

**U.S. Department of Education  
Office of Elementary and Secondary Education  
Office of Migrant Education  
Washington, D.C. 20202-6135**

**Fiscal Year 2015**

**Consortium Incentive Grant Application**

**CFDA 84.144F**



**Title I, Part C**

**Migrant Education Program**



# UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

OFFICE OF MIGRANT EDUCATION

Dear Colleague:

Thank you for your interest in the Migrant Education Program (MEP) Consortium Incentive Grant program. The program is authorized by section 1308(d) of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001. This program provides competitive incentive grants to State Educational Agencies (SEAs) receiving MEP formula grant awards that participate in consortium arrangements with another State or appropriate entity to improve the delivery of services to migratory children whose education is interrupted.

The enclosed application package contains all the information, instructions, Notice Inviting Applications published on February 5, 2015, and forms that applicants will need to apply for a Fiscal Year (FY) 2015 MEP Consortium Incentive Grant. Please review the enclosed materials carefully.

Please note that only SEAs that currently administer MEP programs are eligible to apply for these consortium incentive grants.

If you or your colleagues have any questions about the FY 2015 MEP Consortium Incentive Grant Program or the enclosed application package, please contact Rachel Crawford at (202) 260-2590 or via email at [Rachel.Crawford@ed.gov](mailto:Rachel.Crawford@ed.gov).

Lisa R. Ramírez, Ed.D.  
Director  
Office of Migrant Education

Enclosure

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**Title I, Part C**  
**Migrant Education Program (MEP)**  
**FY 2015 Consortium Incentive Grant Application**

**Introduction**

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The Migrant Education Program (MEP), authorized under Title I, Part C of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001, is a State-administered and State-operated formula grant program.

This package describes what a State must do in order to apply for a Fiscal Year (FY) 2015 MEP Consortium Incentive Grant under Section 1308(d) of the MEP. It also contains the forms a State must complete as part of the application process.

The MEP provides assistance to State educational agencies (SEAs) to support high quality and comprehensive educational programs that provide migratory children appropriate educational and supportive services that address their special needs in a coordinated and efficient manner, and give migratory children the opportunity to meet the same challenging State academic content and student academic achievement standards that all children are expected to meet.

ESEA section 1308(d) authorizes the Secretary to “reserve not more than \$3 million to award competitive grants of not more than \$250,000 [each] on a competitive basis to SEAs that propose a consortium arrangement with another State or other appropriate entity that the Secretary determines, pursuant to criteria that the Secretary shall establish, to improve the delivery of services to migratory children whose education is interrupted.”

Under this program, the Department will award competitive incentive grants to SEAs in consortia that improve the intrastate and interstate coordination of migrant education programs by addressing any of eight key needs of migratory children who have their education interrupted. For FY 2015, the Department will make available \$3 million for consortium incentive grant awards. These awards will be made based on the requirements identified in the Notice Inviting Applications published on February 5, 2015, in the Federal Register (enclosed). This Notice refers to rules and seven priorities established in the Notice of Final Requirements published in the Federal Register on March 3, 2004 (69 FR 10110), and an additional absolute priority published in the Federal Register on March 12, 2008 (73 FR 13217). Applicants must propose projects that focus on one or more of these eight priorities.

**Application Deadline**

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The deadline for the receipt of Fiscal Year (FY) 2015 MEP Consortium Incentive Grant applications is **April 20, 2015**.

**Technical Assistance** - The Office of Migrant Education will conduct a technical assistance (TA) Webinar designed to assist applicants who might have questions related to the application process and procedure for this grant program. Applicants are encouraged to read through the entire application package before

participating in a TA Webinar. The tentative date and time for the TA Webinar has not been determined. Applicants should reference our website at: <http://www2.ed.gov/programs/mepconsortium/applicant.html> for follow-up information related to this TA Webinar. In addition, MEP State Directors will receive the TA Webinar information via the MEP State Directors Listserv.

## **Who May Apply**

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**Please note that SEAs with MEP programs are the only eligible applicants for these incentive grants.** As noted in the instructions, SEAs proposing to participate in consortia must identify a “lead SEA” for the consortium, and we request that they provide the information requested in this application through that lead SEA.

## **Amount and Use of Awards**

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For the FY 2015 competition, SEAs may propose a consortium for a performance period of up to three years. The Department will award \$3 million in FY 2015, and, depending on availability, intends to award another \$3 million in FY 2016 and 2017 to those SEAs that received incentive awards in FY 2015 and have demonstrated substantial progress toward meeting the objectives described in an approved consortium’s application.

As described in the selection criteria, an SEA that participates in a consortium deemed to be of sufficient high quality with regard to the program’s selection criteria specified in this application package will receive only one incentive grant award per year regardless of the number of consortia in which it participates. The amount of an SEA’s incentive grant award will be calculated on the basis of a two-tiered formula in which SEAs whose MEP allocations are \$1 million or less will, in general, receive a grant award that is twice the amount of the award provided to SEAs whose MEP allocations are greater than \$1 million. Within each tier, awards will be of equal size. However, no SEA will receive an incentive grant award that exceeds the amount of its Title I, Part C, MEP formula grant or \$250,000, whichever is less.

The Department estimates that FY 2015 awards will range from \$50,000 to \$150,000. The actual size of an SEA’s award will depend on the number of successful SEA applications and the size of the SEA’s MEP formula grant allocation.

SEAs in consortia receiving awards must implement the activities described in their project applications as a condition of their receipt of funds, Consortium Incentive Grant awards are treated as additional funds available to the SEA under the MEP State formula grant program. Awarded funds may be used to implement the approved consortium activities, or to carry out any other activities authorized under the MEP.

## **Absolute Priorities**

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The Department has established eight absolute priorities that promote key national objectives of the MEP under the Consortium Incentive Grant program. In order for SEAs to be considered for incentive grants under the FY 2015 competition, an application must address one or more of these eight absolute priorities, which are as follows:

1. Services designed to improve the proper and timely identification and recruitment of eligible migratory children whose education is interrupted;
2. Services designed (based on review of scientifically based research) to improve the school readiness of pre-school age migratory children whose education is interrupted;
3. Services designed (based on review of scientifically based research) to improve the reading proficiency of migratory children whose education is interrupted;
4. Services designed (based on review of scientifically based research) to improve the mathematics proficiency of migratory children whose education is interrupted;
5. Services designed (based on review of scientifically based research) to decrease the dropout rate of migratory students whose education is interrupted and improve high school completion rates;
6. Services designed (based on review of scientifically based research) to strengthen the involvement of migratory parents in the education of migratory students whose education is interrupted;
7. Services designed (based on review of scientifically based research) to expand access to innovative educational technologies intended to increase the academic achievement of migratory students whose education is interrupted; and
8. Services designed (based on review of scientifically based research) to improve the educational attainment of out-of-school migratory youth whose education is interrupted.

## **Selection Criteria**

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Consortium Incentive Grant applications will be reviewed and ranked on the basis of how well the information they provide responds to the following selection criteria:

- Need for the Project;
- Significance;
- Quality of Project Design;
- Quality of Project Services;
- Quality of the Management Plan; and
- Quality of Project Evaluation.

Therefore, applicants should describe the absolute priority or priorities on which their consortium will focus and how they propose to address the priority or priorities in terms of these selection criteria.

The Department will select for funding only those consortia of the highest quality. In determining which applications are of the highest quality, reviewers will rate each application using the following selection criteria and assign up to a total of 100 points. The maximum score for each criterion and sub-criterion is indicated in parentheses. These selection criteria are drawn from the general criteria for competitive grants contained in section 75.210 of the Education Department General Administrative Regulations (EDGAR).

Please note that instances where the word “project” appears in the selection criteria, the reference is to the consortium incentive grant project being proposed.

### **1. Need for the Project (0-5 points)**

In determining the need for the proposed project, we consider:

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. (0-5 points)

## **2. Significance (0-10 points)**

In determining the significance of the proposed project, we consider:

The extent to which the proposed project involves the development or demonstration of promising new strategies that build on, or are alternatives to, existing strategies. (0-5 points)

The likely utility of the products (such as information, materials, processes, or techniques) that will result from the proposed project, including the potential for their being used effectively in a variety of other settings. (0-5 points)

## **3. Quality of the Project Design (0-45 points)**

In determining the quality of the design of the proposed project, we consider:

The extent to which the design of the proposed project includes a thorough, high-quality review of the relevant literature, a high-quality plan for project implementation, and the use of appropriate methodological tools to ensure successful achievement of project objectives. (0-25 points)

The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable. (0-10 points)

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. (0-5 points)

The extent to which the proposed project will establish linkages with other appropriate agencies and organizations providing services to the target population. (0-5 points)

## **4. Quality of Project Services (0-15 points)**

In determining the quality of the services to be provided by the proposed project, we consider:

The quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented on race, color, national origin, gender, age or disability. (0-5 points)

The likely impact of the services to be provided by the proposed project on the intended recipients of those services. (0-5 points)

The extent to which the training or professional development services to be provided by the proposed project are of sufficient quality, intensity, and duration to lead to improvements in practice among the recipients of those services. (0-5 points)

#### **5. Quality of the Management Plan (0-10 points)**

In determining the quality of the management plan for the proposed project, we consider:

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. (0-10 points)

#### **6. Quality of the Project Evaluation (0-15 points)**

In determining the quality of the evaluation, we consider:

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. (0-10 points)

The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes. (0-5 points)

### **Duration of Funding Period**

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The Department expects to make initial awards under the MEP Consortium Incentive Grant program on/around August 25, 2015. The initial award period will run through September 30, 2016. Because the Department awards Consortium Incentive Grant funds as additional funds available under the MEP State formula grant program, SEAs have an additional twelve months as permitted by the “Tydings Amendment” (section 421(b) of the General Education Provisions Act, as amended) to obligate these awards. Thus, any FY 2015 State Consortium Incentive Grant funds that are not obligated by September 30, 2016, remain available for obligation until September 30, 2017. Similarly, second project year funding (to be awarded in FY 2016) will be available for obligation until September 30, 2018; and, third project year funding (to be awarded in FY 2017) will be available for obligation until September 30, 2019.

### **Election for Direct Deposit Sign-Up**

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Upon request for payment, funds awarded to an SEA under an FY 2015 MEP Consortium Incentive Grant will be deposited in the financial institution identified in the SEA’s Consolidated State Application as the designated entity to receive FY 2015 Basic State MEP funds. Should the SEA choose to elect another financial institution, the SEA will need to identify the new financial institution and submit pertinent information to the Department using the Direct Deposit Sign-Up Form 1199.

