

DATED MATERIAL – OPEN IMMEDIATELY
Closing Date: June 30, 2006

Fiscal Year 2006

**GRANT APPLICATION
FOR THE
FOREIGN LANGUAGE ASSISTANCE PROGRAM—
LOCAL EDUCATIONAL AGENCIES**

CFDA No. 84.293B
OMB No. 1890-0009
Expiration Date: 6/30/2008



U.S. Department of Education
Washington, DC 20202

**Office of English Language Acquisition, Language Enhancement and
Academic Achievement for Limited English Proficient Students**

PAPERWORK BURDEN STATEMENT

According to the Paperwork Reduction Act of 1995, 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 1890-0009. Expiration date: 6/30/2008. The time required to complete this information collection is estimated to average 25 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: U.S. Department of Education, Washington, D.C. 20202-4651. If you have comments or concerns regarding the status of your individual submission of this form, write directly to: Foreign Language Assistance Program, Office of English Language Acquisition, U.S. Department of Education, 400 Maryland Avenue, S.W., PCP Room 10080, Washington, D.C. 20202-6500.

FOREIGN LANGUAGE ASSISTANCE PROGRAM – LOCAL EDUCATIONAL AGENCIES

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SECTION A

DEAR COLLEAGUE LETTER

Dear Colleague:

Thank you for your interest in the Foreign Language Assistance Program--Local Educational Agencies competition. This program provides grants to local educational agencies for innovative model programs providing for the establishment, improvement, or expansion of foreign language study for elementary and secondary school students.

The enclosed materials include the forms you will need to complete your application, instructions for completing the forms, and additional information that you will need to complete the application. Applicants should organize the application contents, including the program narrative, in accordance with the instructions provided in Section C of this package.

You may request funding for a multi-year award of up to 36 months. If you do request a multi-year award, you must explain why a multi-year project is needed and must provide objectives, activities, and a detailed budget for each year of the proposed project. If you are selected for an award, the Department will establish, at the same time of the initial award, the funding level for each year of the grant.

Future continuation awards will rely heavily on the annual performance reports, which must be submitted before each year of continued funding. We will provide specific reporting requirements to funded applicants at a later date.

Applicants should pay careful attention to the Performance Measure listed in the Application Notice found in Section B of the application package, and consider the measure in planning program objectives, activities and evaluation.

Also, it is important to note that project narratives that exceed the page limit will not be reviewed. If you have questions about these or any other program requirement, please call or e-mail Rebecca Richey at (202) 245-7133, rebecca.richey@ed.gov; Sharon Manassa at (202) 245-7124, sharon.manassa@ed.gov; or Ana Garcia at (202) 245-7153, ana.garcia@ed.gov.

If you are submitting electronically

We are encouraging you to submit your application electronically. Electronic copies must be uploaded on Grants.gov by 4:30 pm, Washington DC time on the closing date and then processed by Grants.gov successfully. For additional information on electronic submission procedures, see the Grants.gov Submission Procedures and Tips for Applicants - Section E. A copy of your application must not be emailed directly to the Department. You must submit it electronically via Grants.gov. We strongly suggest that you carefully check your submission to ensure that you have attached the correct files in the appropriate fields.

We look forward to receiving your application and appreciate your efforts to improve foreign language teaching and learning.

Sincerely,

Kathleen Leos
Assistant Deputy Secretary and
Director, Office of English Language
Acquisition, Language Enhancement, and
Academic Achievement for Limited
English Proficient Students

SECTION B

LEGAL AND REGULATORY DOCUMENTS

- **APPLICATION NOTICE**
- **AUTHORIZING STATUTE**

4000-01-U

DEPARTMENT OF EDUCATION

Office of English Language Acquisition, Language Enhancement,
and Academic Achievement for Limited English Proficient Students
Overview Information

Foreign Language Assistance Program--Local Educational Agencies
Notice inviting applications for new awards for fiscal year (FY)
2006.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.293B

Dates:

Applications Available: May 19, 2006.

Deadline for Notice of Intent to Apply: June 16, 2006.

Deadline for Transmittal of Applications: June 30, 2006.

Deadline for Intergovernmental Review: August 30, 2006.

Eligible Applicants: Local educational agencies (LEAs).

Estimated Available Funds: \$12,920,000.

Estimated Range of Awards: \$50,000-\$300,000.

Estimated Average Size of Awards: \$150,000.

Estimated Number of Awards: 86.

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

PROJECT PERIOD: UP TO 36 MONTHS.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: This program provides grants to LEAs for innovative model programs providing for the establishment, improvement, or expansion of foreign language study for elementary and secondary school students. An LEA that receives a grant under this program must use the funds to support programs that show the promise of being continued beyond the grant period, demonstrate approaches that can be disseminated and duplicated in other LEAs, and may include a professional development component.

Priorities: This notice involves six competitive preference priorities and two invitational priorities.

Competitive Preference Priority #1 is from the notice of final priority for this program published elsewhere in this issue of the Federal Register. In accordance with 34 CFR 75.105(b)(2)(iv), Competitive Preference Priorities #2 through #6 are from section 5493 of the Foreign Language Assistance Act of 2001 (20 U.S.C. 7259b).

Competitive Preference Priority #1: For FY 2006 this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i) we award up to an additional 15 points to an

application, depending on how well the application meets this priority.

This priority is:

Critical Need Languages

This priority supports projects that establish, improve or expand foreign language learning primarily during the traditional school day, within grade kindergarten through grade 12 that exclusively teach one or more of the following less commonly taught languages: Arabic, Chinese, Korean, Japanese, Russian, and languages in the Indic, Iranian, and Turkic language families.

Competitive Preference Priorities #2-6: For FY 2006 these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(ii) we give preference to an application that meets one or more of these priorities over an application of comparable merit that does not meet one of the priorities.

Note: There is no advantage in addressing all five competitive preference priorities. Creating a program around the five priorities may result in a scattered or unfocused program design. We give preference to applications describing programs that address any of these priorities.

These priorities are:

Competitive Preference Priority #2. Projects that include intensive summer foreign language programs for professional development.

Competitive Preference Priority #3. Projects that link non-native English speakers in the community with the schools in order to promote two-way language learning.

Competitive Preference Priority #4. Projects that promote the sequential study of a foreign language for students, beginning in elementary schools.

Competitive Preference Priority #5. Projects that make effective use of technology, such as computer-assisted instruction, language laboratories, or distance learning, to promote foreign language study.

Competitive Preference Priority #6. Projects that promote innovative activities, such as foreign language immersion, partial foreign language immersion, or content-based instruction.

Within Competitive Preference Priorities #2 through #6, we are particularly interested in applications addressing the following priorities.

Invitational Priorities: For FY 2006 these priorities are invitational priorities. Under 34 CFR 75.105(c)(1) we do not give an application that meets one or more of these invitational

priorities a competitive or absolute preference over other applications.

These priorities are:

Invitational Priority #1. Projects that propose innovative approaches to build the capacity to use technology to provide foreign language instruction.

Invitational Priority #2. Projects that propose to collaborate with institutions of higher education to improve the quality and skills of foreign language teachers.

