research Narratives**

If the applicant marked “Yes” for Item 3.b. of the U.S. Department of Education Supplemental Information for the SF 424, the applicant must attach a human subjects “exempt research” or “nonexempt research” narrative to the U.S. Department of Education Supplemental Information for the SF-424 form. If you have multiple projects and need to provide more than one narrative, be sure to label each set of responses as to the project they address.

### **A. Exempt Research Narrative.**

If you marked “Yes” for item 3.b. and designated exemption numbers(s), attach the “exempt research” narrative to the U.S. Department of Education Supplemental Information for the SF-424. The narrative must contain sufficient information about the involvement of human subjects in the proposed research to allow a determination by ED that the designated exemption(s) are appropriate. The narrative must be succinct.

### **B. Nonexempt Research Narrative.**

If you marked “No” for item 3.b. you must attach the “nonexempt research” narrative to the U.S. Department of Education Supplemental Information for the SF-424. 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 Office of the Chief Financial Officer, U.S. Department of Education, Washington, D.C. 20202-4331, telephone: (202) 245-8090, and on the U.S. Department of Education's Protection of Human Subjects in Research Web Site:  
<http://www.ed.gov/about/offices/list/ocfo/humansub.html>

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

## Part 2: Budget Information

### ED Budget Information Non-Construction Programs (ED Form 524)

This part of your application contains information about the Federal funding you are requesting. Remember that you must provide all requested budget information for each year of the project (up to 60 months) and the total column in order to be considered for Federal funding. Specific instructions for completing the budget forms are provided within this application package.

The Department will **reject** any application that proposes a budget exceeding \$1,700,000 for any single budget period of 12 months. Please be advised that the maximum award amount covers all project costs, including indirect costs.

### Instructions for completing ED Form 524 Section A:

Name of Institution/Organization: Enter the name of the applicant in the space provided.

Personnel (line 1): Enter project personnel salaries and wages only. Include fees and expenses for consultants on line 6.

Fringe Benefits (line 2): The institution's normal fringe benefits contribution may be charged to the program. Leave this line blank if fringe benefits applicable to direct salaries and wages are treated as part of the indirect cost.

Travel (line 3): Indicate the travel costs of employees and participants only. Include travel of persons such as consultants on line 6. Applicants must set aside adequate funds within their proposed budget to send a project director and at least one individual from the entity included in the application to two (2) two-day technical assistance meetings in Washington, DC, in each year of the project period.

Equipment (line 4): Indicate the cost of tangible, non-expendable personal property that has a usefulness greater than one year and acquisition costs that are the lesser of the capitalization level established by the applicant entity for financial statement purposes or \$5,000 per article. Lower limits may be established to maintain consistency with the applicant's policy.

Supplies (line 5): Show all tangible, expendable personal property. Direct supplies and materials differ from equipment in that they are consumable, expendable, and of a relatively low unit cost. *Supplies purchased with grant funds should directly benefit the grant project and be necessary for achieving the goals of the project.*

Contractual (line 6): The contractual category should include all costs specifically incurred with actions that the applicant takes in conjunction with an established internal procurement system. Include consultant fees, expenses, and travel costs in this category if the consultant's services are obtained through a written binding agreement or contract.

Construction (line 7): Not applicable.

Other (line 8): Indicate all direct costs not covered on lines 1-6. For example, include costs such as space rental, required fees, honoraria and travel (where a contract is not in place for services),

training, and communication and printing costs. *Do not include costs that are included in the indirect cost rate.*

Total Direct Costs (line 9): The sum of lines 1-8.

Indirect Costs (line 10): Indicate the applicant's approved indirect cost rate, per sections 75.560 – 75.564 of EDGAR. If an applicant does not have an approved indirect cost rate agreement with a cognizant Federal agency, the applicant must apply to the Department for a temporary indirect cost rate if it wishes to charge indirect costs to the grant. For more information, go to the Department's website at: <http://www.ed.gov/about/offices/list/ocfo/fipao/icgindex.html>.

Training Stipends (line 11): This line item is not applicable to this program. The training stipend line item only pertains to costs associated with long term training programs and college or university coursework, not workshops or short-term training supported by this program. *Salary stipends paid to teachers and other school personnel for participating in short-term professional development should be reported in Personnel (line 1).*

Total Cost (line 12): This should equal to sum of lines 9-11 (total direct costs + indirect + stipends). The sum for column one, labeled *Project Year 1* (a), should also be equal to item 15a on the application cover sheet (SF Form 424).

# Instructions for ED 524

## General Instructions

This form is used to apply to individual U.S. Department of Education (ED) discretionary grant programs. Unless directed otherwise, provide the same budget information for each year of the multi-year funding request. Pay attention to applicable program specific instructions, if attached. You may access the Education Department General Administrative Regulations cited within these instructions at: <http://www.ed.gov/policy/fund/reg/edgarReg/edgar.html>. You may access requirements from 2 CFR 200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards" cited within these instructions at:

<https://www.federalregister.gov/articles/2013/12/26/2013-30465/uniform-administrative-requirements-cost-principles-and-audit-requirements-for-federal-awards>.

**You must consult with your Business Office prior to submitting this form.**

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

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

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

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

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

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

**Indirect Cost Information:** If you are requesting reimbursement for indirect costs on line 10, this information is to be completed by your Business Office.

(1): Indicate whether or not your organization has an Indirect Cost Rate Agreement that was approved by the Federal government. If you checked "no," ED generally will authorize grantees to use a temporary rate of 10 percent of budgeted salaries and wages (**complete (4) of this section when using the temporary rate**) subject to the following limitations:

(a) The grantee must submit an indirect cost proposal to its cognizant agency within 90 days after ED issues a grant award notification; and

(b) If after the 90-day period, the grantee has not submitted an indirect cost proposal to its cognizant agency, the grantee may not charge its grant for indirect costs until it has negotiated an indirect cost rate agreement with its cognizant agency.

(2): If you checked "yes" in (1), indicate in (2) the beginning and ending dates covered by the Indirect Cost Rate Agreement. In

addition, indicate whether ED, another Federal agency (Other) or State agency issued the approved agreement. If you check "Other," specify the name of the Federal or other agency that issued the approved agreement.

(3): If you check "no" in (1), indicate in (3) if you want to use the de minimis rate of 10 percent of MTDC (see 2CFR § 200.68). If you use the de minimis rate, you are subject to the provisions in 2 CFR § 200.414(f). Note, you may only use the 10 percent de minimis rate if you are a first-time Federal grant recipient, and you do not have an Approved Indirect Cost Rate Agreement. You may not use the de minimis rate if you are a State, Local government, or Indian Tribe, or if your grant is funded under a training rate or restricted rate program.

(3): If you are applying for a grant under a Restricted Rate Program (34 CFR 75.563 or 76.563), indicate whether you are using a restricted indirect cost rate that is included on your approved Indirect Cost Rate Agreement, or whether you are using a restricted indirect cost rate that complies with 34 CFR 76.564(c)(2). Note: State or Local government agencies may not use the provision for a restricted indirect cost rate specified in 34 CFR 76.564(c)(2). Check only one response. Leave blank, if this item is not applicable.

## Section B - Budget Summary Non-Federal Funds

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

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

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

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

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

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

1. Provide an itemized budget breakdown, and justification by project year, for each budget category listed in Sections A and B. For grant projects that will be divided into two or more separately budgeted major activities or sub-projects, show for each budget category of a project year the breakdown of the specific expenses attributable to each sub-project or activity.
2. For non-Federal funds or resources listed in Section B that are used to meet a cost-sharing or matching requirement or provided as a voluntary cost-sharing or matching commitment, you must include:
  - a. The specific costs or contributions by budget category;

- b. The source of the costs or contributions; and
- c. In the case of third-party in-kind contributions, a description of how the value was determined for the donated or contributed goods or services.

[Please review cost sharing and matching regulations found in 2 CFR 200.306.]

3. If applicable to this program, provide the rate and base on which fringe benefits are calculated.
4. If you are requesting reimbursement for indirect costs on line 10, this information is to be completed by your Business Office. Specify the estimated amount of the base to which the indirect cost rate is applied and the total indirect expense. Depending on the grant program to which you are applying and/or your approved Indirect Cost Rate Agreement, some direct cost budget categories in your grant application budget may not be included in the base and multiplied by your indirect cost rate. For example, you must multiply the indirect cost rates of "Training grants" (34 CFR 75.562) and grants under programs with "Supplement not Supplant" requirements ("Restricted Rate" programs) by a "modified total direct cost" (MTDC) base (34 CFR 75.563 or 76.563). Please indicate which costs are included and which costs are excluded from the base to which the indirect cost rate is applied.

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

<http://www.ed.gov/fund/grant/apply/appforms/appforms.html>. You may also contact (202) 377-3838 for additional information regarding calculating indirect cost rates or general indirect cost rate information.

5. Provide other explanations or comments you deem necessary.

**Paperwork Burden Statement**  
According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is **1894-0008**. 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. 20202-4537. 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.

### **Part 3: ED Abstract Form**

This section should be attached as a single document to the ED Abstract Form in accordance with the instructions found on Grants.gov and should be organized in the following manner and include the following parts in order to expedite the review process.

Ensure that you only attach the Education approved file types detailed in the Federal Register application notice (.pdf). Also, do not upload any password-protected files to your application.

Please note that Grants.gov cannot process an application that includes two or more files that have the same name within a grant submission.

When attaching files, applicants should limit the size of their file names. Lengthy file names could result in difficulties with opening and processing your application. We recommend your file names be less than 50 characters.

#### Project Abstract

The project abstract should not exceed **two** double-spaced pages and should include a concise description of the following information:

- Region to which the applicant is applying
- Applicable priorities
- Project's theory of action
- Project's conceptual framework for technical assistance
- Proposed project objectives and outcomes
- Proposed technical assistance activities
- Proposed partners and collaborations

Note: Grants.gov may include a note that indicates that the project abstract may not exceed one page; however, an abstract of more than one page may be uploaded.

#### **Part 4: Project Narrative Attachment Form**

This section should be attached as a **single** document to the Project Narrative Attachment Form in accordance with the instructions found on [Grants.gov](https://www.grants.gov) and should be organized in the following manner and include the following parts in order to expedite the review process.

Ensure that you only attach the Education approved file types detailed in the Federal Register application notice (.pdf). Also, do not upload any password-protected files to your application.

When attaching files, applicants should limit the size of their file names. Lengthy file names could result in difficulties with opening and processing your application. We recommend your file names be less than 50 characters.

##### Table of Contents

The Table of Contents shows where and how the important sections of your proposal are organized and should not exceed **one** double spaced page.

##### Application Narrative

The application narrative should respond to the selection criteria and the order it is presented in this application package.

We encourage applicants to limit this section of the application to the equivalent of no more than **50** pages and adhere to the formatting guidelines in the notice inviting applications.

#### **Selection Criteria**

The selection criteria for this competition are from section 75.210 of EDGAR. The maximum score for all of these criteria is 100 points (not including competitive preference priority points). The maximum score for each criterion is indicated in parentheses. The Secretary uses the following criteria to evaluate applications for EAC grants:

(a) Significance. (Up to 5 points) The Secretary considers the significance of the proposed project. In determining the significance of the proposed project, the Secretary considers the extent to which the proposed project is likely to build local capacity to provide, improve, or expand services that address the needs of the target population.