## Reporting and Accountability

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In order to receive a second- and third-year award in FY 2016 and FY 2017, respectively, recipients of an FY 2015 MEP Consortium Incentive Grant award must submit to the Department, through the lead SEA, an Interim Annual Performance Report prior to the end of the consortium's first project year and an Annual Performance Report at the end of the first project year and the second project year. (See sections 75.118 and 75.590 of EDGAR.) In addition, under section 75.590 of EDGAR, grantees must submit, through the lead SEA, a final evaluation report no more than 90 days after the end of the third project year. These reports must address the SEA's performance of activities and objectives of the approved consortium, whether or not the SEA supports the activities with Consortium Incentive Grant funds. These reports will need to address (1) the recipient's progress in achieving the objectives of the consortium in its approved application; (2) the effectiveness of the consortium in meeting the purposes of the consortium; and (3) the effect of the consortium on participants being served by the consortium. In providing this information, recipients must use the Department's generic performance report, U.S. Department of Education Form ED 524B, found online at <http://www2.ed.gov/fund/grant/apply/appforms/appforms.html>.

An SEA receiving a Consortium Incentive Grant must also submit the financial reports required under section 76.720 of EDGAR and 2 CFR 200.327 of the OMB uniform grant requirements with regard to the use of Consortium Incentive Grant funds—whether used in whole or in part as supplemental Migrant Education Program formula grant funds or to fund consortium incentive grant activities. The SEA does not need to submit a performance report on the use of the Consortium Incentive Grant funds otherwise required under 2 CFR 200.238(b). For specific requirements on grantee financial reporting, please see the Federal Financial Report Form, SF-425, which can be found online at [http://www.whitehouse.gov/omb/grants\\_forms](http://www.whitehouse.gov/omb/grants_forms).

Under the Government Performance and Results Act (GPRA), the Department has established the following performance indicators to evaluate the overall effectiveness of the MEP, of which the Consortium Incentive Grants are a component :

- a. The percentage (%) of MEP students that scored at or above proficient on their state's annual Reading/Language Arts assessments in grades 3-8.
- b. The percentage (%) of MEP students that scored at or above proficient on their state's annual Mathematics assessments in grades 3-8.
- c. The percentage (%) of MEP students who were enrolled in grades 7-12, and graduated or were promoted to the next grade level.
- d. The percentage (%) of MEP students who entered 11th grade that had received full credit for Algebra I.

## Application Instructions

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This application provides the information SEAs need to apply for an award of FY 2015 MEP Consortium Incentive Grant funds. The Department intends to use the information provided by the SEA(s) to review and approve Consortium Incentive Grants, and to determine the amount of the incentive grant awards to be made. Carefully read the entire application package before beginning to prepare an application. The

application package clearly identifies who is eligible to apply under this competition, what applicants must propose to do, what must be contained in an application, and what criteria will be used to evaluate applications. Applications must be submitted **no later than April 20, 2015**.

## **Contents of an Application**

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In applying for an MEP Consortium Incentive Grant award, your application must be organized according to, and include, the parts below. Copies of all forms discussed in the following section are provided in Appendix A of this document.

To receive an award under this program, a complete application, submitted by the lead SEA of a consortium, must include the following parts.

### **Part I: Coversheet for the MEP Consortium Incentive Grant Program.**

The first page of the application consists of a cover page indicating the title of the proposed consortium, and the identity and address of the lead SEA for the consortium and of each other SEA or entity participating in the consortium.

### **Part II: Table of Contents**

This table should include the page number or numbers in which reviewers will be able to locate the information in the narrative that corresponds to each aspect of the required application content and the selection criteria.

### **Part III: Project Abstract**

The abstract should be 1-2 page(s) in length and include a summary of the goals, measurable outcomes, and activities of the proposed consortium.

### **Part IV: Project Narrative** (recommended limit - 25 pages)

This part of the application should describe the proposed consortium and its activities in light of the selection criteria. It also must address the following application requirements:

1. The goals and measurable outcomes of the consortium, and the activities that each participating SEA or entity in the consortium will conduct during each project year to attain the project goals and outcomes and in doing so improve the delivery of services to migratory children whose education is interrupted. (These goals and outcomes are to be summarized in the *Project Narrative Summary Chart*.\*);
2. A concise and cogent explanation of the need for and value of the proposed consortium to each participating SEA, and how the proposed consortium will improve interstate or intrastate coordination of migrant education programs; and
3. A description of the **process each participating SEA will use for evaluating its progress** in achieving the measurable outcomes of the consortium.

**\*Note: Applicants must fully complete and submit the Part IV *Project Narrative Summary Chart*. The summary chart serves to clarify and streamline information outlined in the Project Narrative Section, under requirement number one. The *Project Narrative Summary Chart* can be found on pages 18-22 of this application package. Applicants can copy the chart on pages 18-22 and paste it into the Project Narrative portion of their application before uploading the Project Narrative in PDF form to**

**Grants.gov. The Project Narrative Summary Chart is not included as part of the 25-page recommended limit that applies to Part IV.**

**Reminder:** The application narrative must clearly address one or more of the absolute priorities identified on page six of this application package. It also must include, though need not be limited to, the information identified in Part IV, above.

You should limit the narrative to 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).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.
- For charts, tables, and graphs, also use a font that is either 12-point or larger or no smaller than 10 pitch.

#### **Part V: Signed Statement**

The application must include a signed statement from the Chief State School Officer (or his/her authorized representative) of each SEA that is participating in the proposed consortium arrangement that expresses his/her SEA’s commitment to implement its agency’s activities as described in the application. Only those SEAs whose Chief State School Officers or authorized representatives have letters of commitment included in the application will be eligible for Consortium Incentive Grant awards.

*For extenuating circumstances only: In the event that an SEA is not able to submit the signed statement with the application due to delays caused by the need to obtain prior approval from the State Legislature or other agency in the State’s Executive Branch, the SEA may submit this signed commitment statement from the Chief State School Officer after the application deadline. For the SEA to be eligible to receive a Consortium Incentive Grant award, the Office of Migrant Education must receive the formal letter of SEA commitment no later than May 18, 2015. Submit this signed letter of intent to Rachel Crawford at Rachel.Crawford@ed.gov.*

*As a placeholder, the SEA’s application must include a signed statement of intent to participate in the proposed consortium signed by the SEA’s Migrant Education Program Director or his or her superior. This placeholder letter should also include an expected timeline for submitting the letter of commitment from the SEA’s Chief State School Officer or his or her authorized representative, and an acknowledgment that the SEA will be ineligible to receive an award of Consortium Incentive Grant funds if OME does not receive the signed commitment statement by May 18, 2015.*

#### **Part VI: Response to Section 427 of GEPA Guidance**

Include a description of how the application will comply with Section 427 of the Department’s General Education Provisions Act (GEPA) for each participating SEA– equitable access to and participation in

federally assisted programs for students, teachers, and other program beneficiaries with special needs— unless the applicant has chosen to embed this description into the body of the application narrative. (For instructions, see Appendix A.)

**Part VII: Forms, Assurances and Certifications**

Each SEA applying under the proposed consortium must complete and submit each of the following forms and assurances:

- Assurances--Non-Construction Programs (SF 424B Form)
- Certifications Regarding Lobbying Activities
- Disclosure of Lobbying Activity (SF LLL Form)
- Certification Regarding Debarment; Suspension; Ineligibility; and Voluntary Exclusion- Lower Tier Covered Transactions

Copies of these forms are available in Appendix A or can be downloaded as PDF fillable forms from: <http://www2.ed.gov/fund/grant/apply/appforms/appforms.html>. Be certain to include all assurances and certifications with the application, and sign each form in the appropriate place.

Note that the Secretary considers only information contained in the application in ranking applications for funding consideration. Letters of support sent separately from the formal application package are not considered in the review by the peer review panels.

## Instructions for Transmitting Applications

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If you want to apply for a grant and be considered for funding, you must meet the following deadline requirements:

**DEADLINE DATE: April 20, 2015**

### **Application Transmittal Instructions**

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

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

### Applications Submitted Electronically

Applications for grants under this program must be submitted electronically using the Government-wide Grants.gov 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.

Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system **no later than 4:30:00 p.m., Washington, DC time, on the application deadline date.** Except as otherwise noted in Federal Register notice for this competition, we will not consider your application if it is date and time stamped by the Grants.gov system later than 4:30:00 p.m., Washington, DC time, on the application deadline date.

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

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

- You must attach any narrative sections of your application as files in a **.pdf** (Portable Document) format. **If you upload a file type other than a .pdf file, or submit a password-protected file, we will not review that material.**
- Grants.gov cannot process an application that includes two or more files that have the same name within a grant submission.
- When attaching files, applicants should limit the size of their file names. Lengthy file names could result in difficulties with opening and processing your application. We recommend your file names be less than 50 characters.

- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- Your electronic application must comply with any page-limit requirements described in this application package.
- If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1-800-518-4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

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

Submission of Paper Applications by Mail:

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

U.S. Department of Education  
 Application Control Center  
 Attention: (CFDA Number 84.144F)  
 LBJ Basement Level 1  
 400 Maryland Avenue, SW.  
 Washington, DC 20202-4260

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

- (1) A legibly dated U.S. Postal Service postmark.
- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
- (3) A dated shipping label, invoice, or receipt from a commercial carrier.
- (4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

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

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

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.

Submission of Paper Applications by Hand Delivery:

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

U.S. Department of Education  
Application Control Center  
Attention: (CFDA Number 84.144f)  
550 12th Street, SW.  
Room 7039, Potomac Center Plaza  
Washington, DC 20202-4260

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

Note for Mail or Hand Delivery of Paper Applications:

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

- (1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and
- (2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245-6288.

**Contact Person**

If you have any questions or need assistance on preparing this application, please contact Rachel Crawford at the address provided above, or at the following:

Rachel Crawford  
Phone: (202) 260-2590  
Email: Rachel.Crawford@ed.gov

**Submitting Applications with Adobe Reader Software**

The Department of Education, working with Grants.gov, is currently moving from using PureEdge software to using Adobe Reader software exclusively and applications submitted to Grants.gov for the Department of Education will be posted using Adobe forms. Applicants will no longer need to use the PureEdge software to create or submit an application.

**Please note:** The compatible version of Adobe Reader is **required** for viewing, editing and submitting a complete grant application package for the Department of Education through Grants.gov. Applicants should confirm the compatibility of their Adobe Reader version **before** downloading the application. To ensure applicants have a version of Adobe Reader on their computer that is compatible with Grants.gov, applicants are encouraged to use the test package provided by Grants.gov that can be accessed at <http://www.grants.gov/web/grants/support/technical-support/troubleshooting/verifying-adobe-reader.html#> .

**Important issues to consider:**

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

**For your convenience, the latest version of Adobe Reader is available for free download at <http://www.grants.gov/web/grants/support/technical-support/software/adobe-reader-compatibility.html>.**

We strongly recommend that you review the information on computer and operating system compatibility with Adobe available at <http://www.grants.gov/web/grants/support/technical-support/software/adobe-reader-compatibility.html> **before** downloading, completing or submitting your application.