Program Authority: 20 U.S.C. 7259a-7259b.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 80, 81, 82, 84, 85, 86, 97, 98 and 99. (b) The notice of final priority for this program published elsewhere in this issue of the Federal Register.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: \$12,920,000.

Estimated Range of Awards: \$50,000-\$300,000.

Estimated Average Size of Awards: \$150,000.

Estimated Number of Awards: 86.

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

Project Period: Up to 36 months.

III. Eligibility Information

1. Eligible Applicants: LEAs.

2. Cost Sharing or Matching: See section 5492(c)(2) of the Foreign Language Assistance Act of 2001 (20 U.S.C. 7259a(c)). The Federal share of the Foreign Language Assistance Program (FLAP) for each fiscal year is restricted to 50 percent. For example, if the total cost for each fiscal year of the proposed foreign language program is \$200,000, then the LEA may request \$100,000 in Federal funding. Section 80.24 of EDGAR addresses Federal cost sharing requirements.

If an LEA does not have adequate resources to pay the non-Federal share of the cost, a waiver may be requested. An LEA may request a waiver of part, or all, of the matching requirement. The waiver request should be submitted by letter to the Secretary of Education and included in the application. An Authorized Representative of the school district, such as the Superintendent of Schools, should sign the letter. Further information on submitting a waiver request is included in the application package.

The request for waiver should--

- Provide an explanation, supported with appropriate documentation, of the basis for the LEA's position that it does

not have adequate resources to pay the non-Federal share of the cost of the project.

- Specify the amount, if any, of the non-Federal share that the LEA can pay.

It is recommended that the LEA share in the cost of its FLAP project to the extent possible.

IV. Application and Submission Information

1. Address to Request Application Package: Yvonne Putney-Mathieu, U.S. Department of Education, 400 Maryland Avenue, SW., room 10074, Potomac Center Plaza, Washington, DC 20202.

Telephone: (202) 245-7155, or by e-mail: yvonne.mathieu@ed.gov

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1-800-877-8339.

Individuals with disabilities may obtain a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) 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 competition.

Notice of Intent to Apply: If you intend to apply for a grant under this competition, contact Amy Weinmann by e-mail:

amy.weinmann@ed.gov

Note: We do not consider an application that does not comply with the deadline requirements established in this notice.

However, we will consider an application submitted by the deadline date for transmittal of applications, even if the applicant did not provide us notice of its intent to apply.

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. You must limit Part III to the equivalent of no more than 25 pages using 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).

The 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 to two page abstract. However, you must include all of the application narrative in Part III.

We will reject your application if--

- You apply these standards and exceed the page limit;
- or
- You apply other standards and exceed the equivalent of the page limit.

3. Submission Dates and Times:

Applications Available: May 19, 2006.

Deadline for Notice of Intent to Apply: June 16, 2006.

Deadline for Transmittal of Applications: June 30, 2006.

Applications for grants under this program may be submitted electronically using the Grants.gov Apply site (Grants.gov), or in paper format by mail or hand delivery. For information (including dates and times) about how to submit your application electronically, or by mail or hand delivery, please refer to section IV. 6. Other Submission Requirements in this notice.

Deadline for Intergovernmental Review: August 30, 2006.

4. Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal programs

under Executive Order 12372 is in the application package for this competition.

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

6. Other Submission Requirements:

Applications for grants under this program may be submitted electronically or in paper format by mail or hand delivery.

a. Electronic Submission of Applications.

We have been accepting applications electronically through the Department's e-Application system since FY 2000. In order to expand on those efforts and comply with the President's Management Agenda, we are continuing to participate as a partner in the new government wide Grants.gov Apply site in FY 2006. The Foreign Language Assistance Program LEA-CFDA Number 84.293B is one of the programs included in this project. We request your participation in Grants.gov.

If you choose to submit your application electronically, you must use the Grants.gov Apply site 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.

You may access the electronic grant application for the Foreign Language Assistance Program at: <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.

Please note the following:

- Your participation in Grants.gov is voluntary.
- 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 time and date stamped. Your application must be fully uploaded and submitted and must be date/time stamped by the Grants.gov system no later than 4:30 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not consider your application if it is date/time stamped by the Grants.gov system later than 4:30 p.m., Washington, DC time, on the application deadline date. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date/time stamped by the Grants.gov system after 4:30 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 application 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 at <http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf>

- To submit your application via Grants.gov, you must complete the steps in the Grants.gov registration process (see <http://www.Grants.gov/GetStarted>). These steps include (1) registering your organization, (2) registering yourself as an Authorized Organization Representative (AOR), and (3) getting authorized as an AOR by your organization. Details on these steps are outlined in the Grants.gov 3-Step Registration Guide (see <http://www.grants.gov/assets/GrantsgovCoBrandBrochure8X11.pdf>).

- You also must provide on your application the same

D-U-N-S Number used with this registration. Please note that the registration process may take five or more business days to complete, and you must have completed all registration steps to allow you to successfully submit an application via Grants.gov.

- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you submit your application in paper format.

- You may submit all documents electronically, including all information typically included on the Application for Federal Education Assistance (ED 424), Budget Information--Non-Construction Programs (ED 524), and all necessary assurances and certifications. If you choose to submit your application electronically, you must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text) or .PDF (Portable Document) format. If you upload a file type other than the three file types specified above or submit a password protected file, we will not review that material.

- Your electronic application must comply with any page limit requirements described in this notice.

- After you electronically submit your application, you will receive an automatic acknowledgement from Grants.gov that contains a Grants.gov tracking number. The Department will

retrieve your application from Grants.gov and send you a second confirmation by e-mail that will include a PR/Award number (an ED-specified identifying number unique to your application).

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

Application Deadline Date Extension in Case of System Unavailability

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

p.m., Washington, DC time, on the application deadline date.

The Department will contact you after a determination is made on whether your application will be accepted.

Note: Extensions referred to 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 deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

b. Submission of Paper Applications by Mail.

If you submit your application in paper format by mail (through the U.S. Postal Service or a commercial carrier), you must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

By mail through the U.S. Postal Service:

U.S. Department of Education
Application Control Center
Attention: (CFDA Number 84.293B)
400 Maryland Avenue, SW.
Washington, DC 20202-4260

or

By mail through a commercial carrier:

U.S. Department of Education
Application Control Center - Stop 4260
Attention: (CFDA Number 84.293B)
7100 Old Landover Road

Landover, MD 20785-1506

Regardless of which address you use, 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, or
- (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, or
- (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.

c. Submission of Paper Applications by Hand Delivery.

If you submit your application in paper format by hand delivery, you (or a courier service) 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 84.293B)
550 12th Street, SW.
Room 7041, Potomac Center Plaza
Washington, DC 20202-4260

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30 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 4 of the Application for Federal Education Assistance (ED 424) the CFDA number – and suffix letter, if any – of the competition under which you are submitting your application.

(2) The Application Control Center will mail a grant application receipt acknowledgment to you. If you do not receive the grant application receipt acknowledgment 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

Selection Criteria: The selection criteria for this competition are from 34 CFR 75.210 of EDGAR and are as follows:

(a) Need for project. (5 points)

The Secretary considers the need for the proposed project. In determining the need for the proposed project, the Secretary considers the extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses.