(b) Quality of Project Services. (Up to 20 points) The Secretary considers the quality of the services to be provided by the proposed project. In determining the quality of the services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. In addition, the Secretary considers one or more of the following factors:

(1) The extent to which the training or professional development services to be provided by the proposed project are of sufficient quality, intensity, and duration to lead to improvements in practice among the recipients of those services. (Up to 10 points)

(2) The extent to which the technical assistance services to be provided by the proposed project

involve the use of efficient strategies, including the use of technology, as appropriate, and the leveraging of non-project resources. (Up to 5 points)

(3) The extent to which the results of the proposed project are to be disseminated in ways that will enable others to use the information or strategies. (5 points)

(c) Quality of Project Design. (Up to 30 points) The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(1) The extent to which there is a conceptual framework underlying the proposed research or demonstration activities and the quality of that framework. (Up to 10 points)

(2) The extent to which the design of the proposed project includes a thorough, high-quality review of the relevant literature, a high-quality plan for project implementation, and the use of appropriate methodological tools to ensure successful achievement of project objectives. (Up to 10 points)

(3) The extent to which the proposed project represents an exceptional approach for meeting statutory purposes and requirements. (Up to 10 points)

(d) Quality of Project Personnel. (15 points) The Secretary considers the quality of project personnel. In determining the quality of project personnel, the Secretary considers the qualifications, including relevant training and experience, of key project personnel.

(e) Adequacy of Resources. (Up to 15 points) The Secretary considers the adequacy of resources for the proposed project. In determining the adequacy of resources for the proposed project, the Secretary considers the extent to which the costs are reasonable in relation to the number of persons to be served and to the anticipated results and benefits.

(f) Quality of the Project Evaluation. (Up to 15 points) The Secretary considers the quality of the evaluation to be conducted of the proposed project. In determining the quality of the evaluation, the Secretary considers the following factors:

(1) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable. (Up to 10 points)

(2) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes. (Up to 5 points)

*Note on Project Evaluation:*

In addressing this criterion, applicants may want to consider the **Program's Theory of Change** (on page 4) and the **Program's Logic Model** (on page 6) in developing processes or systems that assess and evaluate the efficacy of their technical assistance approach and the sources of evidence for changes in customer capacity. Applicants may address this criterion in any way that is reasonable.

## Part 5: Budget Narrative

This section should be attached as a **single** document to the Budget Narrative Attachment Form in accordance with the instructions found on [Grants.gov](http://Grants.gov). It should be organized in the following manner and include the following parts in order to expedite the review process.

Ensure that you only attach the Education approved file types detailed in the Federal Register application notice (.pdf). Also, do not upload any password-protected files to your application.

When attaching files, applicants should limit the size of their file names. Lengthy file names could result in difficulties with opening and processing your application. We recommend your file names be less than 50 characters.

Each application must also provide a Budget Narrative (which serves to meet the requirements of ED Form 524) for requested Federal funds. The Budget Narrative for requested Federal funds should provide a justification of how the money requested for each budget item will be spent.

This section requires an **itemized budget breakdown** for each project year and the **basis for estimating the costs** of personnel salaries, benefits, project staff travel, materials and supplies, consultants and subcontracts, indirect costs and any other projected expenditures. Be sure to complete an itemized budget breakdown and narrative for each year of the proposed project (up to 60 months).

The Budget Narrative provides an opportunity for the applicant to identify the nature and amount of the proposed expenditures. The applicant should provide sufficient detail to enable reviewers and project staff to understand how requested funds will be used, how much will be expended, and the relationship between the requested funds and project activities and outcomes.

### Important Notes

- Applicants are encouraged to review OMB Circular A-21, *Cost Principles for Educational Institutions* [OMB Circular A-87, *Cost Principles for State, Local, and Indian Tribal Governments* or OMB Circular A-122, *Cost Principles for Nonprofit Organizations*] in preparing their budget and budget narrative.
- OMB Circular A-21 may be found at the following link:  
[http://www.whitehouse.gov/omb/circulars/a021/a21\\_2004.html](http://www.whitehouse.gov/omb/circulars/a021/a21_2004.html)
- OMB Circular A-87 may be found at the following link:  
[http://www.whitehouse.gov/omb/circulars/a087/a87\\_2004.html](http://www.whitehouse.gov/omb/circulars/a087/a87_2004.html)
- OMB Circular A-122 may be found at the following link:  
[http://www.whitehouse.gov/omb/circulars/a122/a122\\_2004.html](http://www.whitehouse.gov/omb/circulars/a122/a122_2004.html)

## **Suggested Guidelines for the Budget Narrative**

In accordance with 34 CFR 75.232, Department of Education staff perform a cost analysis of each recommended project to ensure that costs relate to the activities and objectives of the project, are reasonable, allowable and allocable. We may delete or reduce costs from the budget during this review.

To facilitate the review of your Budget Narrative, we encourage each applicant to include the following information for each year of the project:

### **1. Personnel**

- Provide the title and duties of each position to be compensated under this project.
- Provide the salary for each position under this project.
- Provide the amounts of time, such as hours or percentage of time to be expended by each position under this project.
- Explain the importance of each position to the success of the project.
- Provide the basis for cost estimates or computations.

### **2. Fringe Benefits**

- Give the fringe benefit percentages of all personnel included under Personnel.
- Provide the rate and base on which fringe benefits are calculated.

### **3. Travel**

- Explain the purpose of the travel, how it relates to project success, how it aligns with the project goals and objectives and which program participants or staff will participate.
- Submit an estimate for the number of trips, points of origin and destination, and purpose of travel.
- Submit an itemized estimate of transportation and/or subsistence costs for each trip.
- Provide the basis for cost estimates or computations.

### **4. Equipment**

- Indicate the estimated unit cost for each item to be purchased.
- Identify each type of equipment.
- Provide adequate justification of the need for items of equipment to be purchased.
- Explain the purpose of the equipment, and how it relates to project success.
- Provide the basis for cost estimates or computations.

### **5. Supplies**

- Provide an itemized estimate of materials and supplies by nature of expense or general category (e.g., instructional materials, office supplies, etc.).
- Explain the purpose of the supplies and how they relate to project success.
- Provide the basis for cost estimates or computations.

### **6. Contractual**

- Provide the purpose and relation to project success.
- Describe the products to be acquired, and/or the professional services to be provided.
- Provide a brief justification for the use of the contractors selected.
- Identify the name(s) of the contracting party, including consultants, if available.

- Provide the cost per contractor.
- Provide the amount of time that the project will be working with the contractor(s).
- For professional services and contracts, provide the amounts of time to be devoted to the project, including the costs to be charged to this proposed grant award.
- Provide a brief statement that you have followed the procedures for procurement under 2 CFR 200.317-200.326.
- Provide the basis for cost estimates or computations.

**7. Construction**

- Not applicable.

**8. Other**

- List and identify items by major type or category (e.g., communications, printing, postage, equipment rental, etc.).
- Provide the cost per item (printing = \$500, postage = \$750).
- Provide the purpose for the expenditures and relation to project success.
- Provide the basis for cost estimates or computations.

**9. Total Direct Costs**

- The amount that is the sum of expenditures, per budget category, of lines 1-8.

**10. Indirect Costs**

- Identify indirect cost rate (if the applicant will charge indirect costs to the grant)
- Note: remember to provide a copy of the most recent approved indirect cost agreement in the Other Attachments form section of the application.

**11. Training Stipends**

- Not applicable.

**12. Total Costs**

- Sum total of direct costs, indirect costs, and stipends.
- Please provide total costs for each year of the project as well as grand total cost for the entire project period (up to 60 months).

### **Important Information Regarding Indirect Cost Rates**

The Department reimburses each grantee for the portion of indirect costs that a grantee incurs on projects funded by the EAC program (CFDA 84.004D). In order to charge indirect costs to this program, a grantee must have a currently approved Indirect Cost Rate (ICR) agreement. The ICR must be negotiated with and approved by the grantee's cognizant agency, i.e., either (1) the Federal agency from which it has received the most direct funding, subject to indirect cost support; (2) the Federal agency specifically assigned cognizance by the Office of Management and Budget; or (3) the State agency that provides the most subgrant funds to the grantee (if no direct Federal awards are received).

An applicant selected for funding that has an expired ICR agreement and intends to charge indirect costs to the grant must follow the Department's regulations at 34 CFR 75.560. Those rules permit an applicant to use a temporary rate of 10 percent of budgeted direct salaries and wages while it negotiates a rate with its cognizant agency; the applicant must then submit an ICR proposal to its cognizant agency within 90 days after the Department issues the grant award notification (34 CFR 75.560).

Applicants with no previous ICR can use a de minimis rate of 10 percent of modified total direct costs (MTDC); these applicants do not need to negotiate for this rate. Should such an applicant decide to use this MTDC as its ICR, it must use this rate for a full fiscal year; it cannot negotiate for a different rate (2 CFR 200.414(f)).

Please note that, in accordance with OMB's Cost Principles at [2 CFR 200](#), applicants that have an expiring ICR agreement can apply to the cognizant agency for a one-time extension of up to four years (2 CFR 200.414(g)). If a successful applicant has an expiring ICR agreement, after the expiration date of the original agreement the grantee will be required to submit evidence to the Department that its cognizant agency granted an extension of the ICR agreement in order to charge indirect costs to the grant at the approved rate.

Note: Applicants should pay special attention to specific questions on the application budget form (ED 524) about their cognizant agency and the ICR being used in the budget. Applicants should be aware that ED is very often not the cognizant agency for its grantees. Rather, ED accepts the currently approved ICR established by the appropriate cognizant agency.

Applicants with questions about charging indirect costs on this program should contact the program contact person noted elsewhere in this application package.

## Part 6: Other Attachment Forms

Attach one or more documents to the Other Attachments Forms in accordance with the instructions found on Grants.gov. You may provide all of the required information in a single document, or in multiple documents.

Ensure that you only attach the Education approved file types detailed in the Federal Register application notice (.pdf). Also, do not upload any password-protected files to your application.

Please note that Grants.gov cannot process an application that includes two or more files that have the same name within a grant submission.

When attaching files, applicants should limit the size of their file names. Lengthy file names could result in difficulties with opening and processing your application. We recommend your file names be less than 50 characters.

Attach as two separate files:

- Individual Resumes for Project Directors and Key Personnel: Provide brief resumes or job descriptions that describe their qualifications for the responsibilities they will carry out under the project.
- Optional Supplemental Narrative to Address the Competitive Preference Priority: Provide a supplemental narrative to address the competitive preference priority. The Department's reviewers will only score the competitive preference priority. We suggest that you limit the optional supplemental narrative to no more than three pages.

Competitive Preference Priority 1—A track record of success or demonstrated expertise in developing or providing technical assistance to increase socioeconomic diversity in schools or school districts as a means to further desegregation by race, sex, national origin, and religion.

The Department will award up to five additional points to eligible applicants that have a track record of success or demonstrated expertise in both of the following:

- (a) Providing effective and comprehensive technical assistance on strategies or interventions supported by evidence and designed to increase socioeconomic diversity within or across schools, districts, or communities; and
- (b) Researching, evaluating, or developing strategies or interventions supported by evidence and designed to increase socioeconomic diversity within or across schools, districts, or communities.

The following requirement applies to all applicants awarded a grant under this competition that receive points under this competitive preference priority:

Conducting Outreach and Engagement: When providing technical assistance on socioeconomic diversity in response to requests from responsible governmental agencies as a means to further

desegregation by race, sex, national origin, and religion, a grantee under this program must assist in conducting outreach and engagement on strategies or interventions designed to increase socioeconomic diversity with appropriate stakeholders, including community members, parents, and teachers.

## **Part 7: Assurances and Certifications**

Be certain to complete all required assurances and certifications in [Grants.gov](https://www.grants.gov), and include all required information in the appropriate place on each form. The assurances and certifications required for this application are:

- Disclosure of Lobbying Activities (SF LLL Form)
- General Education Provisions Act (GEPA) Requirements – Section 427
- Certification Regarding Lobbying (ED 80-0013 Form)
- Assurances for Non-Construction Programs (SF 424B Form)

## 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 or 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.

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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

## **Instructions for Meeting the General Education Provisions Act (GEPA) Section 427 Requirements**

All applicants for new awards **must** include information in their applications to address this new provision in order to receive funding under this program.