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

### **Grants.gov Submission Procedures and Tips for Applicants**

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

#### **ATTENTION – Adobe Forms and PDF Files Required**

Applications submitted to Grants.gov for the Department of Education will be posted using Adobe forms. Therefore, applicants will need to download the latest version of Adobe reader (at least Adobe Reader 10.1.14.) (Please note that in early 2013, Grants.gov discovered an issue with the newest version of Adobe Reader XI but it was subsequently resolved.) Information on computer and operating system compatibility with Adobe and links to download the latest version is available on Grants.gov at this link: [compatibility table](#). We strongly recommend that you review these details on [www.Grants.gov](http://www.Grants.gov) before completing and submitting your application. In addition, applicants should submit their application a day or two in advance of the closing date as detailed below. Also, applicants are required to upload their attachments in .pdf format only. (See details below under “Attaching Files – Additional Tips.”) If you have any questions regarding this matter please email the Grants.gov Contact Center at [support@grants.gov](mailto:support@grants.gov) or call 1-800-518-4726.

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

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

- 2) **SUBMIT EARLY** – **We strongly recommend that you do not wait until the last day to submit your application. Grants.gov will put a date/time stamp on your application and then process it after it is fully uploaded.** The time it takes to upload an application will vary depending on a number of factors including the size of the application 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 to Grants.gov before 4:30:00 p.m. Washington, DC time on the deadline date.

**Note: To submit successfully, you must provide the DUNS number on your application that was used when you registered as an Authorized Organization Representative (AOR) on Grants.gov. This DUNS number is typically the same number used when your organization registered with the SAM (formerly CCR -Central Contractor Registry). If you do not enter the same DUNS number on your application as the DUNS you registered with, Grants.gov will reject your application.**

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

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

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

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

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

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

If electronic submission is required, you must submit an electronic application before 4:30:00 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. **You must provide the DUNS number on your application that was used when you registered as an Authorized Organization Representative (AOR) on Grants.gov.**

Please go to <http://www.grants.gov/web/grants/about/contact-us.html> for help with Grants.gov. For additional tips related to submitting grant applications, please refer to the Grants.gov Submit Application FAQs found on the Grants.gov <http://www.grants.gov/web/grants/applicants/applicant-resources.html>.

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

When using a dial up connection to upload and submit your application, it can take significantly longer than when you are connected to the Internet with a high-speed connection, 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

For MAC compatibility information, review the Operating System Platform Compatibility Table at the following Grants.gov link: <http://www.grants.gov/web/grants/support/technical-support/recommended-software.html>. **If electronic submission is required and you are concerned about your ability to submit electronically as a non-Windows user, please follow instructions in the Federal Register notice to obtain an exception to the electronic submission requirement no later than two weeks before the application deadline date.** (See the Federal Register notice for detailed instructions.)

## Attaching Files – Additional Tips

Please note the following tips related to attaching files to your application, especially the requirement that applicants **only include read-only, non-modifiable .PDF files** in their application:

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

## Part IV: Project Narrative Summary Chart

*NOTE: Copy and paste this chart into the Project Narrative portion of your application before uploading it in PDF form to Grants.gov.*

The summary chart serves to clarify and streamline information outlined in the Project Narrative Section. Please use the boxes below to provide the information for each goal. You may use as many boxes as necessary for each goal. The applicant is to address the following application requirement:

- The goals and measurable outcomes of the consortium, and the activities that each participating SEA or entity in the consortium will conduct during each project year to attain the project goals and outcomes and in doing so improve the delivery of services to migratory children whose education is interrupted

<b>Goal 1</b>
<i>Provide a description of the goal in this text box. Be as clear and concise as possible.</i>
<b>Measurable Outcome(s):</b>
<i>Provide a description of the measurable outcome(s) in the boxes below. Be as clear and concise as possible.</i>
1.1
1.2
1.3
<i>Include additional measureable outcomes, as needed.</i>

<b>Goal 2</b>
<i>Provide a description of the goal in this text box. Be as clear and concise as possible.</i>
<b>Measurable Outcome(s):</b>
<i>Provide a description of the measurable outcome(s) in the boxes below. Be as clear and concise as possible.</i>
2.1
2.2
2.3

*Include additional measurable outcomes, as needed.*

**Goal 3**

*Provide a description of the goal in this text box. Be as clear and concise as possible.*

**Measurable Outcome(s):**

*Provide a description of the measurable outcome(s) in the boxes below. Be as clear and concise as possible.*

3.1

3.2

3.3

*Include additional measurable outcomes, as needed.*

**Goal 4**

*Provide a description of the goal in this text box. Be as clear and concise as possible.*

**Measurable Outcome(s):**

*Provide a description of the measurable outcome(s) in the boxes below. Be as clear and concise as possible.*

4.1

4.2

4.3

*Include additional measurable outcomes, as needed.*

List all activities that each SEA or entity will conduct during the **first project year** (from August 2015-September 2016) to meet the goal and improve the delivery of services to migratory children whose education is interrupted.

Goal #	Measurable Outcome(s) #	Activity with short description	State Responsible															
1	1.1	Ex. Draft Professional Development Curriculum and Materials <ul style="list-style-type: none"> <li>5 of 10 professional development curriculum pieces will be drafted and finalized</li> </ul>																

List all activities that each SEA or entity will conduct during the **second project year** (from October 2016-September 2017) to meet the goal and improve the delivery of services to migratory children whose education is interrupted.

Goal #	Measurable Outcome(s) #	Activity with short description	State Responsible															
1	1.1	Ex. Draft Professional Development Curriculum and Materials <ul style="list-style-type: none"> <li>5 of 10 professional development curriculum pieces will be drafted and finalized</li> </ul>																

List all activities that each SEA or entity will conduct during the **third project year** (from October 2017-September 2018) to meet the goal and improve the delivery of services to migratory children whose education is interrupted.

Goal #	Measurable Outcome(s) #	Activity with short description	State Responsible																
1	1.1	Ex. Draft Professional Development Curriculum and Materials <ul style="list-style-type: none"> <li>5 of 10 professional development curriculum pieces will be drafted and finalized</li> </ul>																	

## Application Submission Checklist

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*Does your application include each of the following?*

- Cover Page
- Table of Contents
- Project Abstract
- Project Narrative
  - Project Narrative Summary Chart
- Signed Statement from Chief State School Officer of each SEA in proposed consortium
- Response to Section 427 of GEPA Guidance
- Assurances and Certifications
  - Assurances--Non-Construction Programs (SF 424B Form)
  - Certifications Regarding Lobbying Activities
  - Disclosure of Lobbying Activity
  - Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion- Lower Tier Covered Transactions

## **Notice Inviting Applications**

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February 5, 2015

4000-01-U

DEPARTMENT OF EDUCATION

Applications for New Awards; Migrant Education Program (MEP) Consortium  
Incentive Grant Program

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

ACTION: Notice.

### Overview Information:

Migrant Education Program (MEP) Consortium Incentive Grant Program

Notice inviting applications for new awards for fiscal year (FY) 2015.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.144F.

### Dates:

Applications Available: February 5, 2015.

Deadline for Transmittal of Applications: April 20, 2015.

Deadline for Intergovernmental Review: June 19, 2015.

Full Text of Announcement

### I. Funding Opportunity Description

Purpose of Program: The purpose of the MEP Consortium Incentive Grant program is to provide incentive grants to State educational agencies (SEAs) that participate in a consortium with one or more other SEAs or

other appropriate entities to improve the delivery of services to migrant children whose education is interrupted. Through this program, the Department provides financial incentives to SEAs to participate in high-quality consortia to improve the intrastate and interstate coordination of migrant education programs by addressing key needs of migratory children whose education is interrupted.

Priorities: These priorities are from the notice of final requirements for this program, published in the Federal Register on March 3, 2004 (69 FR 10110), and from the notice of final priority for this program, published in the Federal Register on March 12, 2008 (73 FR 13217).

Absolute Priorities: For FY 2015, these priorities are absolute priorities. Under 34 CFR 75.105(c)(3), we consider only applications that meet one or more of these absolute priorities. In order for an SEA to be considered for an incentive grant, an application from a proposed consortium in which the SEA would participate must address one or more of the following absolute priorities:

Priority 1: Services designed to improve the proper and timely identification and recruitment of eligible migratory children whose education is interrupted.

Priority 2: Services designed (based on a review of scientifically based research) to improve the school readiness of preschool-aged migratory children whose education is interrupted.

Priority 3: Services designed (based on a review of scientifically based research) to improve the reading proficiency of migratory children whose education is interrupted.

Priority 4: Services designed (based on a review of scientifically based research) to improve the mathematics proficiency of migratory children whose education is interrupted.

Priority 5: Services designed (based on a review of scientifically based research) to decrease the dropout rate of migratory students whose education is interrupted and improve their high school completion rate.

Priority 6: Services designed (based on a review of scientifically based research) to strengthen the involvement of migratory parents in the education of migratory students whose education is interrupted.

Priority 7: Services designed (based on a review of scientifically based research) to expand access to innovative educational technologies intended to increase the academic achievement of migratory students whose education is interrupted.

Priority 8: Services designed (based on a review of scientifically based research) to improve the educational attainment of out-of-school migratory youth whose education is interrupted.

Program Authority: 20 U.S.C. 6398(d).

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75 (except 75.232), 76, 77, 79, 82, 84, 85, and 99. (b) The OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Non-procurement) in 2 CFR part

180, as adopted and amended as regulations of the Department in 2 CFR part 3485, and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200 (except §200.328(b)), as adopted and amended in 2 CFR part 3474. (c) The notice of final requirements published in the Federal Register on March 3, 2004 (69 FR 10110). (d) The notice of final priority published in the Federal Register on March 12, 2008 (73 FR 13217). (e) The notice of final requirement published in the Federal Register on December 31, 2013 (78 FR 79613).

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

## II. Award Information

Type of Award: Formula grants.

Estimated Available Funds: \$3,000,000.

Estimated Range of Awards: \$50,000 - \$150,000.

Estimated Average Size of Awards: \$64,000.

Maximum Award: By statute, the maximum amount that we may award under this program is \$250,000.

Estimated Number of Awards: 47.

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

Project Period: Up to 36 months.

## III. Eligibility Information

1. Eligible Applicants: SEAs receiving MEP Basic State Formula grants, in a consortium with one or more other SEAs or other appropriate entities.

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

b. Supplement-Not-Supplant: This program involves supplement-not-supplant funding requirements. Pursuant to the notice of final requirements published in the Federal Register on March 3, 2004 (69 FR 10110), the supplement-not-supplant provisions in sections 1120A(b) and 1304(c)(2) of the Elementary and Secondary Education Act of 1965, as amended, are applicable to this program.