(b) Quality of the project design. (60 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 the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(2) The extent to which the design for implementing and evaluating the proposed project will result in information to guide possible replication of project activities or strategies,

including information about the effectiveness of the approach or strategies employed by the project.

(3) The extent to which the proposed project is designed to build capacity and yield results that will extend beyond the period of Federal financial assistance.

(4) The extent to which the design of the proposed project reflects up-to-date knowledge from research and effective practice.

(5) The extent to which the proposed project will establish linkages with other appropriate agencies and organizations providing services to the target population.

(6) The extent to which performance feedback and continuous improvement are integral to the design of the proposed project.

(c) Quality of project personnel. (10 points)

The Secretary considers the quality of the personnel who will carry out the proposed project. In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons 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 qualifications, including relevant training and experience, of the project director.

(2) The qualifications, including relevant training and experience, of key project personnel.

(d) Quality of the management plan. (10 points)

The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

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

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

(e) Quality of the project evaluation. (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 methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.

(2) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible.

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

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). We may also notify you informally.

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: At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as specified by the Secretary in 34 CFR 75.118.

4. Performance Measure: In response to the Government Performance and Results Act (GPRA), the Department developed one measure for evaluating the overall effectiveness of the Foreign Language Assistance Program (FLAP). The measure assesses the percentage of FLAP projects that report annual improvements in foreign language proficiency for three-quarters of school participants. We will expect each LEA that carries out a school-based project funded under this competition to document how its project is helping the Department meet this performance measure, including data on the proficiency of students served by projects. Grantees will be expected to report on progress in meeting this performance measure for FLAP in their Annual Performance Report and in their Final Performance Report.

VII. Agency Contact

For Further Information Contact: Rebecca Richey, U.S.

Department of Education, 400 Maryland Avenue, SW., Potomac

Center Plaza, room 10080, Washington, DC 20202. Telephone:
(202) 245-7133, or by e-mail: rebecca.richey@ed.gov.

Sharon Manassa, U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center Plaza, room 10071, Washington, DC 20202. Telephone: (202) 245-7124, or by e-mail: sharon.manassa@ed.gov.

Ana Garcia, U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center Plaza, room 10072, Washington, DC 20202. Telephone: (202) 245-7153, or by e-mail: ana.garcia@ed.gov.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1-800-877-8339.

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

VIII. Other Information

Electronic Access to This Document: You may view this document, as well as all other documents of this Department published in the Federal Register, in text or Adobe Portable Document Format (PDF) on the Internet at the following site:

www.ed.gov/news/fedregister

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

Note: 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 on GPO Access at:

www.gpoaccess.gov/nara/index.html

Dated:

Kathleen Leos,
Assistant Deputy Secretary and Director,
Office of English Language Acquisition,
Language Enhancement, and Academic
Achievement for Limited English Proficient
Students.

TITLE V: PROMOTING INFORMED PARENTAL CHOICE AND INNOVATIVE PROGRAMS

**PART D: FUND FOR THE IMPROVEMENT OF EDUCATION
SUBPART 9—FOREIGN LANGUAGE ASSISTANCE PROGRAM**

SEC. 5491. SHORT TITLE.

This subpart may be cited as the Foreign Language Assistance Act of 2001.

SEC. 5492. PROGRAM AUTHORIZED.

(a) PROGRAM AUTHORITY.—

(1) IN GENERAL.—The Secretary is authorized to make grants, on a competitive basis, to State educational agencies or local educational agencies to pay the Federal share of the cost of innovative model programs providing for the establishment, improvement, or expansion of foreign language study for elementary school and secondary school students.

(2) DURATION.—Each grant under paragraph (1) shall be awarded for a period of 3 years.

(b) REQUIREMENTS.—

(1) GRANTS TO STATE EDUCATIONAL AGENCIES.—In awarding a grant under subsection (a) to a State educational agency, the Secretary shall support programs that promote systemic approaches to improving foreign language learning in the State.

(2) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—In awarding a grant under subsection (a) to a local educational agency, the secretary shall support programs that—

(A) show the promise of being continued beyond the grant period;

(B) demonstrate approaches that can be disseminated and duplicated in other local educational agencies; and

(C) may include a professional development component.

(c) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share for each fiscal year shall be 50 percent.

(2) WAIVER.—Notwithstanding paragraph (1), the Secretary may determine the Federal share for any local educational agency which the Secretary determines does not have adequate resources to pay the non-Federal share of the cost of the activities assisted under this subpart.

(d) SPECIAL RULE.—Not less than 3/4 of the funds made available under section 5401 to carry out this subpart shall be used for the expansion of foreign language learning in the elementary grades.

(e) RESERVATION.—The Secretary may reserve not more than 5 percent of funds made available under section 5401 to carry out this subpart for a fiscal year to evaluate the efficacy of programs assisted under this subpart.

SEC. 5493. APPLICATIONS.

(a) IN GENERAL.—Any State educational agency or local educational agency desiring a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

(b) SPECIAL CONSIDERATION.—The Secretary shall give special consideration to applications describing programs that—

(1) include intensive summer foreign language programs for professional development;

(2) link nonnative English speakers in the community with the schools in order to promote two-way language learning;

(3) promote the sequential study of a foreign language for students, beginning in elementary schools;

(4) make effective use of technology, such as computer assisted instruction, language laboratories, or distance learning, to promote foreign language study;

(5) promote innovative activities, such as foreign language immersion, partial foreign language immersion, or content based instruction; and

(6) are carried out through a consortium comprised of the agency receiving the grant and an elementary school or secondary school.

SECTION C

APPLICATION FORMS, INSTRUCTIONS, CHECKLIST AND SPOC LIST

- **APPLICATION FORMS LIST**
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APPLICATION FORMS LIST

The required forms, listed below, are available in PDF and Word version via the Department of Education's website at:

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

If you are applying electronically, the required forms are available at Grants.gov, but the instructions for completing the SF424, the ED Supplement to the SF424, the 524 Budget Information Form, and SFLLL Lobbying Activities Form are included in Section E of this package.

Application for Federal Assistance and instructions

This application cover sheet requires basic identifying information about the applicant and application. Detailed instructions are provided.

- Paper submissions use Form ED 424
It is important to fill in the CFDA #84.293B.
- Electronic submissions use SF 424 and ED Supplement to SF424 at Grants.gov.
Note that the CFDA #84.293B is prepopulated.

ED 524 Form and Instructions

Budget information (ED Form 524 Sections A and B with instructions for A, B and C)

General Education Provisions Act (GEPA) Requirements – Section 427

ED 80-0013 Form

Certifications Regarding Lobbying, Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements

SF 424B Form

Assurances Non-Construction Programs

SF-LLL Form

Disclosure of Lobbying Activities, if applicable

Survey on Ensuring Equal Opportunity for Applicants, if applicable.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions. Note: ED 80-0014 is intended for the use of grantees and should not be transmitted to the Department.

APPLICATION ORDER AND INSTRUCTIONS

Application Order

It is recommended that your application be organized in the following manner and include the following parts:

Part I: Project Abstract

The abstract is a one to two page, single-spaced description of the project for which you are requesting Federal funds. The following content is recommended for the abstract.