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.

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

Please review the Notice to all Applicants (included in the electronic application package in Grants.gov) for further information on meeting the provisions in the Department of Education's General Education Provisions Act (GEPA).

Applicants are **required** to address this provision by attaching a statement (not to exceed three pages) to the **ED GEPA427 form** that is included in the electronic application package in Grants.gov.

## Reporting and Accountability

Successful Applicants with multi-year grants must submit an **annual performance report** demonstrating their progress in meeting approved project objectives. Grantees must also provide the most current financial and performance measure data for each year of the project.

At the end of the project period, applicants will also be required to submit a **final performance report**.

The Department will provide specific reporting guidelines, including reporting deadlines, for each of the required annual reports and financial expenditure information in its cooperative agreement with each successful applicant. Cooperative agreements will be issued to each grantee following grant award.

### Program Measures

The Department has established two types of measures for this program: GPRA and Project. GPRA Measures are measures established for reporting to Congress under the Government Performance and Results Act. Project Measures are measures established by the program office for this particular grant competition. Grantees should consider both GPRA and Project Measures when planning technical assistance and when planning for the evaluation of projects and technical assistance activities.

An applicant may propose additional Project Measures specific to that applicant's proposed project. If an applicant chooses to propose such Project Measures, the applicant must provide the following information as directed under 34 CFR 75.110(b): How each proposed Project Measure would accurately measure the performance of the project and how the proposed Project Measure would be consistent with the performance measures established for this program.

#### 1) GPRA Measures

The Department plans to administer an annual customer satisfaction survey in order to respond to the GPRA measures outlined below. Grantees will be expected to provide customer data and other relevant data to support the Department's administration of the annual customer satisfaction survey.

1. Percent of customers reporting an increase in awareness and/or knowledge resulting from technical assistance provided.
2. Percent of customers who report changed policies or practices related to providing students with a full opportunity for participation in all educational programs regardless of their sex, race, religion, and national origin.
3. Percent of customers reporting an increase in capacity resulting from technical assistance provided.

#### 2) Project Measures

Grantees will be expected to respond to the Project Measures outlined below in their Annual Performance Report, Annual Evaluation Report, and Final Performance Report.

1. Percent of technical assistance requests received from organizations that were accepted during the performance period.
2. Percent of technical assistance requests received from new (not previously served by the EAC) organizations during the performance period.

3. Percent of customers willing to request additional technical assistance and/or refer another organization to an EAC for technical assistance during the performance period.

For specific requirements on grantee reporting, please go to the ED Performance Report Form 524B at <http://www.ed.gov/fund/grant/apply/appforms/appforms.html>.

# Legal and Regulatory Information

## Notice Inviting Applications

4000-01-U

DEPARTMENT OF EDUCATION

Applications for New Awards; Equity Assistance Centers

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

ACTION: Notice.

### Overview Information:

Equity Assistance Centers

Notice inviting applications for new awards for fiscal year (FY) 2016.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.004D.

### Dates:

Applications Available: July 18, 2016

Deadline for Transmittal of Applications: August 22, 2016

Full Text of Announcement

### I. Funding Opportunity Description

Purpose of Program: The Equity Assistance Centers (EAC) program is authorized under title IV of the Civil Rights Act of 1964, 42 U.S.C. 2000c-2000c-2, 2000c-5, and the implementing regulations in 34 CFR part 270.

This program awards grants through cooperative agreements to operate regional EACs that provide technical assistance (including training) at the request of school boards and other responsible governmental agencies in the preparation, adoption, and implementation of plans for the desegregation of public schools--which in this context means plans for equity (including desegregation based on race, national origin, sex, and religion)--and in the development of effective methods of coping with special educational problems occasioned by desegregation. Assistance may include, among other activities: (1) dissemination of information regarding effective methods of coping with special educational problems occasioned by desegregation; (2) assistance and

advice in coping with these problems; and (3) training designed to improve the ability of teachers, supervisors, counselors, parents, community members, community organizations, and other elementary or secondary school personnel to deal effectively with special educational problems occasioned by desegregation.

Priorities: This notice contains one competitive preference priority and one invitational priority. The competitive preference priority is from the notice of final priority and requirement for this program published elsewhere in this issue of the Federal Register.

Competitive Preference Priority: For FY 2016 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i) we award up to an additional five points to an application, depending on how well the application addresses this priority. If an applicant wishes to be considered for this priority, the applicant must submit a supplemental narrative describing how the applicant meets this priority.

This priority is:

A track record of success or demonstrated expertise in developing or providing technical assistance to increase socioeconomic diversity in schools or school districts as a means to further desegregation by race, sex, national origin, and religion.

The Department will award up to five additional points to eligible applicants that have a track record of success or demonstrated expertise in both of the following:

(a) Providing effective and comprehensive technical assistance on strategies or interventions supported by evidence and designed to increase socioeconomic diversity within or across schools, districts, or communities; and

(b) Researching, evaluating, or developing strategies or interventions supported by evidence and designed to increase socioeconomic diversity within or across schools, districts, or communities.

Invitational Priority: For FY 2016 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an invitational priority. Under 34 CFR 75.105(c)(1) we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

This priority is:

A track record of success or demonstrated expertise in providing effective technical assistance on strategies to ensure equitable access to effective teachers and leaders, particularly for students from low-income families and students of color across and within schools and districts.

The Department seeks applications from eligible applicants that have a track record of success or demonstrated expertise in both of the following:

(a) Developing and providing technical assistance with the goal of ensuring that low-income children and children of color are not served at disproportionate rates by ineffective, out-of-field, or inexperienced teachers or ineffective leaders, including assistance to ensure continuous improvement toward such goals; and

(b) Researching or evaluating teacher and leader recruitment, support, and retention policies and practices, specifically with respect to their impact on the equitable access to effective teachers and leaders for low-income children and children of color.

Program Requirement: This requirement is from the notice of final priority and requirement for this program published elsewhere in this issue of the Federal Register. The following requirement applies to all applicants awarded a grant under this competition that receive points under the competitive preference priority:

Conducting Outreach and Engagement: When providing technical assistance on socioeconomic diversity in response to requests from responsible governmental agencies as a means to further desegregation by race, sex, national origin, and religion, a grantee under this program must assist in conducting outreach and engagement on strategies or interventions designed to increase socioeconomic diversity with appropriate stakeholders, including community members, parents, and teachers.

Definitions: The following definitions apply to this competition and, except as otherwise noted, are from the notice of final regulations, published elsewhere in this issue of the Federal Register.

Desegregation assistance means the provision of technical assistance (including training) in the areas of race, sex, national origin, and religion desegregation of public elementary and secondary schools.

Desegregation assistance areas mean the areas of race, sex, national origin, and religion desegregation.

English learner has the same meaning as the same term defined in section 8101(20) of the Elementary and Secondary Education Act, as amended.

(Authority: Section 8101(20) of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act, Pub. L. No. 114-95 (2015) (ESSA))

Equity Assistance Center means a regional desegregation technical assistance and training center funded under this part.

National origin desegregation means the assignment of students to public schools and within those schools without regard to their national origin, including providing students such as those who are English learners with a full opportunity for participation in all educational programs regardless of their national origin.

Public school means any elementary or secondary educational institution operated by a State, subdivision of a State, or governmental agency within a State, or operated wholly or predominantly from or through the use of governmental funds or property, or funds or property derived from governmental sources.

Public school personnel means school board members and persons who are employed by or who work in the schools of a responsible governmental agency, as that term is defined in this section.

Race desegregation means the assignment of students to public schools and within those schools without regard to their race, including providing students with a full opportunity for participation in all educational programs regardless of their race. “Race desegregation” does not mean the assignment of students to public schools to correct conditions of racial separation that are not the result of State or local law or official action.

Religion desegregation means the assignment of students to public schools and within those schools without regard to their religion, including providing students with a full opportunity for participation in all educational programs regardless of their religion.

Responsible governmental agency means any school board, State, municipality, LEA, or other governmental unit legally responsible for operating a public school or schools.

School board means any agency or agencies that administer a system of one or more public schools and any other agency that is responsible for the assignment of students to or within that system.

Sex desegregation means the assignment of students to public schools and within those schools without regard to their sex (including transgender status; gender identity; sex stereotypes, such as treating a person differently because he or she does not conform to sex-role expectations because he or she is attracted to or is in a relationship with a person of the same sex; and pregnancy and related conditions), including providing students with a full opportunity for participation in all educational programs regardless of their sex.

Special educational problems occasioned by desegregation means those issues that arise in classrooms, schools, and communities in the course of desegregation efforts based on race, national origin, sex, or religion. The phrase does not refer to the provision of special education and related services for students with disabilities as defined under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

Program Authority: 42 U.S.C. 2000c-2000c-2, 2000c-5.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The notice of final regulations for this program, published elsewhere in this issue of the Federal Register. (e) The notice of final priority and requirement for this program, published elsewhere in this issue of the Federal Register.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

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

## II. Award Information

Type of Award: Cooperative agreement.

Estimated Available Funds: \$6,518,563.

Estimated Range of Awards: \$1,400,000 - \$1,700,000.

Estimated Average Size of Awards: \$1,629,640.

Maximum Award: We will reject any application that proposes a budget exceeding \$1,700,000 for any single budget period of 12 months.

Estimated Number of Awards: 4.

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

Project Period: Up to 60 months.

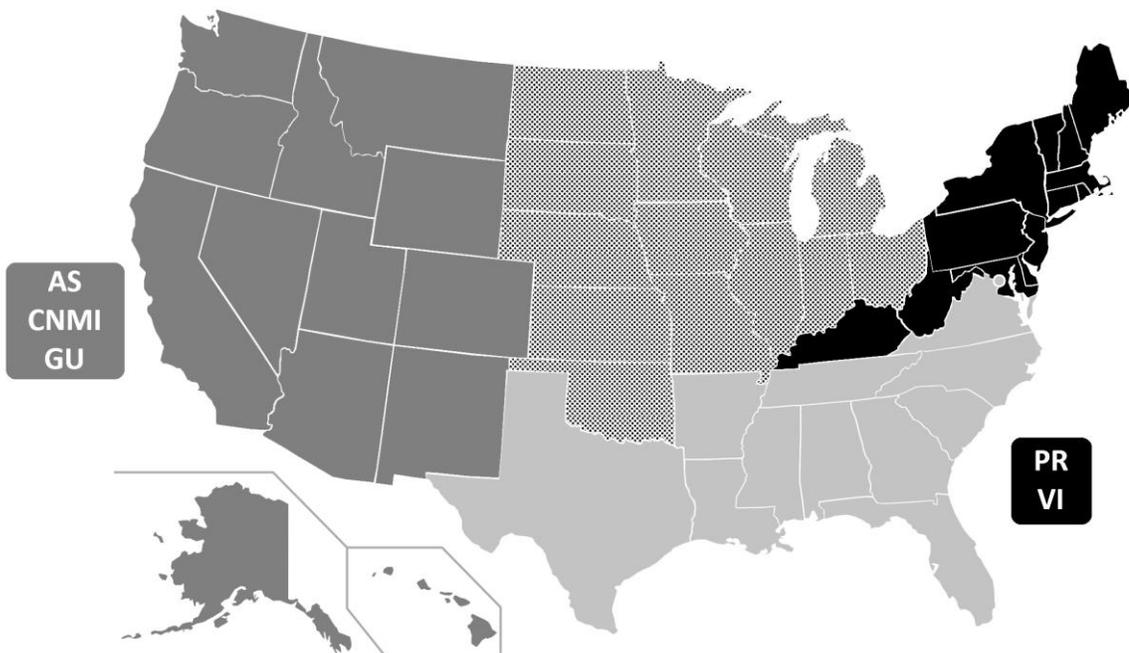
### III. Eligibility Information

1. Eligible Applicants: A public agency (other than a State educational agency or a school board) or a private, non-profit organization.