#### IV. Application and Submission Information

1. Address to Request Application Package: Rachel Crawford, U.S. Department of Education, 400 Maryland Avenue, SW., room 3E319, LBJ, Washington, D.C. 20202-6135. Telephone: (202)260-2590 or by email: [Rachel.Crawford@ed.gov](mailto:Rachel.Crawford@ed.gov). You may also download the application package at: [www2.ed.gov/programs/mepconsortium/applicant.html](http://www2.ed.gov/programs/mepconsortium/applicant.html).

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

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

2. Content and Form of Application Submission: Requirements

concerning the content of an application, together with the forms an applicant must submit, are in the application package for this program.

Page Limit: Part IV of the application is where you, the applicant, describe the proposed consortium and include the Part IV Summary Chart (this chart is explained in the application package). Your description of the proposed consortium must include how the consortium's proposed project meets (1) the Application Requirements listed in the notice of final requirements published in the Federal Register on March 3, 2004 (69 FR 10110), the notice of final priority published in the Federal Register on March 12, 2008 (73 FR 13217), and the notice of final requirement published in the Federal Register on December 31, 2013 (78 FR 79613), (2) one or more of the absolute priorities, and (3) the selection criteria that reviewers use to evaluate your application. We recommend that you limit Part IV to no more than 25 double-spaced pages, using the standards in the following paragraphs. Please note that the Summary Chart does not count as part of Part IV for purposes of the page limit.

- A "page" is 8.5" x 11", on one side only, with 1" margins at the top, bottom, and both sides.

- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

- Use a font that is either 12-point or larger or no smaller than 10 pitch (characters per inch).

- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

- For charts, tables, and graphs, use a font that is either 12-point or larger or no smaller than 10 pitch.

The page limit does not apply to the Part IV Summary Chart, Parts I through III, or Parts V through VII, or to any appendices, resumes, bibliography, or letters of support. However, the recommended page limit does apply to the description of the proposed consortium in Part IV of the application.

3. Submission Dates and Times:

Applications Available: February 5, 2015.

Deadline for Transmittal of Applications: April 20, 2015.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 7. Other Submission Requirements.

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

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

Deadline for Intergovernmental Review: June 19, 2015.

4. Intergovernmental Review: This competition 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 in this notice.

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

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR)), the Government's primary registrant database;

- c. Provide your DUNS number and TIN on your application; and
- d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one to two business days.

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

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

Note: Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov and before you can submit an application through Grants.gov.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with

your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at [www.SAM.gov](http://www.SAM.gov). To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at:

<http://www2.ed.gov/fund/grant/apply/sam-fags.html>.

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

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

a. Electronic Submission of Applications.

Applications for grants under the MEP Consortium Incentive Grant program, CFDA number 84.144F, must be submitted electronically using the Governmentwide Grants.gov Apply site at [www.Grants.gov](http://www.Grants.gov). Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

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

You may access the electronic grant application for the MEP Consortium Incentive Grant program at [www.Grants.gov](http://www.Grants.gov). You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.144, not 84.144F).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received--that is, date and time stamped by the Grants.gov system--after 4:30:00 p.m., Washington, DC time, on the application deadline

date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.

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

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

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

- You must submit all documents electronically, including all information you typically provide on the following forms: the

Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information--Non-Construction Programs (ED 524), and all necessary assurances and certifications.

- You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF 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 from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application 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 Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1-800-518-4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

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

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

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov

system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

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

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the

Grants.gov system;

and

- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application.

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

Address and mail or fax your statement to: Rachel Crawford, U.S. Department of Education, 400 Maryland Avenue, SW., room 3E319, Washington, DC 20202-4260.

FAX: (202)205-0089.

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

b. Submission of Paper Applications by Mail.

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

U.S. Department of Education  
Application Control Center  
Attention: (CFDA Number 84.144F)  
LBJ Basement Level 1  
400 Maryland Avenue, SW.  
Washington, DC 20202-4260

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

- (1) A legibly dated U.S. Postal Service postmark.
- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
- (3) A dated shipping label, invoice, or receipt from a commercial carrier.
- (4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

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

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

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

U.S. Department of Education  
Application Control Center  
Attention: (CFDA Number 84.144F)  
550 12th Street, SW.  
Room 7039, Potomac Center Plaza  
Washington, DC 20202-4260

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

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

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

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

#### V. Application Review Information

1. Selection Criteria: The selection criteria for this program are from 34 CFR part 75.210 and are listed in the application package.

2. Review and Selection Process: We remind potential applicants that in reviewing applications in any grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities

receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. Special Conditions: Under 2 CFR 3474.10, the Secretary may impose special conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

## VI. Award Administration Information

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

If an 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: Grant recipients under this program must submit the annual and final performance and financial reports specified in the notice of final requirements for this grant program published in the Federal Register on March 3, 2004 (69 FR 10110).

4. Performance Measures: Consortium grantees are required to report on their project's effectiveness based on the project objectives, performance measures, and scheduled activities outlined in the consortium's application.

In addition, all grantees are required, under 34 CFR 80.40(b), to report on the Government Performance and Results Act (GPRA) indicators as part of their Consolidated State Performance Report. The GPRA indicators established by the Department for the MEP, of which the Consortium Incentive Grants are a component, are:

a. The percentage of MEP students that scored at or above proficient on their State's annual Reading/Language Arts assessments in grades 3-8.

b. The percentage of MEP students that scored at or above proficient on their State's annual Mathematics assessments in grades 3-8.

c. The percentage of MEP students who were enrolled in grades 7-12, and graduated or were promoted to the next grade level.

d. The percentage of MEP students who entered 11th grade that had received full credit for Algebra I.

#### VII. Agency Contacts

For Further Information Contact: Rachel Crawford, U.S. Department of Education, 400 Maryland Avenue, SW., room 3E319, LBJ, Washington, DC 20202-6135. Telephone: (202)260-2590, or by email: Rachel.Crawford@ed.gov.

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

#### VIII. Other Information

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

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

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

Dated:

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Deborah Delisle,  
Assistant Secretary for Elementary and  
Secondary Education.

## **Notice of Final Requirement**

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containing the information required by paragraph (c)(4) of this section, shall be made by each person who at any time after January 1, 1963, becomes a U.S. person while owning 10 percent or more in value of the outstanding stock of such foreign corporation.

(4) Information required to be shown on return—(i) In general. The return on Form 5471, required to be filed by persons described in paragraph (c)(1) or (3) of this section, shall set forth the same information as is required by the provisions of paragraph (b) of this section except that where such provisions require information with respect to January 1, 1963, such information shall be furnished with respect to the date on which liability arises to file the return required under this paragraph.

(ii) Additional information. In addition to the information required under paragraph (c)(4)(i) of this section, the following information shall also be furnished in the return required under this paragraph:

(a) The date on or after January 1, 1963, if any, on which such shareholder (or shareholders) last filed a return under this section with respect to the corporation;

(b) If a return is filed by reason of becoming a United States person, the date the shareholder became a United States person;

(c) If a return is filed by reason of the disposition of stock, the date and method of such disposition and the person to whom such disposition was made; and

(d) If a return is filed by reason of the organization or reorganization of the foreign corporation on or after January 1, 1963, the following information with respect to such organization or reorganization:

(1) A statement showing a detailed list of the classes and kinds of assets transferred to the foreign corporation including a description of the assets (such as a list of patents, copyrights, stock, securities, etc.), the fair market value of each asset transferred (and, if such asset is transferred by a United States person, its adjusted basis), the date of transfer, the name, address, and identifying number, if any, of the owner immediately prior to the transfer, and the consideration paid by the foreign corporation for such transfer;

(2) A statement showing the assets transferred and the notes or securities issued by the foreign corporation, the name, address, and identifying number, if any, of each person to whom such transfer or issue was made, and the consideration paid to the foreign

corporation for such transfer or issue; and

(3) An analysis of the changes in the corporation's surplus accounts occurring on or after January 1, 1963.

(iii) Exclusion of information previously furnished. In any case where any identical item of information required to be filed under this paragraph by a shareholder with respect to a foreign corporation has previously been furnished by such shareholder in any return made in accordance with the provisions of this section, such shareholder may satisfy the requirements of this paragraph by filing Form 5471, identifying such item of information, the date furnished, and stating that it is unchanged.

\* \* \* \* \*

(e) \* \* \*

(5) [Reserved]. For further guidance see § 1.6046-1T(e)(5).

\* \* \* \* \*

(f) \* \* \*

(4) [Reserved].

\* \* \* \* \*

(1) Effective/applicability date—(1) \* \* \*

(2) Paragraph (c)(1)(iii) of this section applies to taxable years ending after December 31, 2013.

■ Par. 11. Section 1.6046-1T is added to read as follows:

§ 1.6046-1T Returns as to organizations or reorganizations of foreign corporations and as to acquisitions of their stock (temporary).

(a)(1) through (e)(4). [Reserved]. For further guidance, see § 1.6046-1(a)(1) through (e)(4).

(5) Persons excepted from furnishing items of information. Any person required to furnish any item of information under paragraph (b) or (c) of this section with respect to a foreign corporation may, if such item of information is furnished by another person having an equal or greater stock interest (measured in terms of value of such stock) in such foreign corporation, satisfy such requirement by filing a statement with his return on Form 5471 indicating that such liability has been satisfied and identifying the return in which such item of information was included. This paragraph (e)(5) does not apply to persons excepted from filing a return by reason of the provisions of paragraph (e)(4) of this section.

(f)(1) through (1)(2). [Reserved]. For further guidance, see § 1.6046-1(f)(1) through (1)(2).

(3) Paragraph (e)(5) of this section applies to returns filed on or after December 31, 2013. See paragraph (e)(5) of § 1.6046-1, as contained in 26 CFR

part 1 revised as of April 1, 2012, for returns filed before December 31, 2013.

(m) Expiration date. Paragraph (e)(5) of this section expires on or before December 30, 2016.

John Dalrymple,  
Deputy Commissioner for Services and Enforcement.

Approved: December 12, 2013.

Mark J. Mazur,  
Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 2013-30847 Filed 12-30-13; 8:45 am]  
BILLING CODE 4830-01-P

DEPARTMENT OF EDUCATION

34 CFR Chapter II

[CFDA Number 84.144F]

Final Requirement—Migrant Education Program Consortium Incentive Grant Program

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

ACTION: Final requirement.

SUMMARY: The Assistant Secretary for Elementary and Secondary Education announces a final requirement under the Migrant Education Program (MEP) Consortium Incentive Grant (CIG) Program. This final requirement changes the maximum project period of grants awarded to State educational agencies (SEAs) under the MEP CIG program from two years to three years. We take this action to allow participating SEAs, where appropriate, to have an additional year to conduct needed activities, evaluate their projects, and provide a final report addressing their success in completing project activities and achieving the objectives and outcomes that were established in their approved CIG program application.