Applicant

Name of applicant, i.e. Los Angeles Unified School District or Wyoming Department of Education

TYPE OF PROGRAM

FLAP-LEA OR FLAP-SEA

TITLE OF PROGRAM

LANGUAGE(S)

SCHOOL(S)

GRADE LEVEL(S)

TOTAL NUMBER OF STUDENTS

- Served by the end of the project
- Served each year

Partners

Include other Local Educational Agencies (LEAs), other State Educational Agencies (SEAs), Institutions of Higher Education (IHEs), and/or Community-Based Organizations (CBOs)

PROJECT DESCRIPTION

- Describe how the project will establish, improve, or expand foreign language study and not duplicate or maintain the existing foreign language program
- Program model, approaches, curriculum, assessments, and features
- Program goals and objectives
- Expected outcomes--student achievement; development of curriculum, materials, and assessments; expansion of program; effectiveness of professional development

CONTACT INFORMATION

Project Director name, telephone and e-mail information

Part II: Budget Forms and Information (Standard Form 524)

This part of the application contains information about the Federal funding being requested and the cost-sharing funds the LEA will provide. Specific instructions for completing the budget immediately follow the form. In addition to the forms, an itemized budget breakdown is required by project year for each budget category. A budget justification in narrative form may follow the budget form and itemizations. Please consult with your Business Office for assistance in completing these items.

ED 524 Form Section A – U.S. Department of Education Funds
Complete Project Years 1 through 3 and Indirect Cost Information
ED 524 Form Section B – Non-Federal Funds (cost-sharing/matching)
Complete Project Years 1 through 3
Section C – Budget Itemization/Narrative
Attach additional pages and follow instructions

Indirect Cost Instructions

The Department of Education (ED) reimburses grantees for its portion of indirect costs that a grantee incurs in projects funded by the Foreign Language Assistance Program—Local Educational Agencies, 84.293B. Any grantee charging indirect costs to a grant from this program must use the indirect cost rate (**ICR**), negotiated with its *cognizant agency*, i.e., either the Federal agency from which it has received the most direct funding, subject to indirect cost support, the particular agency specifically assigned cognizance by the Office of Management and Budget or the State agency that provides the most subgrant funds to the grantee.

Note: Applicants should pay special attention to specific questions on the application budget form (ED 524) about their cognizant agency and the ICR they are using in their budget.

If an applicant selected for funding under this program has not already established a current ICR with its cognizant agency as a result of current or previous funding, ED will require it to do so within 90 days after the date the grant was issued by ED. Applicants should be aware that ED is very often *not* the cognizant agency for its own grantees. Rather, ED accepts, for the purpose of funding its awards, the current ICR established by the appropriate cognizant agency.

An applicant that has not previously established an indirect cost rate with the Federal government or a State agency under a Federal program and that is selected for funding will not be allowed to charge its grant for indirect costs until it has negotiated a current indirect cost rate agreement with its cognizant agency.

Applicants are encouraged to use their accountant (or CPA) to calculate an indirect cost rate using information in the IRS Form 990, audited financial statements, actual cost data or a *cost policy statement* that such applicants are urged to prepare (but NOT submit to ED) during the application process. Applicants should use this proposed rate in their application materials and indicate which of the above methods was used to calculate the rate. Guidance for creating a cost policy statement can be obtained by sending an e-mail to katrina.mcdonald@ed.gov.

Applicants with questions about using indirect cost rates under this program should contact the program contact person shown elsewhere in this application package or in the *Federal Register* application notice of 05/19/2006.

Part III: Program Narrative 25 Pages

The program narrative is limited to 25 double-spaced pages. Refer to the page limit requirements described in the Application Notice for specifics.

Applications submitted under this program should be developed in accordance with the application requirements (i.e., General Requirements published in the Application Notice and found in Section B of this package). Your program narrative should be organized around and should address all of the selection criteria.

In describing the quality of personnel, be sure to include position descriptions in the narrative, not resumes.

Do not attach appendices.

A strong evaluation plan should be included in the application narrative and should be used, as appropriate, to shape the development of the project from the beginning of the grant period. The plan should include benchmarks to monitor progress toward specific project objectives and also outcome measures to assess the impact on teaching and learning or other important outcomes for the project participants. More specifically, the plan should identify the individual and/or organization that have agreed to serve as evaluator for the project and describe the qualifications of that evaluator. The plan should describe the evaluation design, indicating: (1) what types of data will be collected; (2) when various types of data will be collected; (3) what methods will be used; (4) what instruments will be developed and when; (5) how the data will be analyzed; (6) when reports of results and outcomes will be available; and (7) how the applicant will use the information collected through the evaluation to monitor progress of the funded project and to provide accountability information both about success at the initial site and effective strategies for replication in other settings. Applicants are encouraged to devote an appropriate level of resources to project evaluation.

In order for applicants to develop evaluation techniques that provide valid and reliable data on performance measures, it is important to review the ED 524B reporting form that will be used for the program. ED uses the 524B reports submitted by grantees to report progress on the FLAP program performance annually to the Office of Management and Budget and Congress. Their review of the FLAP performance data may vitally affect the continued existence of the FLAP program.

The ED 524B grant performance report (in three parts) is located at:

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

ED 524-B Form - Grant Performance Report
(Part 1 - Cover Sheet and Summary)
ED 524-B Form (Part 2 - Project Status)
ED 524-B Form (Part 3 - Instructions)

Part IV: Assurances and Certifications

Be certain to include all assurances and certifications, and sign each form in the appropriate place. The assurances and certifications included in this package are:

- Assurances – Non-construction Programs
- Certifications Regarding Lobbying, Debarment, Suspension, and Other Responsibility matters including Drug-Free Workplace Requirements

Part V: GEPA Requirement

The applicant must address Section 427 of the General Education Provisions Act (GEPA). Instructions for meeting this requirement are provided in Section D – Non-Regulatory Guidance Questions and Answers.

NOTE:

Do **not** attach appendices.

No grant may be awarded unless a complete application has been received.

If you intend to submit your application in hardcopy, rather than electronically, be sure to submit one original and two copies of the completed application.

APPLICATION CHECKLIST

Does your application include each of the following?

- Application for Federal Assistance Cover Page
ED 424 for paper copies
SF 424 and ED Supplement to the SF 424 at Grants.gov
- Table of Contents.
- Project Abstract.
- Budget Form (ED Form 524 Sections A and B).
- Itemized Budget (Section C) for each year of requested funding. A budget narrative may be placed directly after each of the three itemized budgets and does not require double spacing or page numbers.
- Program Narrative
- Assurances Non-Construction Programs (SF-424B).
- Certifications Regarding Lobbying, Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements (ED-80-0013).
- Disclosure of Lobbying Activities (SF-LLL), if applicable.
- Applicants response to the "Notice to All Applicants" concerning the Department of Education's General Education Provisions Act (GEPA).
- Survey on Ensuring Equal Opportunity for Applicants, if applicable.
- Copy of letter to State Single Point of Contact (SPOC), if applicable.
- Copy of letter requesting waiver of cost sharing (matching), if applicable.

Appendix

Intergovernmental Review of Federal Programs

This appendix applies to each program that is subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR part 79.

The objective of the Executive order is to foster an intergovernmental partnership and to strengthen federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more than one State should immediately contact the Single Point of Contact for each of those States and follow the procedure established in each of those States under the Executive order. A listing containing the Single Point of Contact for each State is included in this appendix.