2. Cost Sharing or Matching: This program does not require cost sharing or matching.

3. Geographical Regions: Four EACs will be funded under this grant program in four geographical regions, in accordance with 34 CFR 270.5. One award will be made in each region to the highest ranking proposal from that region. Eligible applicants need not be located in the geographic region for which they choose to apply. If an applicant wishes to apply to serve more than one region, such an applicant must submit an application for each region it wishes to serve.

The geographic regions served by the EACs are:



Region I: Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virgin Islands, West Virginia.

Region II: Alabama, Arkansas, District of Columbia, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia.

Region III: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Wisconsin.

Region IV: Alaska, American Samoa, Arizona, California, Colorado, Commonwealth of the Northern Mariana Islands, Guam, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming.

#### IV. Application and Submission Information

1. Address to Request Application Package: Britt Jung, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, SW., room 3E206, Washington, DC 20202-6132. Telephone: (202) 205-4513 or by email: Britt.Jung@ed.gov.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the program contact person listed in this section.

2. Content and Form of Application Submission: Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this program.

**Page Limit:** The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We encourage you to limit the narrative to no more than 50 pages and suggest that you use the following standards:

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

- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The optional supplemental narrative is where you, the applicant, may address the competitive preference priority. Our reviewers will only score the competitive preference priority if you submit the optional supplemental narrative. We suggest that you limit the optional supplemental narrative to no more than three pages using the formatting standards previously identified.

The suggested page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, the optional supplemental narrative to address the competitive preference priority, or the letters of support. However, the suggested page limit does apply to all of the application narrative.

### 3. Submission Dates and Times:

Applications Available: July 18, 2016

Deadline for Transmittal of Applications: August 22, 2016

Applications for grants under this program must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to Other Submission Requirements in section IV of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under For Further Information Contact in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

4. Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. However, under 34 CFR 79.8(a), we waive intergovernmental review in order to make awards by the end of FY 2016.

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

6. Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management: To do business with the Department of Education, you must--

- a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);
- b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry), the Government's primary registrant database;
- c. Provide your DUNS number and TIN on your application; and
- d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet at the following Web site:

<http://fedgov.dnb.com/webform>. A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2-5 weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data you enter into the SAM database. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, it may be 24 to 48 hours before you can access the information in, and submit an application through, Grants.gov.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration on an annual basis. This may take three or more business days to complete.

Information about SAM is available at [www.SAM.gov](http://www.SAM.gov). To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: <http://www2.ed.gov/fund/grant/apply/sam-faqs.html>.

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined in the Grants.gov Web page: [www.grants.gov/web/grants/register.html](http://www.grants.gov/web/grants/register.html).

7. Other Submission Requirements: Applications for grants under this program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. Electronic Submission of Applications.

Applications for grants under the EAC program, CFDA number 84.004D, must be submitted electronically using the Governmentwide Grants.gov Apply site at [www.Grants.gov](http://www.Grants.gov). Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under Exception to Electronic Submission Requirement.

You may access the electronic grant application for the EAC program at [www.Grants.gov](http://www.Grants.gov). You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.004, not 84.004D).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.

- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received--that is, date and time stamped by the Grants.gov system--after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.

- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.

- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this program to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at <http://www.G5.gov>.

- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

- You must submit all documents electronically, including all information you typically provide on the following forms: the Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information--Non-Construction Programs (ED 524), and all necessary assurances and certifications.

- You must upload any narrative sections and all other attachments to your application as files in a ready-only, non-modifiable Portable Document Format (PDF). Do not upload an interactive or fillable PDF file. If

you upload a file type other than a read-only, non-modifiable PDF (e.g., Word, Excel, WordPerfect, etc.) or submit a password-protected file, we will not review that material. Please note that this could result in your application not being considered for funding because the material in question--for example, the project narrative--is critical to a meaningful review of your proposal. For that reason it is important to allow yourself adequate time to upload all material as PDF files. The Department will not convert material from other formats to PDF.

- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) Grants.gov will also notify you automatically by email if your application met all the Grants.gov validation requirements or if there were any errors (such as submission of your application by someone other than a registered Authorized Organization Representative, or inclusion of an attachment with a file name that contains special characters). You will be given an opportunity to correct any errors and resubmit, but you must still meet the deadline for submission of applications.

Once your application is successfully validated by Grants.gov, the Department will retrieve your application from Grants.gov and send you an email with a unique PR/Award number for your application.

These emails do not mean that your application is without any disqualifying errors. While your application may have been successfully validated by Grants.gov, it must also meet the Department's application requirements as specified in this notice and in the application instructions. Disqualifying errors could include, for instance, failure to upload attachments in a read-only, non-modifiable PDF; failure to submit a required part of the application; or failure to meet applicant eligibility requirements. It is your responsibility to ensure that your submitted application has met all of the Department's requirements.

- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support

Desk, toll free, at 1-800-518-4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under For Further Information Contact in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that the problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after we determine whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Grants.gov system; and
- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the

Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Britt Jung, U.S. Department of Education, 400 Maryland Avenue, SW., room 3E206, Washington, DC 20202-6135.

FAX: (202) 205-0310.

Your paper application must be submitted in accordance with the mail or hand-delivery instructions described in this notice.

b. Submission of Paper Applications by Mail.

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address:

U.S. Department of Education

Application Control Center

Attention: (CFDA Number 84.004D)

LBJ Basement Level 1

400 Maryland Avenue, SW.

Washington, DC 20202-4260

You 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 Secretary of the U.S. Department of Education.

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

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

Note: 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.

We will not consider applications postmarked after the deadline date.

c. Submission of Paper Applications by Hand Delivery.

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address:

U.S. Department of Education  
Application Control Center  
Attention: CFDA Number 84.004D  
550 12th Street, SW.  
Room 7039, Potomac Center Plaza  
Washington, DC 20202-4260

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

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department--

- (1) You must indicate on the envelope and--if not provided by the Department--in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245-6288.

## V. Application Review Information

1. Selection Criteria: The selection criteria for this competition are from section 75.210 of EDGAR. The maximum score for addressing all of these criteria is 100 points (not including competitive preference priority points). The maximum score for addressing each criterion is indicated in parentheses. The Secretary uses the following criteria to evaluate applications for EAC grants:

(a) Significance. (Up to 5 points) The Secretary considers the significance of the proposed project. In determining the significance of the proposed project, the Secretary considers the extent to which the proposed project is likely to build local capacity to provide, improve, or expand services that address the needs of the target population.

(b) Quality of Project Services. (Up to 20 points) The Secretary considers the quality of the services to be provided by the proposed project. In determining the quality of the services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. In addition, the Secretary considers the following factors:

(1) The extent to which the training or professional development services to be provided by the proposed project are of sufficient quality, intensity, and duration to lead to improvements in practice among the recipients of those services. (Up to 10 points)

(2) The extent to which the technical assistance services to be provided by the proposed project involve the use of efficient strategies, including the use of technology, as appropriate, and the leveraging of non-project resources. (Up to 5 points)

(3) The extent to which the results of the proposed project are to be disseminated in ways that will enable others to use the information or strategies. (Up to 5 points)

(c) Quality of Project Design. (Up to 30 points) The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(1) The extent to which there is a conceptual framework underlying the proposed research or demonstration activities and the quality of that framework. (Up to 10 points)

(2) The extent to which the design of the proposed project includes a thorough, high-quality review of the relevant literature, a high-quality plan for project implementation, and the use of appropriate methodological tools to ensure successful achievement of project objectives. (Up to 10 points)

(3) The extent to which the proposed project represents an exceptional approach for meeting statutory purposes and requirements. (Up to 10 points)

(d) Quality of Project Personnel. (Up to 15 points) The Secretary considers the quality of project personnel. In determining the quality of project personnel, the Secretary considers the qualifications, including relevant training and experience, of key project personnel.

(e) Adequacy of Resources. (Up to 15 points) The Secretary considers the adequacy of resources for the proposed project. In determining the adequacy of resources for the proposed project, the Secretary considers the extent to which the costs are reasonable in relation to the number of persons to be served and to the anticipated results and benefits.

(f) Quality of the Project Evaluation. (Up to 15 points) The Secretary considers the quality of the evaluation to be conducted of the proposed project. In determining the quality of the evaluation, the Secretary considers the following factors:

(1) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable. (Up to 10 points)

(2) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes. (Up to 5 points)

2. Review and Selection Process: We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance

of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. Risk Assessment and Special Conditions: Consistent with 2 CFR 200.205, before awarding grants under this program the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose special conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

## VI. Award Administration Information

1. Award Notices: If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. Administrative and National Policy Requirements: We identify administrative and national policy requirements in the application package and reference these and other requirements in the Applicable Regulations section of this notice.

We reference the regulations outlining the terms and conditions of an award in the Applicable Regulations section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

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

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to [www.ed.gov/fund/grant/apply/appforms/appforms.html](http://www.ed.gov/fund/grant/apply/appforms/appforms.html).

(c) The Secretary may provide a grantee with additional funding for data collection analysis and reporting. In this case the Secretary establishes a data collection period.

4. Performance Measures: The Department has established the following Government Performance and Results Act of 1993 performance measures for the EAC program, adapted from a set of common measures developed to help assess performance across the Department's technical assistance programs:

Measure 1: The percentage of customers reporting an increase in awareness and/or knowledge resulting from technical assistance provided.

Measure 2: The percentage of customers who report changed policies or practices related to providing students with a full opportunity for participation in all educational programs regardless of their sex, race, religion, and national origin.

Measure 3: The percentage of customers reporting an increase in capacity resulting from technical assistance provided.

All grantees will be expected to submit, as part of their annual and final performance reports, quantitative data documenting their progress with regard to these performance measures.

Project Measures: The Department has established the following project measures for the EAC program:

Measure 1: The percentage of technical assistance requests received from organizations that were accepted during the performance period.

Measure 2: The percentage of technical assistance requests received from new (not previously served by the EAC) organizations during the performance period.

Measure 3: The percentage of customers willing to request additional technical assistance and/or refer another organization to an EAC for technical assistance during the performance period.

All grantees will be expected to submit, as part of their annual and final performance reports, quantitative data documenting their progress with regard to these project measures. An applicant may propose additional project measures specific to that applicant's proposed project. If an applicant chooses to propose such project measures, the application must provide the following information as directed under 34 CFR 75.110(b): How each proposed project measure would accurately measure the performance of the project and how the proposed project measure would be consistent with the performance measures established for this program.

5. Continuation Awards: In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

## VII. Agency Contact

For Further Information Contact: Britt Jung, U.S. Department of Education, 400 Maryland Avenue, SW., room 3E206, Washington, DC 20202-6135. Telephone: (202) 205-4513 or by email: [britt.jung@ed.gov](mailto:britt.jung@ed.gov).

If you use a TDD or a TTY, call the FRS, toll free, at 1-800-877-8339.

## VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the program contact person listed under For Further Information Contact in section VII of this notice.

Electronic Access to This Document: The official version of this document is the document published in the Federal Register. Free Internet access to the official edition of the Federal Register and the Code of Federal Regulations is available via the Federal Digital System at: [www.gpo.gov/fdsys](http://www.gpo.gov/fdsys). At this site you can view this document, as well as all other documents of this Department published in the Federal Register, in text or PDF. To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the Federal Register by using the article search feature at: [www.federalregister.gov](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated:

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Ann Whalen,

Senior Advisor to the Secretary

Delegated the Duties of Assistant Secretary for Elementary and Secondary Education.