DATES: Effective Date: This requirement is effective January 30, 2014.

FOR FURTHER INFORMATION CONTACT: Lisa Gillette, U.S. Department of Education, 400 Maryland Avenue SW., Room 3E313, Washington, DC 20202. Telephone: (202) 260-1426 or by email: [lisa.gillette@ed.gov](mailto:lisa.gillette@ed.gov).

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

SUPPLEMENTARY INFORMATION:

Purpose of Program: The MEP, authorized in title I, part C, section 1301 et seq. of the Elementary and Secondary Education Act of 1965, as amended

(ESEA) (20 U.S.C. 6391 *et seq.*), is a State-operated and State-administered formula grant program. The MEP helps SEAs support high-quality and comprehensive educational programs that do two things: provide migratory children with appropriate educational and supportive services that address their special needs in a coordinated and efficient manner, and give migratory children the opportunity to meet the same challenging State academic content and student academic achievement standards that all children are expected to meet.

One component of the MEP is the CIG program, authorized in section 1308(d) of the ESEA (20 U.S.C. 6398(d)). Through the MEP CIG program, the Department provides financial incentives to SEAs to participate in high-quality consortia that improve the interstate or intrastate coordination of migrant education programs by addressing key needs of migratory children who have their education interrupted.

*Program Authority:* 20 U.S.C. 6398.

*Applicable Program Regulations:* 34 CFR part 200, subpart C.

We published a notice of proposed requirement for this program in the *Federal Register* on July 3, 2013 (78 FR 40084). That notice contained background information and our reasons for proposing the particular requirement.

Except for one minor technical revision, there are no differences between the proposed requirement and this final requirement.

*Public Comment:* In response to our invitation in the notice of proposed requirement, the Department received one comment.

#### Analysis of Comments and Changes

*Comment:* The one comment supported the proposed requirement because the additional year will allow time for projects to mature and will also provide time to disseminate successful and promising practices, as well as share lessons learned.

*Changes:* None.

#### Final Requirement—Duration of Incentive Grants

The Secretary may provide a maximum project period of three years for grants awarded under the MEP CIG program. The Secretary may extend the current two-year project period of the FY 2012 grantees to three years as well as determine a project period for future competitions of up to three years.

For grants with a three-year project period, grantees must submit a performance report at the end of each

project year and are eligible for a continuation award at the end of the first and second project years based on the two-tiered funding formula in the 2004 Notice of Final Requirements published in the *Federal Register* on March 3, 2004 (69 FR 10110). The second and third year's continuation funding is contingent on the grantee making substantial progress in performing the previous year's consortium activities and in attaining the outcomes identified in the approved consortium application. Grantees must submit their final summary evaluation report at the end of the third project year.

**Note:** This notice does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

**Note:** This notice does not solicit applications. In any year in which we choose to use this requirement, we invite applications through a notice in the *Federal Register*.

#### Executive Orders 12866 and 13563

##### Regulatory Impact Analysis

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

(1) Have an annual effect on the economy of \$100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities in a material way (also referred to as an "economically significant" rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This final regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed this final regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles,

structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentive—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency "to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible." The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include "identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes."

We are issuing this final requirement only on a reasoned determination that its benefits justify its costs. In choosing among alternative regulatory approaches, we selected those approaches that maximize net benefits. Based on the analysis that follows, the Department believes that this regulatory action is consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

In accordance with both Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined as necessary for

administering the Department's programs and activities.

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

This document provides early notification of our specific plans and actions for this program.

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

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

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

Dated: December 26, 2013.

Deborah S. Delisle,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 2013-31325 Filed 12-30-13; 8:45 am]

BILLING CODE 4000-01-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 271

[EPA-R01-RCRA-2013-0554; FRL-9904-47-Region 1]

### Vermont: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct Final Rule.

**SUMMARY:** The State of Vermont has applied to the Environmental Protection Agency (EPA) for Final authorization of changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has determined that these changes satisfy all requirements needed to qualify for Final authorization, and is authorizing the State's changes through this direct final action.

**DATES:** This rule is effective on March 3, 2014 without further notice, unless EPA receives adverse written comment by January 30, 2014. If EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R01-RCRA-2013-0554, by one of the following methods:

- **www.regulations.gov:** Follow the on-line instructions for submitting comments.
- **Email:** [leitch.sharon@epa.gov](mailto:leitch.sharon@epa.gov)
- **Fax:** (617) 918-0647, to the attention of Sharon Leitch.
- **Mail:** Sharon Leitch, RCRA Waste Management and UST Section, Office of Site Remediation and Restoration (OSRR07-1), US EPA Region 1, 5 Post Office Square, Suite 100, Boston, MA 02109-3912.

- **Hand Delivery:** Sharon Leitch, RCRA Waste Management and UST Section, Office of Site Remediation and Restoration (OSRR07-1), US EPA Region 1, 5 Post Office Square, 7th floor, Boston, MA 02109-3912. Such deliveries are only accepted during normal hours of operation, and special arrangements should be made for deliveries of boxed information. Please contact Sharon Leitch at (617) 918-1647.

**Instructions:** Direct your comments to Docket ID No. EPA-R01-RCRA-2013-0554. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [www.regulations.gov](http://www.regulations.gov) or email. The [www.regulations.gov](http://www.regulations.gov) Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email

comment directly to EPA without going through [www.regulations.gov](http://www.regulations.gov) your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

**Docket:** All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the EPA Region 1 Library, 5 Post Office Square, 1st floor, Boston, MA 02109-3912; by appointment only; tel: (617) 918-1990.

#### FOR FURTHER INFORMATION CONTACT:

Sharon Leitch, RCRA Waste Management and UST Section, Office of Site Remediation and Restoration, (Mail Code: OSRR07-1), EPA Region 1, 5 Post Office Square, Suite 100, Boston, MA 02109-3912; telephone number: (617) 918-1647; fax number (617) 918-0647; email address: [leitch.sharon@epa.gov](mailto:leitch.sharon@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### A. Why are revisions to state programs necessary?

States which have received final authorization from EPA under RCRA section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal program. As the Federal program changes, States must change their programs and ask EPA to authorize the changes. Changes to State programs may be necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, States must change their programs because of changes to EPA's regulations in Title 40 of the Code of Federal Regulations (CFR) parts 124, 260 through 266, 268, 270, 273 and 279.

## **Notice of Final Priority**

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(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.

b. *Submission of Paper Applications by Hand Delivery.* If you submit your application 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: Alejandra Vélez-Paschke, Office of Migrant Education, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3E249, Washington, DC 20202-6135.

**Note:** A person delivering an application must show identification to enter the U.S. Department of Education building.

#### V. Application Review Information

*Selection Criteria:* The selection criteria for this program are from 34 CFR 75.210 and are listed in the application package.

#### 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 notify you informally, also.

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

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

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section in 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:* Grant recipients under this program must submit the annual and final performance and financial reports specified in the notice of final requirements for this program published in the **Federal Register** on March 3, 2004 (69 FR 10110).

4. *Performance Measures:* Consortium grantees are required to report on their project's effectiveness based on the project objectives, performance measures, and scheduled activities

outlined in the consortium's application.

In addition, all grantees are required, under 34 CFR 80.40(b), to report on the Government Performance and Results Act (GPRA) indicators as part of their Consolidated State Performance Report. The GPRA indicators established by the Department for the Migrant Education Program, of which the Consortium Incentive Grants are a component, are—

a. the percentage of migrant students at the elementary school level who meet or exceed the proficient level on State assessments in reading;

b. the percentage of migrant students at the middle school level who meet or exceed the proficient level on State assessments in reading;

c. the percentage of migrant students at the elementary school level who meet or exceed the proficient level on State assessments in mathematics;

d. the percentage of migrant students at the middle school level who meet or exceed the proficient level on State assessments in mathematics;

e. the percentage of migrant students who drop out from secondary school (grades 7–12); and

f. the percentage of migrant students who graduate from high school.

#### VII. Agency Contacts

##### FOR FURTHER INFORMATION CONTACT:

Alejandra Vélez-Paschke, U.S. Department of Education, 400 Maryland Avenue, SW., room 3E249, LBJ, Washington, DC 20202-6135. Telephone: (202) 260-2834 or by e-mail: [alejandra.velez@ed.gov](mailto:alejandra.velez@ed.gov).

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

#### VIII. Other Information

*Alternative Format:* Individuals with disabilities can obtain this document and a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII in this notice.

*Electronic Access to This Document:* You can 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: <http://www.ed.gov/news/fedregister>.

To use PDF you must have Adobe Acrobat Reader, which is available for 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.

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Dated: March 7, 2008.

**Kerri L. Briggs,**

*Assistant Secretary for Elementary and Secondary Education.*

[FR Doc. E8-4961 Filed 3-11-08; 8:45 am]

BILLING CODE 4000-01-P

#### DEPARTMENT OF EDUCATION

##### Migrant Education Program Consortium Incentive Grant Program

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

**ACTION:** Notice of final priority.

**SUMMARY:** The Assistant Secretary for Elementary and Secondary Education announces the addition of an eighth absolute priority to the seven current absolute priorities for the Migrant Education Program (MEP) Consortium Incentive Grant (CIG) program established in the notice of final requirements published in the **Federal Register** on March 3, 2004 (69 FR 10110) (March 2004 notice). The Assistant Secretary may use this proposed absolute priority and the absolute priorities established in the March 2004 notice for competitions in fiscal year (FY) 2008 and later years. We take this action to give State educational agencies (SEAs) the option to propose consortium arrangements that address the educational attainment needs of out-of-school migratory youth whose education is interrupted.

**DATES:** *Effective Date:* This priority is effective April 11, 2008.

##### FOR FURTHER INFORMATION CONTACT:

Alejandra Vélez-Paschke, U.S. Department of Education, 400 Maryland Avenue, SW., room 3E249, LBJ, Washington, DC 20202-6135. Telephone: (202) 260-2834 or via Internet: [alejandra.velez@ed.gov](mailto:alejandra.velez@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.

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format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

**SUPPLEMENTARY INFORMATION:**

*Background:* The MEP CIG program is authorized under section 1308(d) of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001 (ESEA). The CIG program provides, on a competitive basis, incentive grants to the SEAs receiving MEP Basic Formula Grant awards that participate in high-quality consortium arrangements with another State or appropriate entity. The purpose of these grants is to improve the delivery of services to migratory children whose education is interrupted.