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

Any State Process Recommendation and other comments submitted by a State Single Point of Contact and any comments from State, areawide, regional, and local entities must be mailed or hand-delivered by the date indicated in the actual application notice to the following address: The Secretary, EO 12372--CFDA# 84.293B, U.S. Department of Education, room 7W301, 400 Maryland Avenue, SW., Washington, DC 20202.

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

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

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

STATE SINGLE POINTS OF CONTACT (SPOCs)

It is estimated that in 2004 the Federal Government will outlay \$400 billion in grants to State and local governments. Executive Order 12372, "Intergovernmental Review of Federal Programs," was issued with the desire to foster the intergovernmental partnership and strengthen federalism by relying on State and local processes for the coordination and review of proposed Federal financial assistance and direct Federal development. The Order allows each State to designate an entity to perform this function. Below is the official list of those entities. For those States that have a home page for their designated entity, a direct link has been provided on the official version: <http://www.whitehouse.gov/omb/grants/spoc.html>.

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

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

<p>ARKANSAS Tracy L. Copeland Manager, State Clearinghouse Office of Intergovernmental Services Department of Finance and Administration 1515 7th Street, Room 412 Little Rock, Arkansas 72203 Telephone: (501) 682-1074 FAX: (501) 682-5206 TlCopeland@dfa.state.ar.us</p>	<p>CALIFORNIA Grants Coordination State Clearinghouse Office of Planning and Research P.O. Box 3044, Room 222 Sacramento, California 95812-3044 Telephone: (916) 445-0613 FAX: (916) 323-3018 State.clearinghouse@opr.ca.gov</p>
<p>DELAWARE Sandra R. Stump Executive Department Office of the Budget 540 S. Dupont Highway , 3rd Floor Dover, Delaware 19901 Telephone: (302) 739-3323 FAX: (302) 739-5661 Sandy.stump@state.de.us</p>	<p>DISTRICT OF COLUMBIA Luisa Montero-Diaz Office of Partnerships and Grants Development Executive Office of the Mayor District of Columbia Government 414 4th Street, NW, Suite 530 South Washington, DC 20001 Telephone: (202) 727-8900 FAX: (202) 727-1652 opgd.eom@dc.gov</p>
<p>FLORIDA Lauren P. Milligan Florida State Clearinghouse Florida Dept. of Environmental Protection 3900 Commonwealth Blvd., Mall Station 47 Tallahassee, Florida 32399-3000 Telephone: (850) 245-2161 FAX: (850) 245-2190 Lauren.Milligan@dep.state.fl.us</p>	<p>GEORGIA Barbara Jackson Georgia State Clearinghouse 270 Washington Street, SW Atlanta, Georgia 30334 Telephone: (404) 656-3855 FAX: (404) 656-7901 gach@mail.opb.state.ga.us</p>
<p>ILLINOIS Roukaya McCaffrey Department of Commerce and Economic Opportunities 620 East Adams, 6th Floor Springfield, Illinois, 62701 Telephone: (217) 524-0188 FAX: (217) 558-0473 roukaya_mccaffrey@illinoisbiz.biz</p>	<p>IOWA Steven R. McCann Division of Community and Rural Development Iowa Department of Economic Development 200 East Grand Avenue Des Moines, Iowa 50309 Telephone: (515) 242-4719 FAX: (515) 242-4809 Steve.mccann@ided.state.ia.us</p>

<p>KENTUCKY Ron Cook Department for Local Government 1024 Capital Center Drive, Suite 340 Frankfort, Kentucky 40601 Telephone: (502) 573-2382 FAX: (502) 573-2512 ron.cook@mail.state.ky.us</p>	<p>MAINE Joyce Benson State Planning Office 184 State Street 38 State House Station Augusta, Maine 04333 Telephone: (207) 287-3261 Telephone: (207) 1461 FAX: (207) 287-6489 joyce.benson@state.me.us</p>
<p>MARYLAND Linda C. Janey, J.D. Director, Capital Png. & Devel. Review Maryland Department of Planning 301 West Preston Street – Room 1104 Baltimore, Maryland 21201-2305 Telephone: (410) 767-4490 FAX: (410) 767-4480 ljaney@mdp.state.md.us</p>	<p>MASSACHUSETTS Bradley T. Crate Grants Management Governor’s Legislative & Intergovernmental Affairs Office State House Room 280 Boston, MA 02133 Phone: (617) 725-4020 x 35215 Fax: (617) 725-8136 bradley.crate@state.ma.us</p>
<p>MICHIGAN Richard Pfaff Southeast Michigan Council of Governments 535 Griswold, Suite 300 Detroit, Michigan 48226 Telephone: (313) 961-4266 FAX: (313) 961-4869 PFUFF@SEMCOG.ORG</p>	<p>MISSISSIPPI Cathy Mallette Clearinghouse Officer Department of Finance and Administration 1301 Woolfolk Building, Suite E 501 North West Street Jackson, Mississippi 39201 Telephone: (601) 359-6762 FAX: (601) 359-6758</p>
<p>MISSOURI Angela Boessen Federal Assistance Clearinghouse Office of Administration P.O. Box 809 Truman Building, Room 840 Jefferson City, Missouri 65102 Telephone: (573) 751-4834 FAX: (573) 522-4395 iqr@mail.oa.state.mo.us</p>	<p>NEVADA Heather Elliott Department of Administration State Clearinghouse 209 E. Musser Street, Room 200 Carson City, Nevada 89701 Telephone: (775) 684-0209 FAX: (775) 684-0260 helliott@govmail.state.nv.us</p>

<p>NEW HAMPSHIRE Jeffrey H. Taylor Director, New Hampshire Office of State Planning Attn: Intergovernmental Review Process Mike Blake 2½ Beacon Street Concord, New Hampshire 03301 Telephone: (603) 271-2155 FAX: (603) 271-1728 jtaylor@osp.state.nh.us</p>	<p>NEW MEXICO Ken Hughes Local Government Division Room 201, Bataan Memorial Building Santa Fe, New Mexico 87503 Telephone: (505) 827-4370 FAX: (505) 827-4948 khughes@dfa.state.nm.us</p>
<p>NEW YORK Linda Shkrell Office of Public Security Homeland Security Grants Coordination 633 3rd Avenue New York, NY 10017 Telephone: (212) 867-1289 FAX: (212) 867-1725</p>	<p>NORTH DAKOTA Jim Boyd Division of Community Services 600 East Boulevard Ave, Dept 105 Bismarck, North Dakota 58505-0170 Telephone: (701) 328-2094 FAX: (701) 328-2308 jboyd@state.nd.us</p>
<p>RHODE ISLAND Kevin Nelson Department of Administration Statewide Planning Program One Capitol Hill Providence Rhode Island 02908- 5870 Telephone: (401) 222-2093 FAX: (401) 222-2083 knelson@doa.state.ri.us</p>	<p>SOUTH CAROLINA SC Clearinghouse Budget and Control Board Office of State Budget 1201 Main Street, Suite 950 Columbia, South Carolina 29201 Telephone: (803) 734-0494 FAX: (803) 734-0645 clearinghouse@budget.state.sc.us</p>
<p>TEXAS Denise S. Francis Director, State Grants Team Governor's Office of Budget and Planning P.O. Box 12428 Austin, Texas 78711 Telephone: (512) 305-9415 FAX: (512) 936-2681 dfrancis@governor.state.tx.us</p>	<p>UTAH Clare Walters Utah State Clearinghouse Governor's Office of Planning and Budget State Capitol, Room 116 Salt Lake City, Utah 84114 Telephone: (801) 538-1555 FAX: (801) 538-1547 cwalters@gov.state.ut.us</p>