## **Program Regulations**

4000-01-U

DEPARTMENT OF EDUCATION

34 CFR Parts 270, 271, and 272

RIN 1810-AB26

[Docket ID ED-2016-OESE-0006]

Equity Assistance Centers (Formerly Desegregation Assistance Centers (DAC))

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

ACTION: Final regulations.

SUMMARY: The Secretary amends the regulations that govern the Equity Assistance Centers (EAC) program, authorized under Title IV of the Civil Rights Act of 1964 (Title IV), and removes the regulations that govern the State Educational Agency Desegregation (SEA Desegregation) program, authorized under Title IV. These regulations govern the application process for new EAC grant awards. These regulations update the definitions applicable to this program; remove the existing selection criteria; and provide the Secretary with flexibility to determine the number and composition of geographic regions for the EAC program.

DATES: These regulations are effective August 17, 2016

FOR FURTHER INFORMATION CONTACT: Britt Jung, U.S. Department of Education, 400 Maryland Avenue, SW., room 3E206, Washington, DC 20202-6135. Telephone: (202) 205-4513 or by email: [britt.jung@ed.gov](mailto:britt.jung@ed.gov).

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

### **SUPPLEMENTARY INFORMATION:**

On March 24, 2016, the Secretary published a notice of proposed rulemaking (NPRM) for the EAC program (81 FR 15665). In the preamble of the NPRM, we discussed on pages 15666 through 15667 the major changes proposed in that document to improve the EAC program. These included the following:

- Amending the section that governs the existing geographic regions to allow the Secretary flexibility in choosing the number and composition of geographic regions to be funded with each competition.
- Adding religion to the areas of desegregation assistance, adding a definition for “special educational problems occasioned by desegregation,” and amending the definition of “sex desegregation” to clarify the protected individuals identified by this term.
- Removing the existing selection criteria, to instead rely on the general selection criteria listed under the Education Department General Administrative Regulations (EDGAR) at 34 CFR 75.210.
- Removing the limitations and exceptions established in current 34 CFR 270.6 on providing desegregation assistance, to align these regulations with those of other technical assistance centers.
- Removing 34 CFR part 271, as the SEA Desegregation program has not been funded in twenty years, as well as merging part 272 into part 270, so that a single part covers the EAC program.

These final regulations contain changes from the NPRM, which are fully explained in the Analysis of Comments and Changes section of this document.

Public Comment: In response to our invitation in the NPRM, 108 parties submitted comments on the proposed regulations. We discuss substantive issues under the section number of the item to which they pertain. Several comments did not pertain to a specific section of the proposed regulations. We discuss these comments based on the general topic area. Generally, we do not address technical and other minor changes. In addition, we do not address comments that raise concerns not directly related to the proposed regulations.

Analysis of Comments and Changes: An analysis of the comments and of any changes in the regulations since publication of the NPRM follows.

#### General Comments

Comment: Numerous commenters wrote to express their support and appreciation of the previous work of the EACs.

Discussion: The Department appreciates the support for this program and for the past work of the EACs.

Changes: None.

Comment: Several commenters wrote to express their support for updating the program name and related definitions to refer to “Equity Assistance Centers” rather than Desegregation Assistance Centers. However, a few commenters objected to the Department amending the definition of a “Desegregation Assistance Center” to refer to it as an Equity Assistance Center. These commenters proposed alternate names, such as Integration and Equity Assistance Centers (IEACS), Desegregation and Equity Assistance Centers (DEACs) or Civil Rights Equity Assistance Centers (CREACs).

Discussion: The Department appreciates the support expressed by many commenters for these changes. The Department declines to adopt the commenters’ alternate suggestions for names, as we maintain that the term “equity” better reflects the breadth of desegregation activities currently undertaken by the regional centers. Also, we note that the Department has for some time referred to the regional centers as “Equity Assistance Centers” in the notices inviting applications, in cooperative agreements, and on the Office of Elementary and Secondary Education’s (OESE’s) Web page for the grant program. Ultimately, the purpose of the regional centers is to ensure equitable access to educational opportunities for all students without regard to race, sex, national origin, or religion. Therefore, we believe it is appropriate to formally refer to the regional centers as “Equity Assistance Centers.”

Changes: None.

Comment: Some commenters requested that we delay the implementation of these regulations until we engage in further consultation with the existing EACs, tribes, or other stakeholders.

Discussion: The Department solicited public comment on the open issues affecting these regulations through the NPRM. Existing EACs, along with other stakeholders, were notified of the proposed regulations multiple times throughout the comment period. The Department provided the existing EACs with the same opportunity to comment on the proposed regulations as all other interested parties. Further, we note that these proposed regulations do not trigger the need for tribal consultation; while American Indian and Alaska Native students may benefit as a result of the EAC program, the program is aimed at servicing all LEAs seeking assistance with desegregation problems, and not directly Indian tribes. Thus, we decline to postpone the implementation of these regulations for the purpose of further consultation.

Changes: None.

Comment: One commenter suggested that the EACs renew a programmatic focus on supporting school integration efforts, and provide assistance for policy efforts designed to bring students together. This commenter also suggested the Department increase EAC accountability in reporting outputs, outcomes, best practices, and what works, to expand resources and awareness to a wide array of communities.

Discussion: The Department supports the continued development of an EAC program that works to ensure that students are brought together through eliminating segregation in schools on the basis of race, national origin, sex and religion. The Department agrees that accountability plays an important role in this process, and directs this commenter to our Government Performance and Results Act (GPRA) measures, which measure the work of the EACs using a variety of criteria, and performance reporting requirements including annual performance reports, annual evaluations, and financial reports. These can be found in the notice inviting applications for new awards published elsewhere in this issue of the Federal Register. When running competitions for the EAC program, the Department hopes to attract applicants that will consider a range of methods for addressing the needs of each geographic region, which may include identifying different strategies to expand resources and awareness to a wide array of communities within the region. Finally, as to the sharing of best practices, the Department notes that under §270.30(b), each EAC is expected to coordinate assistance in its geographic regions with appropriate SEAs, Comprehensive Centers, Regional Educational Laboratories, and other Federal technical assistance centers, which could include the soliciting and sharing of best practices.

Changes: None.

#### Removal of previous 34 CFR part 271

Comment: Some commenters requested that the Department retain the regulations for the SEA Desegregation Program under existing 34 CFR part 271.

Discussion: The Department appreciates, but disagrees with, these comments. Congress has not funded the SEA Desegregation program in more than 20 years, and as a result, the Department no longer administers this program. Given these circumstances, the Department believes that retaining the SEA Desegregation program

regulations under part 271 is not in the public interest, and could only result in public confusion. Thus, the Department will move forward in removing 34 CFR part 271, and consolidating current part 272 into part 270.

Changes: None.

Removal of previous §272.30: What criteria does the Secretary use to make a grant?

Comment: Several commenters objected to the Department removing the selection criteria under previous §272.30. Specifically, some of these commenters stated that the existing selection criteria are necessary because they are tailored to the special needs of the civil rights community. Another commenter requested that the selection criteria specify that the EACs can provide assistance in all desegregation assistance areas, and that EACs can help to combat religious discrimination without decreasing other civil rights protections. Another commenter suggested that the Department consider an understanding of the elements required to effect real and lasting change versus information dissemination.

Discussion: The Department believes that using the general selection criteria listed in 34 CFR 75.210 will provide the Secretary with the necessary flexibility to ensure that the selection criteria reflect the needs and concerns identified at the time of each competition, including those of the civil rights community. The general selection criteria have been vetted and tested across many Departmental programs, and provide a wide range of factors for evaluating applications in any competition. In addition, adoption of the general selection criteria would allow the Secretary to improve the selection process, based upon experience gained in running the program.

With regard to the concern that EACs be able to provide assistance in all desegregation assistance areas, we decline to add this as a selection criterion because we will be using the general selection criteria under 34 CFR 75.210. However, the Department will ensure that through those criteria, we will select grantees that have the capability to provide technical assistance across all areas of desegregation assistance. The Department expects that each grantee will have the capacity to provide all types of desegregation assistance, in accordance with requests for technical assistance. Finally, with regard to the concern that the selected EACs be able to effect real and lasting change, we expect that future grantees will continue the strong work of current and past EAC grantees, and will provide appropriate levels of technical assistance depending on the requests. This may

take the form of information dissemination, which is often necessary to effect change. However, we believe that the selected EACs will be in the best position to determine the appropriate level of technical assistance in response to each request and that such technical assistance will be of sufficient quality, intensity, and duration to lead to improvements in practice among the eligible entities receiving those services.

Changes: None.

§ 270.4 What types of projects are authorized under this program?

Comment: Several commenters expressed support for the addition of “community organizations” to the list of parties that may receive desegregation assistance under this program.

Discussion: The Department appreciates the support for these changes.

Changes: None.

§270.5 What geographic regions do the EACs serve?

Comment: Several commenters asked that the Department maintain ten geographic regions, rather than reducing to four geographic regions. Among these, some commenters stated that demand for EAC services is rising, and expressed concern as to how four geographic regions could meet those demands. Some commenters requested that we instead increase the number of geographic regions.

Discussion: The Department believes that allowing the Secretary to determine the number and composition of geographic regions for the program is necessary to maximize the program funds devoted to technical assistance. As noted in the NPRM, Congress has reduced funding for the EAC program significantly since the program was first created. The Department will limit the number of centers to provide each center with more funding, which will help to ensure a greater percentage of funds are used to provide technical assistance and a smaller percentage of funds are devoted to overhead costs. Were the EAC program to receive additional funding in the future, the Department may consider increasing the number of geographic regions, as appropriate.

With regard to the commenters who expressed concern that the demand for EAC services is rising, the Department notes that the regulations seek to streamline EAC services. Thus, the Department believes that these changes will help alleviate issues of excess demand, rather than aggravate them.

Changes: None.

Comment: Two commenters asked the Department to clarify how potential grantees will be able to identify partners and the needs of States if the geographic regions will not be announced until the notice inviting applications.

Discussion: The Department expects that a data-driven approach to identifying regional needs will help potential applicants anticipate the needs of each region and make better use of existing resources, including other Federal technical assistance providers and Federal, State, and local data sources. In addition, the Department anticipates that this will be an ongoing process, and that needs of the States and LEAs within each region will become more apparent throughout the project period. Similarly, while the Department expects applicants will have baseline knowledge of potential partners within the geographic region, we hope that grantees will identify new partners throughout the project period, as appropriate.

Changes: None.

Comment: Several commenters expressed concern with the proposed criteria for determining the number and boundaries of the geographic regions. In addition, several commenters suggested that changing these criteria during an election year would create additional risk to the program. Finally, some commenters expressed general concern that providing the Secretary with flexibility to determine the number and composition of geographic regions for the program would expose the centers to political influences.

Discussion: The Department has identified objective criteria that will be used to establish both the number and the geographic boundaries of each region to be served by the EACs. Through the NPRM, we solicited comments on what factors the Secretary should consider when determining the composition of States in each geographic region, and gave careful consideration to all suggestions. As such, we believe that the criteria identified are sufficient to ensure that boundaries of the new geographic regions are based on appropriate data, and reflect the underlying needs of those regions.

Similarly, because the Department established the criteria for geographic boundaries through public comment and the boundaries will be based on objective measures, we believe the published criteria we will use when determining the number and composition of geographic regions for the EAC program insulate the EAC geographic boundary determinations from political influence.

Changes: None.