In the March 2004 notice, the Department established seven absolute priorities for the CIG that promote key national objectives. SEAs that have sought funding under the CIG have had to propose a consortium that addressed one or more of these absolute priorities. These seven absolute priorities are—

- (1) Services designed to improve the proper and timely identification and recruitment of eligible migratory children whose education is interrupted;
- (2) Services designed (based on a review of scientifically based research) to improve the school readiness of preschool-aged migratory children whose education is interrupted;
- (3) Services designed (based on a review of scientifically based research) to improve the reading proficiency of migratory children whose education is interrupted;
- (4) Services designed (based on a review of scientifically based research) to improve the mathematics proficiency of migratory children whose education is interrupted;
- (5) Services designed (based on a review of scientifically based research) to decrease the dropout rate of migratory students whose education is interrupted and improve their high school completion rate;
- (6) Services designed (based on a review of scientifically based research) to strengthen the involvement of migratory parents in the education of migratory students whose education is interrupted; and
- (7) Services designed (based on a review of scientifically based research) to expand access to innovative educational technologies intended to increase the academic achievement of migratory students whose education is interrupted.

We published a notice of proposed priority for this program in the **Federal Register** on November 20, 2007 (72 FR 65316). The notice of proposed priority included a discussion of the significant issues surrounding the educational attainment of out-of-school migratory youth. The notice of proposed priority, along with the notice of final requirements published in the **Federal Register** on March 3, 2004 (69 FR 10110), would have allowed SEAs, based on the needs of migratory children in their respective consortium States, to seek CIG program funding for consortium activities that addressed any one or more of the eight absolute priorities.

There are no differences between the notice of proposed priority and this notice of final priority.

**Analysis of Comments and Changes**

In response to our invitation in the notice of proposed priority, two parties submitted comments on the proposed priority. An analysis of the comments and of any changes in the priority since publication of the notice of proposed priority follows.

Generally, we do not address technical and other minor changes—and suggested changes the law does not authorize us to make under the applicable statutory authority. We also do not address comments pertaining to issues that were not within the scope of the notice of proposed priority.

*Comment:* One commenter expressed concern that the inclusion of this absolute priority would result in taxpayer dollars being used to provide services to individuals who do not have the necessary legal documentation to reside or work in the United States.

*Discussion:* The Secretary appreciates the commenter's concern. However, documentation of legal status is not a requirement of the MEP, the CIG Program, or any other Federal elementary or secondary education program. In order to be eligible, and therefore to receive services, under Title I, Part C of the ESEA (under which the MEP CIG Program is authorized), a child or youth must only meet the definition of "migratory child" as outlined in the statute; proof of legal residency or legal work status is not required.

*Changes:* None.

*Comments:* Another commenter expressed general agreement with the need to serve out-of-school migratory youth, but asserted that the public school system is not the appropriate entity for administering CIG Program services for this population. The commenter maintained that it would be too difficult for the public school system

to serve those migratory children both enrolled and not enrolled in school. The commenter suggested junior colleges or private entities as more adequate administrators of the program.

*Discussion:* The Secretary does not agree that public school systems should be prohibited from operating CIG Program services under the eighth priority. SEAs, not local school districts, administer both the MEP and the CIG Program. Accordingly, SEAs have the statutory authority to operate these CIG Programs directly or through local operating agencies, which may include school districts, institutions of higher education, or any other public or nonprofit private agency with which the SEA makes an arrangement. The Secretary does not want to limit, in this eighth absolute priority, the authority of SEAs to select those entities they want to operate CIG Program services designed to improve the educational attainment of out-of-school migratory youth. Rather, the Secretary believes that SEAs will be able to choose the entities that they believe will be most effective in providing these CIG Program services. Thus, we decline to make the change recommended by the commenter.

*Changes:* None.

*Note:* This notice does not solicit applications. In any year in which we choose to use this or any of the other seven absolute priorities, we invite applications through a notice in the **Federal Register**. Under an absolute priority we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

*Priority:* Services designed (based on a review of scientifically based research) to improve the educational attainment of out-of-school migratory youth whose education is interrupted.

**Executive Order 12866**

This notice of final priority has been reviewed in accordance with Executive Order 12866. Under the terms of the order, we have assessed the potential costs and benefits of this regulatory action.

The potential costs associated with the notice of final priority are those resulting from statutory requirements and those we have determined as necessary for administering this program effectively and efficiently.

In assessing the potential costs and benefits—both quantitative and qualitative—of this notice of final priority, we have determined that the benefits of the final priority justify the costs.

We have also determined that this regulatory action does not unduly interfere with State, local, and tribal

governments in the exercise of their governmental functions.

We fully discussed the costs and benefits in the notice of proposed priority.

#### Intergovernmental Review

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

This document provides early notification of our specific plans and actions for this program.

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(Catalog of Federal Domestic Assistance Number 84.144 Migrant Education Coordination Program)

**Program Authority:** 20 U.S.C. 6398(d).

Dated: March 7, 2008.

**Kerri L. Briggs,**

*Assistant Secretary for Elementary and Secondary Education.*

[FR Doc. E8-4960 Filed 3-11-08; 8:45 am]

**BILLING CODE 4000-01-P**

#### ELECTION ASSISTANCE COMMISSION

##### Sunshine Act Notice

**AGENCY:** United States Election Assistance Commission.

**ACTION:** Notice of public meeting.

**DATE & TIME:** Thursday, March 20, 2008, 8:30 a.m.–2 p.m. (MST).

**PLACE:** Hyatt Regency Denver, 650 15th Street, Denver, Colorado 80202, (303) 436-1234.

**AGENDA:** The Commission will hear updates on the following topics: Election Management Guidelines Update; Election Data Survey Update. The Commission will receive a briefing on audits and state plans from the National Association of State Election Directors (NASED); The Commission will consider accepting the following items: Voter Hotline Study; UOCAVA Voters' Study (Uniformed and Overseas Citizens Absentee Voting Act). The Commission will consider and vote on the following items: consideration and vote on changes to the state specific instructions on the national voter registration form; consideration and vote on proposed policy clarification on the allowable uses of HAVA funds. The Commission will consider other administrative matters.

This meeting will be open to the public.

**PERSON TO CONTACT FOR INFORMATION:** Bryan Whitener, Telephone: (202) 566-3100.

\* \* \* \* \*

**Thomas R. Wilkey,**

*Executive Director, U.S. Election Assistance Commission.*

[FR Doc. 08-1024 Filed 3-10-08; 3:41 pm]

**BILLING CODE 6820-KF-M**

#### DEPARTMENT OF ENERGY

##### State Energy Advisory Board

**AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces a meeting of the State Energy Advisory Board (STEAB). The Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

**DATES:** April 8, 2008 (Open Meeting—morning only) 8:30–Noon. April 9, 2008 (Open Meeting) 8:30 a.m.–5 p.m. April 10, 2008 (Open Meeting) 8:30 a.m.–Noon.

**ADDRESSES:** Hotel Albuquerque at Old Town, 800 Rio Grande Boulevard, NW., Albuquerque, NM 87104.

**FOR FURTHER INFORMATION CONTACT:** Gary Burch, STEAB Designated Federal Officer, Assistant Manager, Office of Intergovernmental Projects & Outreach, Golden Field Office, Energy Efficiency and Renewable Energy (EERE), U.S. Department of Energy, 1617 Cole Boulevard, Golden, CO 80401, Telephone 303/275-4801.

**SUPPLEMENTARY INFORMATION:** Purpose of the Board: To make recommendations to the Assistant Secretary for the Office of Energy Efficiency and Renewable Energy regarding goals and objectives, programmatic and administrative policies, and to otherwise carry out the Board's responsibilities as designated in the State Energy Efficiency Programs Improvement Act of 1990 (Pub. L. 101-440).

Tentative Agenda: Briefings on, and discussions of:

- EERE Energy Efficiency and Policy.
- Presentations Provided by the Sandia National Laboratory on Their Respective Energy Efficiency and Renewable Energy Programs—Tour of the Sandia National Laboratory.
- Board Discussions/Responses to Laboratory Presentations.
- STEAB Effectiveness/Formal Discussions Regarding Current STEAB Products and the Potential Development of New Recommendations and Resolutions.
- STEAB Effectiveness/Planning for Future STEAB Meetings and Events, and New Membership Status.

**Public Participation:** The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Gary Burch at the address or telephone number listed above. Requests to make oral presentations must be received five days prior to the meeting; reasonable provision will be made to include the statements in the agenda. The Chair of the Board is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

**Minutes:** The minutes of the meeting will be available for public review and copying within 60 days on the STEAB Web site, <http://www.steab.org>.

Issued at Washington, DC, on March 7, 2008.

**Rachel Samuel,**

*Deputy Committee Management Officer.*

[FR Doc. E8-4886 Filed 3-11-08; 8:45 am]

**BILLING CODE 6450-01-P**

#### DEPARTMENT OF ENERGY

##### State Energy Advisory Board

**AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy.

**ACTION:** Notice of Open Teleconference.

**SUMMARY:** This notice announces a teleconference of the State Energy Advisory Board (STEAB). The Federal



# Federal Register

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Wednesday,  
March 3, 2004

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**Part III**

## **Department of Education**

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**Migrant Education Program (MEP)  
Consortium Incentive Grant Program;  
Notices**

## DEPARTMENT OF EDUCATION

RIN 1810-ZA08

**Migrant Education Program Consortium Incentive Grant Program**

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

**ACTION:** Notice of final requirements.

**SUMMARY:** The Assistant Secretary for Elementary and Secondary Education announces final requirements under the Migrant Education Program Consortium Incentive Grant Program. The Assistant Secretary establishes these requirements for competitions in fiscal year (FY) 2004 and later years. The Department intends that these requirements will promote the participation of State educational agencies in high-quality consortia.

**EFFECTIVE DATE:** These requirements are effective April 2, 2004.

**FOR FURTHER INFORMATION CONTACT:** Elsa Chagolla, U.S. Department of Education, 400 Maryland Avenue, SW., room 3E257, FOB-6, Washington, DC 20202-6135. Telephone: (202) 260-2823, or via Internet: [elsa.chagolla@ed.gov](mailto:elsa.chagolla@ed.gov).

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

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

**SUPPLEMENTARY INFORMATION:****Background**

The Migrant Education Program (MEP), authorized by Title I, Part C of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001, is a State-operated and State-administered formula grant program. The MEP provides assistance to State educational agencies (SEAs) to support high-quality and comprehensive educational programs that provide migratory children appropriate educational and supportive services to address their special needs in a coordinated and efficient manner, and to give migratory children the opportunity to meet the same challenging State academic content and student academic achievement standards that all children are expected to meet.

Section 1308(d) of the ESEA authorizes the Secretary to "reserve not more than \$3,000,000 to award grants of

not more than \$250,000 on a competitive basis to State educational agencies that propose a consortium arrangement with another State or other appropriate entity that the Secretary determines, pursuant to criteria that the Secretary shall establish, will improve the delivery of services to migratory children whose education is interrupted." Through this program, the Department provides financial incentives to SEAs to participate in high-quality consortia that improve the interstate or intrastate coordination of migrant education programs by addressing key needs of migratory children who have their education interrupted.