<p>WEST VIRGINIA Fred Cutlip, Director Community Development Division West Virginia Development Office Building #6, Room 553 Charleston, West Virginia 25305 Telephone: (304) 558-4010 FAX: (304) 558-3248 fcutlip@wvdo.org</p>	<p>WISCONSIN Jeff Smith Section Chief, Federal/State Relations Wisconsin Department of Administration 101 East Wilson Street – 6th Floor P.O. Box 7868 Madison, Wisconsin 53707 Telephone: (608) 266-0267 FAX: (608) 267-6931 jeffrey.smith@doa.state.wi.us</p>
<p>AMERICAN SAMOA PAT M. GALEA'I FEDERAL GRANTS/PROGRAMS COORDINATOR OFFICE OF FEDERAL PROGRAMS/OFFICE OF THE GOVERNOR Department of Commerce American Samoa Government Pago Pago, American Samoa 96799 Telephone: (684) 633-5155 Fax: (684) 633-4195 pmgaleai@samoatelco.com</p>	<p>GUAM Director Bureau of Budget and Mgmt. Research Office of the Governor P.O. Box 2950 Agana, Guam 96910 Telephone: 011-671-472-2285 FAX: 011-671-472-2825 JER@NS.GOV.GU</p>
<p>PUERTO RICO Jose Caballero / Mayra Silva Puerto Rico Planning Board Federal Proposals Review Office Minillas Government Center P.O. Box 41119 San Juan, Puerto Rico 00940-1119 Telephone: (787) 723-6190 FAX: (787) 722-6783</p>	<p>NORTH MARIANA ISLANDS Ms. Jacoba T. Seman Federal Programs Coordinator Office of Management and Budget Office of the Governor Saipan, MP 96950 Telephone: (670) 664-2289 FAX: (670) 664-2272 OMB.JSEMAN@SAIPAN.COM</p>
<p>VIRGIN ISLANDS Ira Mills Director, Office of Management and Budget # 41 Norre Gade Emancipation Garden Station, Second Floor Saint Thomas, Virgin Islands 00802 Telephone: (340) 774-0750 FAX: (787) 776-0069 Irmills@usvi.org</p>	

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

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

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

SECTION D

NON-REGULATORY GUIDANCE

- **QUESTIONS AND ANSWERS**

FOREIGN LANGUAGE ASSISTANCE PROGRAM (FLAP)

GRANTS TO LOCAL EDUCATIONAL AGENCIES LEAs)

ADDITIONAL NON-REGULATORY GUIDANCE

(Questions and Answers)

- Q. How does an applicant receive the priority 15 points for teaching one or more critical languages?
- A. An applicant must establish, improve or expand foreign language learning primarily during the traditional school day within kindergarten through grade 12 by exclusively teaching one or more of the following less commonly taught languages: Arabic, Chinese, Korean, Japanese, Russian, and languages in the Indic, Iranian, and Turkic language families. An application would receive the priority 15 points if it proposes a program that teaches one of the listed languages or more than one of the listed languages. It would not receive a priority if it teaches one or more of the listed languages and a language not on the list. For example: a project that proposed to teach both Arabic and Spanish would not receive priority points. In addition, the program would have to establish, improve or expand foreign language learning primarily during the traditional school day within grade K through grade 12. The decision to award the 15 points will be determined by the language information provided by the applicant in the Project Abstract.
- Q. How can an LEA support foreign language learning primarily during the traditional school day?

- A. An LEA can support the establishment, improvement or expansion of foreign language learning during the traditional “9:00 – 3:00” school day rather than extending the time for learning to early-morning and after-school.
- Q. Does an LEA need to serve grades K through grade 12?
- A. An LEA may support foreign language learning for one or more of the grades K through 12.
- Q. Why did the Department select a priority for critical languages under the Foreign Language Assistance Program?
- A. The Department selected a competitive priority of 15 points in order to address the disparity between the need for and the limited number of programs teaching critical languages.
- Q. Where does a potential applicant locate resources, information and non-regulatory guidance on the Foreign Language Assistance Program?
- A. Resources can be found at the following websites:

The National Clearinghouse for English Language Acquisition and
Language Instruction Educational Programs
www.ncela.gwu.edu/oela/OELAprograms/4_FLAP.htm

Grantmaking at ED
<http://www.ed.gov/fund/grant/about/grantmaking/pt204.html>

- Q. What is the definition of a “local educational agency”?
- A. The term “local educational agency” means a public board of education or other public authority which maintains administrative control of public elementary or secondary schools in a city, county, township, school district or other political subdivision of a state. An intermediate unit within a State (e.g., a Board of Cooperative Educational Services (a BOCES) may apply for and receive a grant.

- Q. May two districts apply together in order to work together in a foreign language program?
- A. Yes, the statute does not prohibit school districts from applying together. However, one district must be designated as the fiscal agent. The requirements on group applications are in 34 CFR 75.127-75.129.
- Q. May an LEA submit more than one application under this competition?
- A. An LEA may submit more than one application under the FLAP program. The applications could not overlap in terms of schools served, the activities proposed or the costs to be covered under the proposed budgets.
- Q. If awarded a grant, may a grantee count on receiving FLAP funding for the full period of three years?
- A. No, the actual level of program funding, if any, depends on final Congressional action each fiscal year and whether substantial progress has been made toward meeting the project objectives and program performance measures.
- Q. Is the estimated range of awards \$50,000 to \$300,000 over the period of three years?
- A. The estimated range of awards is \$50,000 to \$300,000 for each year.
- Q. What is not a foreign language?
- A. The Secretary does not award grants to programs that teach Native American languages, Native Hawaiian, other Pacific Island languages or Native Alaskan languages. In addition, the program is not intended to support the teaching of English. Although improvement of the English language skills of non-native English speakers is a desirable ancillary benefit of a two-way immersion program, the primary focus of projects funded under the Foreign Language Assistance program must be on foreign language learning. As a

consequence, funds received under the Foreign Language Assistance Program may not be used to fund an activity that is solely or primarily concerned with English language instruction.

Q. How does an applicant for the Foreign Language Assistance Program—LEA address the Government Performance and Results Act (GPRA) indicator: Annually, 75% of student participants will improve their overall language proficiency?

A. Potential applicants are expected to develop effective student foreign language proficiency measures in order to report student improvement on the GPRA performance indicator. Student listening, speaking, reading and writing should be measured as appropriate.

In some cases grantees may not be able to report on improved student achievement as a result of the FLAP program. For example, local school districts that have only completed a planning year and have not yet assessed student achievement. Even in such cases it is important that applicants and grantees consider how program activities will result in improved student achievement in planning their program objectives and in designing their evaluation plan.