Comment: Some commenters suggested that the Department could allow the centers within each existing region to determine which States and LEAs in its region should receive focused attention based on available data.

Discussion: Title IV and our implementing regulations limit the centers to providing services upon request. The demand-driven nature of the program precludes the regional centers from focusing on specific States or LEAs without a request from those States or LEAs. Please note that once an EAC has developed materials in response to a request for technical assistance, that EAC may make those materials available to other interested parties.

Changes: None.

Comment: Several commenters expressed concern that these regulations could jeopardize the relationships between the existing centers and their clients, or would compromise cross-center collaboration. Similarly, several commenters expressed concern that changing the current EAC serving a particular geographic region could affect the viability of multi-year projects underway in that region.

Discussion: While we appreciate commenters' concern that these regulations could disrupt the relationships between existing centers and their clients, we note that the EAC funds are awarded to centers through a competitive grant process. Therefore, there is always, and has always been, a possibility that the center will change during a new award cycle. The Department seeks to ensure that program funds are awarded to the most qualified applicants, which will ensure that program funds are used to maximum effect.

The Department appreciates the commenters' commitment to implementing comprehensive, multi-year plans for combating issues of inequity within their region. The Department notes that the EAC program will continue to fund multi-year grants, and the centers will continue to support multi-year technical assistance activities to improve equity, when necessary.

The Department agrees with commenters that ensuring continuity of services is essential to the work of the EAC program. Therefore, we are revising §270.30 to require that the EACs selected following a new

competition will work with current EACs to support a smooth transition and to minimize disruption for the intended beneficiaries.

Changes: We have revised §270.30 to include §270.30(c), which requires that the EACs selected following a new competition must work with current EACs to support a smooth transition and to minimize disruption in the provision of technical assistance.

Comment: Several commenters expressed concern that, were the Department to reduce the number of geographic regions from 10 to 4, a number of beneficiaries would no longer receive services from the EAC program, or would no longer be able to afford them. Commenters expressed particular concern that this could lead to a reduction in services for English learners, low-income, or rural students. Similarly, some commenters expressed concern that consolidating the geographic regions would lead to increased competition between the LEAs in that region. Finally, several commenters expressed a concern that the EACs would focus on serving highly impacted States.

Discussion: The Department does not anticipate that changing the number of geographic regions will result in a reduction in EAC technical assistance provided. First, with regard to demand for services, we note that EACs provide assistance where requested by school boards or other responsible governmental agencies. These services are and will continue to be provided free to responsible governmental agencies and we do not anticipate any impact on the number of requests for assistance from the EACs because of the reduction in the number of geographic regions. With regard to the ability of the EACs to continue to meet the demand for services, the Department believes that consolidating the number of geographic regions will increase efficiency in the use of time, staff, money, and other resources and increase the magnitude of direct technical assistance. We also anticipate that applicants will propose approaches to technical assistance that include the use of existing resources and emerging technologies to improve coordination of center staff and continuous oversight of assistance activities. Furthermore, these regulations do not alter the level of funding established by Congress for the EAC program. As such, the resources available to fund EACs nationwide, as demand dictates, remain the same. For these reasons, we also disagree with the assertion that consolidating the geographic regions could lead to heightened competition amongst the LEAs within each consolidated region.

The Department agrees with commenters that it is important to ensure that LEAs with high numbers of low-income students, rural LEAs, and other traditionally underserved populations continue to benefit from the EAC program. The Department intends to expand the reach of the EACs through these regulations by improving the effectiveness and efficiency of the delivery of services.

We note that the regulations do not use the terms “high impacted States” or “highly impacted States.” As noted above, the regulations will not cause the EACs to focus on certain States within a region, because EACs provide services when responsible governmental agencies request assistance, not when EACs conduct outreach. Thus, as is now the case, EACs will continue to serve eligible entities within an entire geographic region, upon request for assistance. Please note that once an EAC has developed materials in response to a request for technical assistance, that EAC may make those materials available to other interested parties.

Changes: None.

Comment: Several commenters expressed concern regarding the potential costs associated with consolidating the geographic regions. Of these commenters, many were concerned that consolidation would result in overreliance on remote technical assistance by the EACs. Although some commenters supported EACs increasing their use of technology, many expressed a belief that the work of the EACs necessitates face-to-face interaction. In addition, some commenters stated that the EACs could not increase the use of remote technical assistance because the EACs are already utilizing technology to the maximum extent possible. Moreover, some commenters expressed concern that poor and rural LEAs and Indian reservations do not have the technological infrastructure to support remote technical assistance. Finally, some commenters expressed concern that consolidation of the geographic regions would result in increased travel costs, as well as the need for more staff and infrastructure within each EAC.

Discussion: The Department believes that the concerns of the commenters are unwarranted. The Department stresses that, while we will consolidate the number of geographic regions, each region will receive a commensurate portion of EAC program funds. The increased funding for each new geographic region should at least partially offset any increased costs for travel, and enable the centers to accrue the necessary staff and infrastructure to serve that geographic region. The Department expects that the EACs will continue to provide

on-the-ground technical assistance, and appreciates that such interaction is often a necessary part of combatting entrenched issues that contribute to segregation.

In order to reach a wide array of eligible entities, we also expect that the EACs will enhance their technical assistance capacities through technology. As noted in the NPRM, the Internet now allows EACs to provide effective and coordinated technical assistance across much greater geographic distances than would have been possible when the previous regulations were promulgated in 1987. Thus, while we acknowledge that the EACs already make great use of technology, we expect that the EACs will need to continue to expand their use of technology to reflect the best practices and most current capabilities for providing remote technical assistance. In addition, we note that the current regulations are not intended to curtail in-person technical assistance, but rather acknowledge that significant advances in technology enable EACs to use a variety of methods for providing technical assistance, and that decreases in funding over the past three decades demand that the EACs continue to find novel methods of providing assistance in order to reach a broad range of eligible entities. Furthermore, we note that under the current structure of ten geographic regions, the EACs are already integrating the use of technology to serve the large, geographically dispersed populations within the region and cannot respond to every request with in-person technical assistance. Thus, the EACs will need to continue to exercise professional judgment in considering whether a request for technical assistance can be addressed through remote technical assistance. The Department expects that centers will consider whether there are any barriers to providing and receiving technical assistance remotely. As such, the Department expects that high-quality applicants for funding under the EAC program will propose effective and efficient ways to serve the needs of the entire region.

Changes: None.

Comment: Several commenters expressed concern that reducing the number of regions could negatively affect the collaborative work that the EACs conduct with the Office for Civil Rights (OCR) and Department of Justice (DOJ), or that EACs would have to limit the role they play in supporting individual LEAs reaching settlement agreements with OCR or DOJ. Some of these commenters stated that OCR needs 300 new field investigators, and that reducing the number of EACs would contribute to this void. Other commenters stated that EACs

provide technical assistance and training to DOJ and OCR, and expressed a concern that these entities would no longer receive training were the number of geographic regions to be consolidated.

Discussion: The Department anticipates that the EACs will continue to collaborate with the OCR and DOJ, as appropriate. The Department does not anticipate that the EACs will scale back collaboration with these entities, because each EAC will receive funding commensurate with the size of the geographic region. Thus, each EAC will have comparable resources to support LEAs in meeting settlement agreements, upon request.

However, we note that while these entities all address civil rights matters, the role of the EACs is different from, and independent of, the role of OCR and DOJ. It would be inappropriate to base any aspect of the EAC program on the amount of resources devoted to programs aimed at providing similar services to eligible entities. Thus, it is inappropriate to consider the number of OCR field investigators when considering the number of regions for the EAC program. Finally, the Department notes that persons served by the EAC program are limited by section 270.3 to include public school personnel, students, parents, community organizations and other community members. Thus, while the Department anticipates that the EACs will continue to collaborate with OCR and DOJ, it would be inappropriate for the EACs to provide technical assistance to OCR or DOJ using grant funds provided under these regulations.

Changes: None.

Comment: Several commenters proposed additional criteria the Secretary should consider when determining the size and number of the geographic regions. One commenter suggested the Secretary group contiguous States into regions. Other commenters suggested the Secretary consider: each proposed geographic region's history with inequities; whether a geographic area contains urban, suburban, rural, or frontier populations; the size and diversity of the student population; emerging issues in the field; active school desegregation cases; geographic miles served and number of LEAs; and number of civil rights complaints filed over a given time period in each region. Additional commenters suggested that the Department consider the distrust of Federal government agencies; the historical relationship between the Federal government and tribal schools, and the element of trust within that relationship; cultural affinity; the weather; and the politics of the region.

Discussion: The Department agrees with one commenter’s suggestion that priority be given to grouping contiguous States into regions, as States in similar geographic regions tend to face similar equity issues. The Department also plans to examine each region’s history in addressing issues of equity, active school desegregation cases, number of civil rights complaints, and emerging issues in the field by examining the history of EAC and other Departmental technical assistance activities. The Department will limit its analysis to the composition of urban, city, and rural LEAs in each geographic region, because these are the designations for which we have available data. The size and diversity of the student population is included within §270.5(c)(1). In addition, the number of LEAs in each geographic region is included under §270.5(c)(2), and the Department believes this is a better measurement of the need of a region than geographic miles covered. The Department declines to incorporate all additional suggested criteria, because they are not aligned with the goals of the program and there is no clear way of measuring those suggested criteria.

Changes: We have revised §270.5(c) to include a consideration of the geographic proximity of the States within each region.

Comment: One commenter expressed concern that consolidating the number of EACs would expand the EACs’ scope of responsibility into areas and issues associated with geographic regions for which they are not familiar.

Discussion: The Department expects high-quality applicants to be able to provide technical assistance across all desegregation assistance areas the program covers. The Department further expects that, if an EAC did not have experience in addressing a request for technical assistance, it would develop that expertise or partner with other EACs or Federal technical assistance centers to develop that expertise collaboratively. Such coordination would be within the scope of §270.30(b), which requires EACs to coordinate assistance with appropriate SEAs, Comprehensive Centers, Regional Educational Laboratories, and other Federal technical assistance centers. The Department expects high-quality applicants to identify adequate supports and leverage all available resources, including non-Federal resources, in light of the program’s current funding level. In doing so, we believe that EACs will have the capacity to effectively respond to the particular needs of each region.

Changes: None.

Section 270.7 What definitions apply to this program?

Comment: Several commenters expressed support for the Department clarifying and updating the definition of “sex desegregation” to explain that sex desegregation includes desegregation based on transgender status, gender identity, sex stereotypes, and pregnancy and related conditions consistent with the Department’s interpretation of “sex” under Title IX of the Education Amendments of 1972 (Title IX) and implementing regulations, and the interpretations and rules of other Federal agencies. No commenters opposed including all of these terms in the Department’s proposed definition. In addition, some commenters suggested that the definition of “sex desegregation” should include desegregation based on “sexual orientation,” and that sex stereotyping should specify that stereotypical notions of gender include the sex-role expectation that females should be attracted to and romantically involved only with males (and not females) and that males should be attracted to and romantically involved only with females (and not males).

Discussion: In the NPRM, the Department noted that it updated the definition of “sex desegregation” to clarify to whom it applies and highlight some emerging issues for which EACs may provide technical assistance, including the treatment of students with regard to sex stereotypes.