We published a notice of proposed requirements for this program in the **Federal Register** on Friday, July 11, 2003 (68 FR 41323) that discussed, and invited public comment on, proposed procedures to award consortium incentive grants in FY 2003 and subsequent years.

*Analysis of Comments and Changes*

In response to our invitation in the notice of proposed requirements, four parties submitted a total of eight comments on the proposed requirements. An analysis of the comments and of any changes in the requirements since the publication of the notice of proposed requirements is provided in an appendix at the end of this notice of final requirements.

This notice of final requirements contains six significant changes from the notice of proposed requirements. Specifically:

(1) The *Application Requirements* have been revised to require that, to be funded, an applicant must explain how the proposed consortium will improve interstate or intrastate coordination of migrant education programs.

(2) The definition of "other appropriate entity" has been revised to include specific examples of public or private entities with which an SEA may establish a consortium.

(3) The discussion regarding grantees' submission of a first-year performance report and a second-year final evaluation report has been revised to clarify that, in these reports, grantees must address their completion of activities and attainment of objectives described in the approved consortium application, rather than describe the uses of their incentive grant funds.

(4) The discussion regarding the applicability of parts 76 and 80 of the Education Department General Administrative Regulations (EDGAR) has been revised to clarify that, while an SEA that receives incentive grant funds

does not need to submit performance reports on its use of the incentive grant funds as otherwise required under § 76.720 and § 80.40(b), it must submit the financial reports regarding use of incentive grant funds required by § 76.720 and § 80.41 of EDGAR.

(5) The discussion regarding *Use of Consortium Incentive Grant Funds* has been revised to make the supplement-not-supplant provision of sections 1120A(b) and 1304(c)(2) of the ESEA apply to the use of the incentive grant funds.

(6) The discussion regarding *Amount and Duration of Incentive Grants* has been revised to explain more clearly the funding formula that the Department will use to calculate the amounts of the incentive grant awards.

With these changes, and for the reasons discussed in the notice of proposed requirements (68 FR 41323) and in the *Analysis of Comments and Changes* contained in the appendix to this notice, the Department establishes the following final definitions, requirements, criteria, and procedures to award and use consortium incentive grants in FY 2004 and subsequent years.

*Definition for Eligibility To Participate in Consortium Incentive Grants*

Section 1308(d) permits an SEA to enter into a consortium with another State or other appropriate entity. The Department defines the term "other appropriate entity" to mean any public or private agency or organization, such as a school district, a charter school, a nonprofit or for-profit organization, or an institution of higher education. However, under section 1308(d), only SEAs are eligible applicants to receive consortium incentive grants.

*Application Requirements*

An application for an incentive grant must be submitted by an SEA that will act as the "lead SEA" for the proposed consortium. To be eligible for award, this application must include—

1. The identity of the lead SEA for the consortium, and of each other SEA or entity participating in the consortium;
2. The goals and measurable outcomes of the consortium, and the activities that each participating SEA or entity in the consortium will conduct during each project year to improve the delivery of services to migratory children whose education is interrupted;

3. A concise and cogent explanation of the need for and value of the proposed consortium to each participating SEA, and of how the proposed consortium will improve interstate or intrastate coordination of migrant education programs;

4. A description of the process each participating SEA will use for evaluating its progress in achieving the measurable outcomes of the consortium; and

5. A signed statement from the Chief State School Officer (or his or her authorized representative) of each SEA that is participating in the proposed consortium of his or her SEA's commitment to implement its activities as described in the application.

#### *Absolute Priorities*

For competitions in FY 2004 and later years, the Department establishes the following seven absolute priorities that promote key national objectives of the MEP. In order for SEAs to be considered for incentive grants, a proposed consortium in which an SEA would participate must address one or more of the following absolute priorities:

1. Services designed to improve the proper and timely identification and recruitment of eligible migratory children whose education is interrupted;
2. Services designed (based on a review of scientifically based research) to improve the school readiness of preschool-aged migratory children whose education is interrupted;
3. Services designed (based on a review of scientifically based research) to improve the reading proficiency of migratory children whose education is interrupted;
4. Services designed (based on a review of scientifically based research) to improve the mathematics proficiency of migratory children whose education is interrupted;
5. Services designed (based on a review of scientifically based research) to decrease the dropout rate of migratory students whose education is interrupted and improve their high school completion rate;
6. Services designed (based on a review of scientifically based research) to strengthen the involvement of migratory parents in the education of migratory students whose education is interrupted; and
7. Services designed (based on a review of scientifically based research) to expand access to innovative educational technologies intended to increase the academic achievement of migratory students whose education is interrupted.

#### *Amount and Duration of Incentive Grants*

An SEA that participates in a high-quality consortium, as the Department will select by use of the program's selection criteria, shall receive only one

incentive grant award regardless of the number of high-quality consortia in which it participates.

In determining the amount of incentive grant awards, the Department will not use a cost analysis as described in § 75.232 of EDGAR. Rather, the Department will determine the amounts of the incentive grant awards on the basis of the following two-tiered funding formula:

The first tier consists of those SEAs participating in high-quality consortia whose MEP Basic State Formula grant allocations are \$1 million or more. Each of these SEAs will, subject to the following exceptions, receive an incentive grant award of the same base amount.

The second tier consists of those SEAs participating in high-quality consortia whose MEP Basic State Formula grant allocations are \$1 million or less. Each of these SEAs will, subject to the following exceptions, receive an incentive grant award that is twice the base amount.

Within each tier, awards will be of equal size, except that the amount of any SEA's incentive grant award in either tier may not exceed \$250,000 (which is the statutory maximum) or the amount of its MEP Basic State Formula grant, whichever is less.

The base amount will be calculated by dividing the total amount reserved for incentive grants by the sum of the total number of SEAs participating in high-quality consortia whose MEP Basic State Formula grant allocations are greater than \$1 million and two times the total number of SEAs participating in high-quality consortia whose MEP Basic State Formula grant allocations are \$1 million or less.

It must be noted that, because an SEA cannot receive an incentive award that exceeds its MEP Basic State Formula grant allocation or \$250,000, whichever is less, it is possible that some SEAs with MEP Basic State Formula allocations of \$1 million or less will not receive an incentive grant amount that is actually twice the amount of the awards provided to SEAs whose MEP Basic State Formula allocations are greater than \$1 million.

For FY 2004, the Department plans to reserve \$2.5 million for consortium incentive awards. The amount reserved for awards in future years will vary and will be announced prior to any future competition. With a \$2.5 million reservation of funds, the range of annual awards to SEAs participating in consortia will be between \$35,738 (if all 52 SEAs receive grants under this competition) to \$250,000 (the statutory maximum). Assuming the number of

SEAs that receive consortium incentive grants for FY 2004 is the same as the number of SEAs that received them in FY 2002 (39), the size of an annual award will be \$45,997 for SEAs whose MEP allocations are greater than \$1 million, and \$91,995 for SEAs whose MEP allocations are \$1 million or less (and greater than \$91,995). The actual size of an SEA's award will depend on the number of SEAs that participate in high-quality consortia and the size of those SEAs' MEP formula grant allocations.

Consortium incentive grants will be awarded for up to two years. (The Department will not conduct a new incentive grant competition in FY 2005; rather, it will make second-year funding available to those SEAs that receive a FY 2004 incentive award.)

In this regard, pursuant to § 75.118 and § 75.590 of EDGAR, each SEA that receives a consortium incentive grant award must submit a performance report (through the consortium's lead State) toward the end of the first project year, and a final evaluation report at the end of the second year. These reports must address the SEA's completion of activities and attainment of objectives of the approved consortium, rather than the activities supported with incentive grant funds. Eligibility of each SEA for second-year awards will depend on the information provided in the first-year performance report regarding the SEA's substantial completion of first-year consortium activities and attainment of the outcomes identified in the approved consortium application.

#### *Selection Criteria*

The Department has established selection criteria from the general criteria for competitive grants contained in § 75.210 of EDGAR to evaluate applications for the incentive grants competition. The selection criteria may be found in the application package for the FY 2004 competition. The Department will review and rank applications on the basis of how well the information provided responds to these selection criteria. However, to be funded, an application must also address one or more of the absolute priorities, and the elements described in the *Application Requirements* section of this notice.

#### *Use of Consortium Incentive Grant Funds*

An SEA may use incentive grant funds to implement the consortium or to carry out any other activities authorized under the MEP. Because the incentive grants may be used for any activities authorized under the MEP, the

supplement-not-supplant provision of section 1120A(b) and section 1304(c)(2) of the ESEA applies to the use of the incentive grant funds. Moreover, because the MEP is a formula grant program, the use and reporting of the incentive grant funds are governed by the provisions of parts 76 and 80 of EDGAR, which concern State-administered formula grant programs, rather than the provisions of part 75 of EDGAR, which concern discretionary grant programs. In this regard, an SEA receiving an incentive grant must submit the financial reports required under § 76.720 (and § 80.41) of EDGAR. However, under these requirements, an SEA does not need to submit the performance reports on the use of the incentive grant funds otherwise required under § 76.720 and § 80.40(b). Instead, information on the effects of the incentive grant funds will be gathered through the performance reporting to be required by the Department for the MEP Basic State Formula grant.

#### *Paperwork Reduction Act of 1995*

The Paperwork Reduction Act of 1995 does not require you to respond to collection of information unless it displays a valid OMB control number. We display the valid OMB control number assigned to the collection of information in this final notice at the end of this notice.

#### *Intergovernmental Review*

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

This document is intended to provide early notification of our specific plans and actions for this program.

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(Approved by the Office of Management and Budget under control number 1810-0649)

(Catalog of Federal Domestic Assistance Number 84.144: (Migrant Education Coordination Program)

Dated: February 26, 2004.

**Raymond Simon,**

*Assistant Secretary for Elementary and Secondary Education.*

#### **Appendix—Analysis of Comments and Changes**

We group major issues according to subject. Generally, we do not address technical and other minor changes, and suggested changes the law does not authorize us to make under applicable statutory authority.

#### **Eligibility for Consortium Incentive Grants**

**Comment:** One commenter suggested that the notice include clarifying language that charter schools may also be an “other appropriate entity” with which an SEA may enter into a consortium. The commenter also suggested that the notice clarify that “migrant children whose education is interrupted” would include “all [such] public school students, including migrant students enrolled in charter schools.”

**Discussion:** The Department agrees that prospective applicants would benefit from inclusion of examples of “other appropriate entities.” However, we do not agree that the notice needs to further clarify the term “migrant children whose education is interrupted” since the term already clearly includes any such migrant children whether they are enrolled in public or private school or are out-of-school.

**Changes:** The definition of “other appropriate entity” has been revised to include examples, “such as a school district, a charter school, a nonprofit or for-profit organization, or an institution of higher education.”