Q. How may an applicant access information on foreign language standards when designing their program?

A. An applicant may access information on standards and other useful information at:

The National Foreign Language Resource Centers

<http://www.ed.gov/help/site/expsearch/language.html>

The Center for Applied Linguistics www.cal.org

Q. What is the definition of an "elementary school"?

A. The term elementary school means a non-profit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under State law. The definition of this term is in section 9101 of the Elementary and Secondary Education Act, as amended by the No Child Left Behind Act of 2001.

Q. What is the definition of a "secondary school"?

A. The term secondary school means a non-profit institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under State law, except that the term does not include any education beyond grade 12. The definition of this term is in section 9101 of the Elementary and Secondary Education Act, as amended by the No Child Left Behind Act of 2001.

Q. Can a FLAP application include serving pre-school students?

A. The authorizing statute for the FLAP program indicates that it is to support foreign language programs for elementary and secondary school students. Services to pre-school children would only be allowable if the law of the State includes pre-school in its legal definition of elementary education.

Q. How does an applicant address the "Notice to all Applicants" concerning the Department of Education's General Education Provisions Act (GEPA)?

A. First, read the "Notice to all Applicants" included in the application package. Be sure to note the three examples included in the second column. Second, it is recommended that the applicant respond on a separate sheet of paper entitled "GEPA". The required response should include 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.

Q. How does an applicant comply with Executive Order 12372, the Intergovernmental Review of Federal Programs, item #11 of the ED 424 (or item #19 of the SF 424)?

A. Applicants must first review the State Single Point of Contact (SPOC) list available in this application package. If a State contact is included in the list, the applicant must contact the SPOC to inquire about the State's process under Executive Order 12372. If the State requests the application for review, a copy of the cover letter sent to the State contact must be submitted with the application package and Item #11 (or #19 of the SF 424) checked Yes with the date included. If the program is not covered by the Executive order, or the State has not selected the program for review, Item #11 (or #19) must be checked No and the reason checked.

Q. What is the LEA's share of costs for the Foreign Language Assistance program for each fiscal year?

A. In order to build program capacity at the local level, cost sharing (matching) is required. The Federal share of the foreign language program for each fiscal year is restricted to 50%. Therefore, if the total cost of the proposed program is \$200,000 per year, the LEA may request \$100,000 in Federal funding and must provide \$100,000 in matching per year. While a waiver may be granted for an LEA, if the Secretary determines that the LEA does not have adequate resources to pay the non-Federal share of the cost of the activities, it is

recommended that the district share the cost to the extent possible. Additional guidance on cost sharing (matching) and requesting a waiver is located at http://www.ncela.gwu.edu/oela/OELAprograms/4_FLAP.htm

. The Education Department General Administrative Regulations, at 34 CFR 80.24, addresses Federal Cost sharing requirements.

- Q. How does an LEA address the special rule that not less than 75 percent of funding must be used for the expansion of foreign language learning in the elementary grades?
- A. By law, not less than 75 percent of the total funds appropriated must be used for the expansion of foreign language learning in the elementary grades. This requirement does not apply to individual LEA programs.
- Q. Who should sign as the Authorized Representative on the Application for Federal Assistance and other forms?
- A. It is recommended that the Superintendent of Schools sign as the Authorized Representative.

SECTION E

GRANTS.GOV SUBMISSION PROCEDURES AND TIPS FOR APPLICANTS

Grants.gov Instructions for Completing Forms:

- SF424
- ED Supplement to the SF424
- 524 Budget Information
- SF LLL Lobbying Activities

IMPORTANT – PLEASE READ FIRST

U.S. Department of Education

Grants.gov Submission Procedures and Tips for Applicants

Please note that the Grants.gov site works differently than the U.S. Department of Education's (Department) e-Application system. 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.

- 1) **REGISTER EARLY** – Grants.gov registration is a one-time process that may take five or more days to complete. You may begin working on your application while completing the registration process, but you cannot submit an application until all of the Get Started steps are complete. For detailed information on the Get Started Steps, please go to: <http://www.grants.gov/GetStarted>.
- 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 and 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 pm on the deadline date.

Note: To submit successfully, you must provide the DUNS number on your application that was used when your organization registered with the CCR (Central Contractor Registry).

- 3) **VERIFY SUBMISSION IS OK** – You will want to verify that Grants.gov and the Department receive your Grants.gov submission timely and that it was validated successfully. To see the date/time your application was received, login to Grants.gov and click on the Check Application Status link. For a successful submission, the date/time received should be earlier than 4:30 p.m. on the deadline date, AND the application status should be: Validated, Received by Agency, or Agency Tracking Number Assigned.

If the date/time received is later than 4:30 p.m. Washington, D.C. time, on the closing 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/assets/ApplicationErrorTips.doc>. 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 use the customer support available on the Web site: <http://www.grants.gov/CustomerSupport>.

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.

If electronic submission is required, you must submit an electronic application before 4:30 p.m., 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. (This is different from e-Application, where you are working online and saving data to the Department's database.) **You must provide on your application the DUNS number that was used when your organization registered with the CCR.**

Please go to <http://www.grants.gov/ForApplicants> for help with Grants.gov and click on the links in the lower right corner of the screen under Applicant Tips and Tools. For additional tips related to submitting grant applications, please refer to the Grants.gov Submit Application Tips found on the Grants.gov homepage <http://www.grants.gov>.

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, e.g. 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 you do not have a Windows operating System, you will need to use a Windows Emulation program to submit an application using Grants.gov. For additional information, review the [PureEdge Support for Macintosh](#) white paper published by Pure Edge: http://www.grants.gov/GrantsGov_UST_Grantee/SSL/WebHelp/MacSupportforPureEdge.pdf, and/or contact Grants.gov Customer Support (<http://www.grants.gov/CustomerSupport>) for more information. **If you do not have a Windows emulation program and electronic submission is required, 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.)