In the NPRM, the Department also noted that the inclusion of “sex stereotypes” was aligned with our Office for Civil Rights’ interpretation of the prohibition of sex discrimination in Title IX and its regulations, and was consistent with other Federal agencies’ recent regulatory proposals, which defined “sex stereotypes” to include treating a person differently because he or she does not conform to sex-role expectations by being in a relationship with a person of the same sex. After the NRPM, the Department of Health and Human Services and the Department of Labor both issued final regulations providing that sex stereotyping includes expectations related to the appropriate roles and behavior of a certain sex. 81 FR 31,376, 31,468 (May 18, 2016) (to be codified at 45 CFR 92.4); 81 FR 39,108, 39,168 (June 15, 2016) (to be codified at 41 CFR 60-20.7(a)(3)). Some Federal district courts have recognized in the wake of the Supreme Court’s decision in *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989), that discrimination on the basis of “sex” includes discrimination based on sex stereotypes about sexual attraction and sexual behavior or about deviations from “heterosexually defined gender norms.” See, e.g., *Videckis v. Pepperdine Univ.*, No. CV1500298DDPJCX, 2015 WL 8916764 (C.D. Cal. Dec. 15, 2015); *Isaacs v. Felder*, 2015 WL 6560655 (M.D. Ala. Oct. 29, 2015); *Baldwin v. Dep’t of Transp.*, Appeal

No. 0120133080, Agency No. 2012-24738-FAA-03 (July 15, 2015) (“Sexual orientation discrimination...is sex discrimination because it necessarily involves discrimination based on gender stereotypes.”). For example, Videckis held that the distinction between discrimination based on gender stereotyping and sexual orientation is artificial, and that claims based on sexual orientation are covered by Title VII and Title IX as sex or gender discrimination. As the Department noted in the NPRM, interpretations of Title IX and its regulations are particularly relevant to the meaning of “sex” under Title IV because Congress's 1972 amendment to Title IV to add sex as an appropriate desegregation assistance area was included in Title IX.

Discrimination against an individual because he or she does not conform to sex-role expectations by being attracted to or in a relationship with a person of the same sex will inevitably rely on sex stereotypes. Therefore, in order to provide clarity for EACs on a type of sex discrimination on which they may provide technical assistance, the Department is amending the regulation by adding this language after the reference to “sex stereotypes” as an example of one included in the commentary of the NPRM.

Changes: The Department will amend the definition of “sex desegregation” to add the phrase “such as treating a person differently because he or she does not conform to sex-role expectations because he or she is attracted to or is in a relationship with a person of the same sex” after “sex stereotypes.”

Comment: Several commenters expressed support for the Department’s proposal to add a definition of “religion desegregation,” and to incorporate religion into the definitions of “desegregation assistance” and “desegregation assistance areas.” Additional commenters supported the addition, but requested that the Department amend the definition of “religion desegregation” or provide additional guidance to ensure that this does not result in harm to other students’ civil rights, result in discrimination, or deprive any student of educational opportunities due to another student’s religious beliefs. In addition, one commenter expressed that the Department should add “religious desegregation” only if additional funds are provided. Finally, one commenter opposed the addition of “religion desegregation” as being out of alignment with the other desegregation assistance activities carried out under this program.

Discussion: First, the Department appreciates the support expressed by many commenters for these changes. The Department is satisfied that the definition of “religion desegregation” set forth in the proposed regulations

is the most appropriate one for the work of the EAC program. The Department notes that religion is specifically included in the definition of “desegregation” in Section 401 of Title IV, the statute authorizing the EAC program. Under Title IV the Secretary is authorized to provide technical assistance to support the desegregation of public schools and the assignment of students to schools without regard to religion. The addition of “religious desegregation” does not alter the civil rights of students, but rather provides the EACs the ability to assist schools to address religion desegregation matters. The Department is aware of an increasing number of incidents of anti-Semitic bullying and harassment in public schools. See, e.g., *T.E. v. Pine Bush Cent. Sch. Dist.*, 58 F. Supp. 3d 332 (S.D.N.Y. 2014). In addition, the Department is aware of reports documenting that students who are or are perceived as Hindu, Muslim, Sikh, Arab, Middle Eastern, South Asian, or Southeast Asian are frequent targets of bullying and harassment. Given the increasing religious diversity in the United States, and the increased tension that has developed in many of our schools related to a student’s actual or perceived religion, the Department believes these regulations are necessary to provide support and technical assistance for schools to assist in developing effective strategies to ensure all students have a full opportunity to participate in educational programs, regardless of religion. The Department believes that the need and ability for EACs to provide technical assistance to address religion desegregation should not be tied to the EAC funding levels. Accordingly, the Department declines to change the regulations based on these comments.

Changes: None.

Comment: One commenter suggested that the Department update the definition of “race desegregation” to reflect the nature of modern desegregation efforts. Another commenter expressed concern that the caveat that “race desegregation” does not mean the assignment of students to public schools to correct conditions of racial separation that are not the result of State or local law or official action was too limiting. This commenter suggested that the Department define racial desegregation “to include racial integration efforts permitted by law and the Department’s guidance.”

Discussion: The definition of “race desegregation” is rooted in the definition of “desegregation” under section 401 of Title IV. In section 401(b), Congress defined “desegregation” to mean the assignment of students to public schools and within such schools without regard to their race, color, religion, sex, or national origin. The

definition under section 401(b) specifies that “desegregation” shall not mean the assignment of students to public schools in order to overcome racial imbalance. Thus, the Department believes that the current definition of “race desegregation” incorporates the statutory definition.

Changes: None.

Comment: One commenter requested that the Department amend the definition of “Special educational problems occasioned by desegregation” to problems that arise “in the course of” rather than “as a result of” desegregation efforts. Another commenter suggested that the Department change the term “special educational problems occasioned by desegregation,” rather than add a definition for the existing term. Both expressed that the term and its definition presented a deficit-based perspective on desegregation activities, rather than focusing on the benefits of these activities.

Discussion: The term “special educational problems occasioned by desegregation” is rooted in section 403 of Title IV, which states that technical assistance may, among other activities, include making available to such agencies information regarding effective methods of coping with special educational problems occasioned by desegregation. Thus, we decline to alter the term “special educational problems occasioned by desegregation.” However, the Department agrees that the underlying definition would be better served by referring to problems that arise “in the course of” rather than “as a result of” desegregation efforts because the language of the former more accurately reflects the scope of activities covered under “special educational problems occasioned by desegregation.”

Changes: We have revised the definition of “special educational problems occasioned by desegregation” under §270.7 to mean those issues that arise in classrooms, schools, and communities in the course of desegregation efforts based on race, national origin, sex, or religion.

Comment: One commenter suggested that the Department adopt language requiring greater parent and parent organization engagement in informing EAC work with schools and LEAs. Similarly, another commenter advocated that the Department require successful applicants to demonstrate substantive partnership with parent organizations.

Discussion: Proposed §270.4 added “community organizations” to the list of parties that may receive desegregation assistance under this program. The Department interprets “community organizations” to include parent organizations. The Department believes that this addition will enable greater parent organization involvement in EAC technical assistance activities. Furthermore, we note that parents of students are eligible to receive technical assistance under the EAC program.

With regard to the request that the Department require successful applicants to the EAC program to demonstrate substantive partnership with parent organizations, the Department expects that the EACs will engage all interested beneficiaries and eligible stakeholders within an LEA that requests technical assistance. However, the Department believes that the EACs are in the best position to assess who to engage based on the factual situation encountered, in order to successfully address an identified need for desegregation assistance. Thus, the Department declines to add a requirement that applicants demonstrate a substantive partnership with parent organizations.

Changes: None.

Section 270.32 What limitation is imposed on providing Equity Assistance under this program?

Comment: One commenter opposed proposed §270.32 and suggested that the Department clarify that the regulation will not prevent EACs from assisting LEAs in need of support and assistance with inclusive curriculum design. Another commenter proposed that the Department amend current §270.6(b) to read that the activities prohibited under §270.6(a) do not prohibit the DACs from assisting LEAs with implementing appropriate language services for English Learner students.

Discussion: Consistent with the General Education Provisions Act, 20 U.S.C. 1232(a), we cannot and do not authorize centers to exercise direction or control over the curriculum. The Department believes it necessary to amend previous §270.6(b) because, as drafted, §270.6(b) could be misconstrued to permit the development or implementation of activities for direct instruction; removing this provision will ensure clarity. The Department agrees that EACs could provide technical assistance to ensure that English learner programs do not unjustifiably segregate students on the basis of national origin or English learner status, consistent with our “Dear Colleague Letter: English Learner Students and Limited English Proficient Parents” (Jan. 7, 2015),

<http://www2.ed.gov/ocr/letters/colleague-el-201501.pdf>). Because the Department has developed publicly available guidance on the responsibilities of SEAs and LEAs to ensure equal educational opportunities for English learners, we do not believe it is necessary to add this to the regulation.

Changes: None.

### Executive Orders 12866 and 13563

#### Regulatory Impact Analysis

Under Executive Order 12866, the Secretary must determine whether this regulatory action is “significant” and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a “significant regulatory action” as an action likely to result in a rule that may--

- (1) Have an annual effect on the economy of \$100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities in a material way (also referred to as an “economically significant” rule);
- (2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

Discussion of Costs and Benefits: We have determined that the potential costs associated with this regulatory action will be minimal while the potential benefits are significant.

For EAC grants, applicants may anticipate costs in developing their applications. Application, submission, and participation in a competitive discretionary grant program are voluntary. The final regulations will create flexibility for us to use general selection criteria listed in EDGAR 75.210. We believe that any criterion from EDGAR 75.210 used in a grant competition will not impose a financial burden that applicants would not otherwise incur in the development and submission of a grant application. Other losses may stem

from the reduction of the number of regional centers for those applicants that do not receive a grant in future funding years, including the costs of phasing out those centers and associated job losses. Additionally, due to the consolidation of EACs, the remaining geographic regions will cover a larger geographic range. As a result, future grantees may experience increased travel costs in providing in-person technical assistance. However, this should be offset in part by an increased amount of funding, commensurate with the size of its geographic region.

We do not believe that reducing the number of regions will prevent EACs from providing technical assistance across the country. Technological advancements allow EACs to provide effective and coordinated technical assistance across much greater geographic distances than when the previous regulations were promulgated.

The benefits include enhancing project design and quality of services to better meet the statutory objectives of the programs. These changes will allow more funds to be used directly for providing technical assistance to responsible governmental agencies for their work in equity and desegregation, by reducing the amount of funds directed to overhead costs. The flexibility of the geographic regions will increase the Department's ability to be strategic with limited resources. In addition, these changes will result in each center receiving a greater percentage of the overall funds for the program, and this greater percentage and amount of funds for each selected applicant will help to incentivize an increased quality and diversity of applicants.

In addition, the Secretary believes that students covered under sex desegregation and religion desegregation will strongly benefit from the final regulations. The revised definition of “sex desegregation” will provide clarification regarding the scope of issues covered under sex desegregation, removing any confusion about appropriate technical assistance. For religion desegregation, grantees will need to provide technical assistance to responsible governmental agencies seeking assistance on this subject, but the costs associated with these new technical assistance activities will be covered by program funds.

#### Paperwork Reduction Act of 1995

These final regulations do not contain any information collection requirements.

#### Intergovernmental Review

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

This document provides early notification of our specific plans and actions for these programs.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the person listed under FOR FURTHER INFORMATION CONTACT.

Electronic Access to This Document: The official version of this document is the document published in the Federal Register. Free Internet access to the official edition of the Federal Register and the Code of Federal Regulations is available via the Federal Digital System at: [www.gpo.gov/fdsys](http://www.gpo.gov/fdsys). At this site you can view this document, as well as all other documents of this Department published in the Federal Register, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the Federal Register by using the article search feature at: [www.federalregister.gov](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

(Catalog of Federal Domestic Assistance Number: 84.004D)

#### List of Subjects

##### 34 CFR Parts 270, 271, and 272

Elementary and secondary education, Equal educational opportunity, Grant programs-education, Reporting and recordkeeping requirements.

Dated:

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Ann Whalen,  
Senior Advisor to the Secretary

Delegated the Duties of Assistant Secretary for Elementary and Secondary Education.

For the reasons discussed in the preamble, the Secretary of Education amends parts 270, 271, and 272 of title 34 of the Code of Federal Regulations as follows:

1. Part 270 is revised to read as follows:

## PART 270— EQUITY ASSISTANCE CENTER PROGRAM

### Subpart A – General

Sec.

- 270.1 What is the Equity Assistance Center Program?
- 270.2 Who is eligible to receive a grant under this program?
- 270.3 Who may receive assistance under this program?
- 270.4 What types of projects are authorized under this program?
- 270.5 What geographic regions do the EACs serve?
- 270.6 What regulations apply to this program?
- 270.7 What definitions apply to this program?

### Subpart B—[RESERVED]

### Subpart C—How Does the Secretary Award a Grant?

Sec.

- 270.20 How does the Secretary evaluate an application for a grant?
- 270.21 How does the Secretary determine the amount of a grant?

### Subpart D—What Conditions Must I Meet after I Receive a Grant?

Sec.

- 270.30 What conditions must be met by a recipient of a grant?
- 270.31 What stipends and related reimbursements are authorized under this program?
- 270.32 What limitation is imposed on providing Equity Assistance under this program?

AUTHORITY: 42 U.S.C. 2000c-2000c-2, 2000c-5, unless otherwise noted.

## PART 270 – EQUITY ASSISTANCE CENTER PROGRAM

### Subpart A – General

#### §270.1 What is the Equity Assistance Center Program?

This program provides financial assistance to operate regional Equity Assistance Centers (EACs), to enable them to provide technical assistance (including training) at the request of school boards and other

responsible governmental agencies in the preparation, adoption, and implementation of plans for the desegregation of public schools, and in the development of effective methods of coping with special educational problems occasioned by desegregation.

§270.2 Who is eligible to receive a grant under this program?

A public agency (other than a State educational agency or a school board) or private, nonprofit organization is eligible to receive a grant under this program.

§270.3 Who may receive assistance under this program?

(a) The recipient of a grant under this part may provide assistance only if requested by school boards or other responsible governmental agencies located in its geographic region.

(b) The recipient may provide assistance only to the following persons:

(1) Public school personnel.

(2) Students enrolled in public schools, parents of those students, community organizations and other community members.

§270.4 What types of projects are authorized under this program?

(a) The Secretary may award funds to EACs for projects offering technical assistance (including training) to school boards and other responsible governmental agencies, at their request, for assistance in the preparation, adoption, and implementation of plans for the desegregation of public schools.

(b) A project must provide technical assistance in all four of the desegregation assistance areas, as defined in 34 CFR 270.7.

(c) Desegregation assistance may include, among other activities:

(1) Dissemination of information regarding effective methods of coping with special educational problems occasioned by desegregation;

(2) Assistance and advice in coping with these problems; and

(3) Training designed to improve the ability of teachers, supervisors, counselors, parents, community members, community organizations, and other elementary or secondary school personnel to deal effectively with special educational problems occasioned by desegregation.

§270.5 What geographic regions do the EACs serve?

(a) The Secretary awards a grant to provide race, sex, national origin, and religion desegregation assistance under this program to regional EACs serving designated geographic regions.

(b) The Secretary announces in the Federal Register the number of centers and geographic regions for each competition.

(c) The Secretary determines the number and boundaries of each geographic region for each competition on the basis of one or more of the following:

- (1) Size and diversity of the student population;
- (2) The number of LEAs;
- (3) The composition of urban, city, and rural LEAs;
- (4) The history and frequency of the EAC and other Department technical assistance activities, ;
- (5) Geographic proximity of the States within each region; and
- (6) The amount of funding available for the competition.

§270.6 What regulations apply to this program?

The following regulations apply to this program:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR part 75 (Direct Grant Programs), part 77 (Definitions That Apply to Department Regulations), part 79 (Intergovernmental Review of Department of Education Programs and Activities), and part 81 (General Education Provisions Act—Enforcement), except that 34 CFR 75.232 (relating to the cost analysis) does not apply to grants under this program.

(b) The regulations in this part.

(c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted in 2 CFR part 3474 and the OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted in 2 CFR part 3485.

§270.7 What definitions apply to this program?

In addition to the definitions in 34 CFR 77.1, the following definitions apply to the regulations in this part:

*Desegregation assistance* means the provision of technical assistance (including training) in the areas of race, sex, national origin, and religion desegregation of public elementary and secondary schools.

*Desegregation assistance areas* means the areas of race, sex, national origin, and religion desegregation.

*English learner* has the same meaning under this part as the same term defined in section 8101(20) of the Elementary and Secondary Education Act, as amended.

(Authority: Section 8101(20) of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act, Pub. L. No. 114-95 (2015) (ESSA))

*Equity Assistance Center* means a regional desegregation technical assistance and training center funded under this part.

*National origin desegregation* means the assignment of students to public schools and within those schools without regard to their national origin, including providing students such as those who are English learners with a full opportunity for participation in all educational programs regardless of their national origin.

*Public school* means any elementary or secondary educational institution operated by a State, subdivision of a State, or governmental agency within a State, or operated wholly or predominantly from or through the use of governmental funds or property, or funds or property derived from governmental sources.

*Public school personnel* means school board members and persons who are employed by or who work in the schools of a responsible governmental agency, as that term is defined in this section.

*Race desegregation* means the assignment of students to public schools and within those schools without regard to their race, including providing students with a full opportunity for participation in all educational programs regardless of their race. “Race desegregation” does not mean the assignment of students to public schools to correct conditions of racial separation that are not the result of State or local law or official action.

*Religion desegregation* means the assignment of students to public schools and within those schools without regard to their religion, including providing students with a full opportunity for participation in all educational programs regardless of their religion.

*Responsible governmental agency* means any school board, State, municipality, LEA, or other governmental unit legally responsible for operating a public school or schools.

*School board* means any agency or agencies that administer a system of one or more public schools and any other agency that is responsible for the assignment of students to or within that system.

*Sex desegregation* means the assignment of students to public schools and within those schools without regard to their sex (including transgender status; gender identity; sex stereotypes, such as treating a person differently because he or she does not conform to sex-role expectations because he or she is attracted to or is in a relationship with a person of the same sex; and pregnancy and related conditions), including providing students with a full opportunity for participation in all educational programs regardless of their sex.

*Special educational problems occasioned by desegregation* means those issues that arise in classrooms, schools, and communities in the course of desegregation efforts based on race, national origin, sex, or religion. The phrase does not refer to the provision of special education and related services for students with disabilities as defined under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.)

Subpart B—[RESERVED]

Subpart C—How Does the Secretary Award a Grant?

§270.20 How does the Secretary evaluate an application for a grant?

- (a) The Secretary evaluates the application on the basis of the criteria in 34 CFR §75.210.
- (b) The Secretary selects the highest ranking application for each geographic region to receive a grant.

§270.21 How does the Secretary determine the amount of a grant?

The Secretary determines the amount of a grant on the basis of:

- (a) The amount of funds available for all grants under this part;
- (b) A cost analysis of the project (that shows whether the applicant will achieve the objectives of the project with reasonable efficiency and economy under the budget in the application), by which the Secretary:
  - (1) Verifies the cost data in the detailed budget for the project;
  - (2) Evaluates specific elements of costs; and
  - (3) Examines costs to determine if they are necessary, reasonable, and allowable under applicable

statutes and regulations;

(c) Evidence supporting the magnitude of the need of the responsible governmental agencies for desegregation assistance in the geographic region and the cost of providing that assistance to meet those needs, as compared with the evidence supporting the magnitude of the needs for desegregation assistance, and the cost of providing it, in all geographic regions for which applications are approved for funding;

(d) The size and the racial, ethnic, or religious diversity of the student population of the geographic region for which the EAC will provide services; and

(e) Any other information concerning desegregation problems and proposed activities that the Secretary finds relevant in the applicant's geographic region.

#### Subpart D—What Conditions Must I Meet after I Receive a Grant?

##### §270.30 What conditions must be met by a recipient of a grant?

(a) A recipient of a grant under this part must:

(1) Operate an EAC in the geographic region to be served; and

(2) Have a full-time project director.

(b) A recipient of a grant under this part must coordinate assistance in its geographic region with appropriate SEAs, Comprehensive Centers, Regional Educational Laboratories, and other Federal technical assistance centers. As part of this coordination, the recipient shall seek to prevent duplication of assistance where an SEA, Comprehensive Center, Regional Educational Laboratory, or other Federal technical assistance center may have already provided assistance to the responsible governmental agency.

(c) A recipient of a grant under this part must communicate and coordinate with the most recent EAC grant recipient(s) in its region, as needed, to ensure a smooth transition for ongoing technical assistance under the EAC program.

##### §270.31 What stipends and related reimbursements are authorized under this program?

(a) The recipient of an award under this program may pay:

(1) Stipends to public school personnel who participate in technical assistance or training activities funded under this part for the period of their attendance, if the person to whom the stipend is paid receives no

other compensation for that period; or

(2) Reimbursement to a responsible governmental agency that pays substitutes for public school personnel who:

(i) Participate in technical assistance or training activities funded under this part; and

(ii) Are being compensated by that responsible governmental agency for the period of their attendance.

(b) A recipient may pay the stipends and reimbursements described in this section only if it demonstrates that the payment of these costs is necessary to the success of the technical assistance or training activity, and will not exceed 20 percent of the total award.

(c) If a recipient is authorized by the Secretary to pay stipends or reimbursements (or any combination of these payments), the recipient shall determine the conditions and rates for these payments in accordance with appropriate State policies, or in the absence of State policies, in accordance with local policies.

(d) A recipient of a grant under this part may pay a travel allowance only to a person who participates in a technical assistance or training activity under this part.

(e) If the participant does not complete the entire scheduled activity, the recipient may pay the participant's transportation to his or her residence or place of employment only if the participant left the training activity because of circumstances not reasonably within his or her control.

§270.32 What limitation is imposed on providing Equity Assistance under this program?

A recipient of a grant under this program may not use funds to assist in the development or implementation of activities or the development of curriculum materials for the direct instruction of students to improve their academic and vocational achievement levels.

PART 271 [Removed and Reserved]

2. Part 271 is removed and reserved.

PART 272 [Removed and Reserved]

3. Part 272 is removed and reserved.

## **Program Statute**

### TITLE IV--DESEGREGATION OF PUBLIC EDUCATION

#### DEFINITIONS

SEC. 401. As used in this title--

(a) "Secretary " means the Secretary of Education.

(b) "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, sex, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

(c) "Public school" means any elementary or secondary educational institution, and "public college" means any institution of higher education or any technical or vocational school above the secondary school level, provided that such public school or public college is operated by a State, subdivision of a State, or operated wholly or predominantly from or through the use of governmental funds or property, or funds or property derived from a governmental source.

(d) "School board" means any agency or agencies which administer a system of one or more public schools and any other agency which is responsible for the assignment of students to or within such system.

42 USC 2000c

#### TECHNICAL ASSISTANCE

SEC. 403. The Secretary is authorized, upon the application of any school board, State, municipality, school district, or other governmental unit legally responsible for operating a public school or schools, to render technical assistance to such applicant in the preparation, adoption, and implementation of plans for the desegregation of public schools. Such technical assistance may, among other activities, include making available to such agencies information regarding effective methods of coping with special educational problems occasioned by desegregation, and making available to such agencies personnel of the Department of Education or other persons specially equipped to advise and assist them in coping with such problems.

42 USC 2000c-2

## PAYMENTS

SEC. 406. Payments pursuant to a grant or contract under this title may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Secretary may determine.

42 USC 2000c-5