INSTRUCTIONS FOR THE SF-424

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

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

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

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

	a. Legal Name: (Required): Enter the legal name of applicant that will undertake the assistance activity. This is the name that the organization has registered with the Central Contractor Registry. Information on registering with CCR may be obtained by visiting the Grants.gov website.		17.	Proposed Project Start and End Dates: (Required) Enter the proposed start date and end date of the project.
	b. Employer/Taxpayer Number (EIN/TIN): (Required): Enter the Employer or Taxpayer Identification Number (EIN or TIN) as assigned by the Internal Revenue Service. If your organization is not in the US, enter 44-4444444.		18.	Estimated Funding: (Required) Enter the amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines, as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses.
	c. Organizational DUNS: (Required) Enter the organization's DUNS or DUNS+4 number received from Dun and Bradstreet. Information on obtaining a DUNS number may be obtained by visiting the Grants.gov website.		19.	Is Application Subject to Review by State Under Executive Order 12372 Process? Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. Select the appropriate box. If "a." is selected, enter the date the application was submitted to the State
	d. Address: Enter the complete address as follows: Street address (Line 1 required), City (Required), County, State (Required, if country is US), Province, Country (Required), Zip/Postal Code (Required, if country is US).			
	e. Organizational Unit: Enter the name of the primary organizational unit (and department or division, if applicable) that will undertake the assistance activity, if applicable.		20.	Is the Applicant Delinquent on any Federal Debt? (Required) Select the appropriate box. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes. If yes, include an explanation on the continuation sheet.
	f. Name and contact information of person to be contacted on matters involving this application: Enter the name (First and last name required), organizational affiliation (if affiliated with an organization other than the applicant organization), telephone number (Required), fax number, and email address (Required) of the person to contact on matters related to this application.			
9.	Type of Applicant: (Required) Select up to three applicant type(s) in accordance with agency instructions.		21.	Authorized Representative: (Required) To be signed and dated by the authorized representative of the applicant organization. Enter the name (First and last name required) title (Required), telephone number (Required), fax number, and email address (Required) of the person authorized to sign for the applicant. A copy of the governing body's authorization for you to sign this application as the official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)
	A. State Government B. County Government C. City or Township Government D. Special District Government E. Regional Organization F. U.S. Territory or Possession G. Independent School District H. Public/State Controlled Institution of Higher Education I. Indian/Native American Tribal Government (Federally Recognized) J. Indian/Native American Tribal Government (Other than Federally Recognized) K. Indian/Native American Tribally Designated Organization L. Public/Indian Housing Authority	M. Nonprofit with 501C3 IRS Status (Other than Institution of Higher Education) N. Nonprofit without 501C3 IRS Status (Other than Institution of Higher Education) O. Private Institution of Higher Education P. Individual Q. For-Profit Organization (Other than Small Business) R. Small Business S. Hispanic-serving Institution T. Historically Black Colleges and Universities (HBCUs) U. Tribally Controlled Colleges and Universities (TCCUs) V. Alaska Native and Native Hawaiian Serving Institutions W. Non-domestic (non-US) Entity X. Other (specify)		

**INSTRUCTIONS FOR
DEPARTMENT OF EDUCATION SUPPLEMENTAL INFORMATION FOR 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.

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

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

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

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

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

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

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

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

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

PAPERWORK BURDEN STATEMENT. ACCORDING TO THE PAPERWORK REDUCTION ACT OF 1995, NO PERSONS ARE REQUIRED TO RESPOND TO A COLLECTION OF INFORMATION UNLESS SUCH COLLECTION DISPLAYS A VALID OMB CONTROL NUMBER. THE VALID OMB CONTROL NUMBER FOR THIS INFORMATION COLLECTION IS 1890-0017. THE TIME REQUIRED TO COMPLETE THIS INFORMATION COLLECTION IS ESTIMATED TO AVERAGE BETWEEN 15 AND 45 MINUTES PER RESPONSE, INCLUDING THE TIME TO REVIEW INSTRUCTIONS, SEARCH EXISTING DATA RESOURCES, GATHER THE DATA NEEDED, AND COMPLETE AND REVIEW THE INFORMATION COLLECTION. IF YOU HAVE ANY COMMENTS CONCERNING THE ACCURACY OF THE ESTIMATE(S) OR SUGGESTIONS FOR IMPROVING THIS FORM, PLEASE WRITE TO: U.S. DEPARTMENT OF EDUCATION, WASHINGTON, D.C. 20202-4700. IF YOU HAVE COMMENTS OR CONCERNS REGARDING THE STATUS OF YOUR INDIVIDUAL SUBMISSION OF THIS FORM WRITE DIRECTLY TO: JOYCE I. MAYS, APPLICATION CONTROL CENTER, U.S. DEPARTMENT OF EDUCATION, POTOMAC CENTER PLAZA, 550 12TH STREET, S.W. ROOM 7076, WASHINGTON, D.C. 20202-4260.

DEFINITIONS FOR DEPARTMENT OF EDUCATION SUPPLEMENTAL INFORMATION FOR SF 424 (ATTACHMENT TO INSTRUCTIONS FOR SUPPLEMENTAL INFORMATION FOR SF 424)

Definitions:

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

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

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

PROTECTION OF HUMAN SUBJECTS IN RESEARCH

I. Definitions and Exemptions

A. Definitions.

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

—Research

The ED Regulations for the Protection of Human Subjects, Title 34, Code of Federal Regulations, Part 97, define research as "a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge." *If an activity follows a deliberate plan whose purpose is to develop or contribute to generalizable knowledge it is research.*

Activities which meet this definition constitute research whether or not they are conducted or supported under a program that is considered research for other purposes. For example, some demonstration and service programs may include research activities.

—Human Subject

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

B. Exemptions.

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

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

(2) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior, unless: (a) information obtained is recorded in such a manner that human subjects can be identified, directly or through identifiers linked to the subjects; and (b) any disclosure of the human subjects' responses outside the research could reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, or reputation. ***If the subjects are children, exemption 2 applies only to research involving educational tests and observations of public behavior when the investigator(s) do not participate in the activities being observed. Exemption 2 does not apply if children are surveyed or interviewed or if the research involves observation of public behavior and the investigator(s) participate in the activities being observed.*** [Children are defined as persons who have not attained the legal age for consent to treatments or procedures involved in the research, under

the applicable law or jurisdiction in which the research will be conducted.]

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

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

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

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

II. Instructions for Exempt and Nonexempt Human Subjects Research Narratives

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

A. Exempt Research Narrative.

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

B. Nonexempt Research Narrative.

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

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

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

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

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

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

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

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

Copies of the Department of Education’s Regulations for the Protection of Human Subjects, 34 CFR Part 97

and other pertinent materials on the protection of human subjects in research are available from the Grants Policy and Oversight Staff, Office of the Chief Financial Officer, U.S. Department of Education, Washington, D.C. 20202-4250, telephone: (202) 245-6120, and on the U.S. Department of Education's

Protection of Human Subjects in Research Web Site:
<http://www.ed.gov/about/offices/list/OCFO/humansub.html>

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

Instructions for ED 524

General Instructions

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

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

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

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

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

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

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

Indirect Cost Information:

If you are requesting reimbursement for indirect costs on line 10, this information is to be completed by your Business Office. (1): Indicate whether or not your organization has an Indirect Cost Rate Agreement that was approved by the Federal government. (2): If you checked "yes" in (1), indicate in (2) the beginning and ending dates covered by the Indirect Cost Rate Agreement. In addition, indicate whether ED or another Federal agency (Other) issued the approved agreement. If you check "Other," specify the name of the Federal agency that issued the approved agreement. (3): If you are applying for a grant under a Restricted Rate Program (34 CFR 75.563 or 76.563), indicate whether you are using a restricted indirect cost rate that is included on your approved Indirect Cost Rate Agreement or whether you are using a restricted indirect cost rate that complies with 34 CFR 76.564(c)(2). Note: State or Local government agencies may not use the provision for a restricted indirect cost rate specified in 34 CFR 76.564(c)(2). Check only one response. Leave blank, if this item is not applicable.

Section B - Budget Summary Non-Federal Funds

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

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

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

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

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

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

1. Provide an itemized budget breakdown, and justification by project year, for each budget category listed in Sections A and B. For grant projects that will be divided into two or more separately budgeted major activities or sub-projects, show for each budget category of a project year the breakdown of the specific expenses attributable to each sub-project or activity.
2. If applicable to this program, provide the rate and base on which fringe benefits are calculated.

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

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

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

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

4. Provide other explanations or comments you deem necessary.

Paperwork Burden Statement

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

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

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

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

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

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

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

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