#### **Application Requirements**

**Comment:** One commenter asserted that the requirements of section 1308(a), which focus on interstate and intrastate coordination, apply to all provisions in section 1308. The commenter said that, as a result, the consortia and the incentive grants authorized under section 1308(d) must, as a matter of law, be designed to “improve the interstate and intrastate coordination among [State and local] agencies’ migrant educational programs. \* \* \*”

**Discussion:** The Department does not agree with the comment. Section 1308 is entitled “Coordination of Migrant Education Activities,” and the provisions contained in this section all generally relate to coordination. The specific provision to

which the commenter refers is in a subparagraph of section 1308(a), which itself is entitled “Improvement of Coordination.” Specifically, subparagraph 1308(a)(1), entitled “In General,” authorizes the Department, among other things, to award grants or contracts to various specific agencies in order to improve interstate and intrastate coordination of those agencies’ migrant education programs. Neither this subparagraph (a)(1) nor the duration-of-grants provision in subparagraph (a)(2) applies to the specific authorizations and provisions contained in sections 1308(b) through (e). However, while not legally required to do so, the Department has decided that to be considered high-quality consortia selected in this competition under section 1308(d), the proposed consortia must be designed to improve the interstate or intrastate coordination of migrant education programs.

**Changes:** We have revised the *Application Requirements* to require that, to be funded, an applicant must explain how the proposed consortium will improve interstate and intrastate coordination of migrant education programs.

#### **Absolute Priorities**

**Comment:** One commenter recommended that absolute priority 1 (regarding services to improve the identification and recruitment of migratory children whose education is interrupted) must be put in place before incentive grants are provided for the other absolute priorities. The commenter also urged the Department to develop a nationwide Internet-based data management system that is accessible to all school districts and compatible with standard operating systems. The commenter stated that a system of this kind would enable school districts to access critical information on migrant children, thereby increasing the efficiency and effectiveness of the MEP and its services.

**Discussion:** The Department agrees that absolute priority 1 is a critical first component of any migrant education program. However, for reasons discussed in the notice of proposed requirements, absolute priorities 2 through 7 reflect areas of national significance for migrant students that warrant award of consortium incentive grants, and there is no reason to delay consortia’s efforts to address these six areas while SEAs further their identification and recruitment of migrant students.

In addition, the Department agrees with the commenter that a system that facilitates the timely access to and transfer of student records can be an effective means of reducing the effects of educational disruption on migrant students. Pursuant to section 1308(b)(2), the Department is currently in the process of developing and implementing a migrant student records system for the purpose of electronically exchanging health and educational information regarding migrant children among States. Because this is a separate national initiative, the Department is not addressing it through this grant program.

**Changes:** None.

**Comment:** One commenter, believing that migrant education programs do not provide

for the dental and vision needs of migrant children, recommended that dental and vision needs be addressed as an additional priority. The commenter also recommended recognition and support of programs addressing cultural self-identification and self-esteem for migrant children.

*Discussion:* Dental and vision screenings, as well as activities that promote self-esteem of migrant students, are allowable services under the MEP Basic State Formula grant program to the extent that such services address needs that result from the migratory lifestyle and are educationally-related (*i.e.*, are needed to permit migrant children to function effectively in school). However, while these issues are important for migrant children, the Department does not believe that they reflect the same high level of national significance as do the seven absolute priorities established for the incentive grant competition.

*Changes:* None.

#### Reporting Requirements

*Comment:* One commenter asked whether a grantee must submit a final summary evaluation report at the end of the second year, or whether instead it could submit a developmental evaluation for the second year, continue its work on consortium activities (with the use of other funds) for a third year, and then submit a final summary evaluation report at the end of third year. The commenter noted that the second option would allow a longer window of time to achieve the measurable goals of the consortium.

*Discussion:* The Department is soliciting applications for consortia that will complete described activities in no more than two years. These applications must include objectives and measurable outcomes to be completed within the maximum two-year performance period. Participating SEAs or other entities in a consortium may continue to support and evaluate the effectiveness of consortium activities that they choose to carry out after the second year. However, participating SEAs must still provide a final report, under § 75.590 of EDGAR, that addresses their success in completing the activities and achieving the objectives and outcomes that were established in their approved consortium applications for completion within the maximum two-year performance period.

*Changes:* None.

*Comment:* None.

*Discussion:* In reviewing the notice, the Department noted a need to clarify the grantee reporting requirements.

*Changes:* The reporting requirements have been revised to clarify that:

(1) The first-year performance report and the final second-year evaluation report required under § 75.118 and § 75.590 of EDGAR concern the completion of activities of the approved consortium, rather than the use of the awarded incentive grant funds, and

(2) SEAs do not need to submit a performance report on the use of the incentive grant funds. Instead, because an SEA may use incentive grant funds for any activity authorized under the MEP, the effectiveness of the incentive grants will be

measured through those performance reports required by the Department for the MEP Basic State Formula grant. However, an SEA receiving an incentive grant must submit the financial reports relating to incentive grant funds required under § 76.720 and § 80.41 of EDGAR.

#### Use of Consortium Incentive Grant Funds

*Comment:* None.

*Discussion:* In reviewing the notice, the Department noted that, because the incentive grants may be used for any activities authorized under the MEP, the supplement-not-supplant provision found in sections 1120A(b) and 1304(c)(2) of the ESEA should be made applicable to the consortium incentive grants.

*Changes:* The final requirements clarify that the supplement-not-supplant provision of sections 1120A(b) and 1304(c)(2) apply to the use of these incentive grant funds.

#### Amount and Duration of Incentive Grants

*Comment:* None.

*Discussion:* In reviewing the notice, the Department noted the need to explain more clearly the funding formula that it will use to calculate the incentive grant award amounts.

*Changes:* We have revised the final requirements to clarify the language explaining the funding formula.

[FR Doc. 04-4719 Filed 3-2-04; 8:45 am]

BILLING CODE 4000-01-P

## DEPARTMENT OF EDUCATION

### Office of Elementary and Secondary Education, Overview Information, Migrant Education Program (MEP) Consortium Incentive Grants Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2004

*Catalog of Federal Domestic Assistance (CFDA) Number:* 84.144.

**DATES:** Applications Available: March 3, 2004.

*Deadline for Transmittal of Applications:* May 28, 2004.

*Deadline for Intergovernmental Review:* May 3, 2004.

*Eligible Applicants:* State educational agencies (SEAs) receiving MEP Basic State Formula grants.

*Estimated Available Funds:* \$2,500,000.

*Estimated Range of Awards:* \$45,997-\$91,995.

*Estimated Average Size of Awards:* \$64,102.

*Maximum Award:* By statute, the maximum amount that we may award under this program is \$250,000.

*Estimated Number of Awards:* 39.

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

*Project Period:* Up to 24 months.

## Full Text of Announcement

### I. Funding Opportunity Description

*Purpose of Program:* The purpose of the MEP Consortium Incentive Grants program is to provide incentive grants to State educational agencies (SEAs) that participate in high-quality consortia with another SEA or other appropriate entity to improve the delivery of services to migrant children whose education is interrupted. Through this program, the Department provides financial incentives to SEAs to participate in high-quality consortia that improve the intrastate and interstate coordination of migrant education programs by addressing key needs of migratory children who have their education interrupted.

*Priorities:* The priorities for this competition are from the notice of final requirements for this program, published elsewhere in this issue of the **Federal Register**.

*Absolute Priorities:* For FY 2004, these priorities are absolute priorities. Under 34 CFR 75.105(c)(3) we consider only applications that meet one or more of these priorities.

*Program Authority:* 20 U.S.C. 6398(d).

*Applicable Regulations:* (a) The Education Department General Regulations (EDGAR) in 34 CFR parts 75 (except 75.232), 76, 77, 79, 80 (except 80.40(b)), 82, 85 and 99; and (b) the notice of final requirements published elsewhere in this issue of the **Federal Register**.

### II. Award Information

*Type of Award:* Formula grants.

*Estimated Available Funds:* \$2,500,000.

*Estimated Range of Awards:* \$45,997-\$91,995.

*Estimated Average Size of Awards:* \$64,102.

*Maximum Award:* By statute, the maximum amount that we may award under this program is \$250,000.

*Estimated Number of Awards:* 39.

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

*Project Period:* Up to 24 months.

### III. Eligibility Information

1. *Eligible Applicants:* State educational agencies (SEAs) receiving MEP Basic State Formula grants.

2. *Cost Sharing or Matching:* This program does not involve cost sharing or matching but does involve supplement-not-supplant funding provisions. The notice of final requirements published elsewhere in this issue of the **Federal Register** makes applicable the supplement-not-supplant

# **Appendix A – Forms, GEPA & Intergovernmental Review**

## ASSURANCES - NON-CONSTRUCTION PROGRAMS

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Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503

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

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**Note:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1721 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, AAudits of States, Local Governments, and Non-Profit Organizations.≡
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

Standard Form 424B (Rev. 7-97) Back

# CERTIFICATION REGARDING LOBBYING

## Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

## Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

\* APPLICANT'S ORGANIZATION

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\* PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE

Prefix: \_\_\_\_\_ \* First Name: \_\_\_\_\_ Middle Name: \_\_\_\_\_

\* Last Name: \_\_\_\_\_ Suffix: \_\_\_\_\_

\* Title: \_\_\_\_\_

\* SIGNATURE: \_\_\_\_\_ \* DATE: \_\_\_\_\_

**Disclosure of Lobbying Activities**

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

(See reverse for public burden disclosure)

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

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## 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.

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

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

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

## Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to, check the Nonprocurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

## Certification

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

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

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

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

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

Section 427 **requires** each applicant for funds (other than an individual person) to include in its application a description of the steps the applicant proposes to take to ensure equitable access to, and participation in, its Federally-assisted program for students, teachers, and other program beneficiaries with special needs.

This provision allows applicants discretion in developing the required description. The statute highlights six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, or age.

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

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

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

## NOTICE TO ALL APPLICANTS

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

### To Whom Does This Provision Apply?

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

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

### What Does This Provision Require?

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

applicable to your circumstances. In addition, the information may be provided in a single narrative, or, if appropriate, may be discussed in connection with related topics in the application.

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

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

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

- (1) An applicant that proposes to carry out an adult literacy project serving, among others, adults with limited English proficiency, might describe in its application how it intends to distribute a brochure about the proposed project to such potential participants in their native language.
- (2) An applicant that proposes to develop instructional materials for classroom use might describe how it will make the materials available on audio tape or in braille for students who are blind.
- (3) An applicant that proposes to carry out a model science program for secondary students and is concerned that girls may be less likely than boys to enroll in the course, might indicate how it intends to conduct "outreach" efforts to girls, to encourage their enrollment.

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

### Estimated Burden Statement for GEPA Requirements

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. Public reporting burden for this collection of information is estimated to average 1.5 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is required to obtain or retain benefit (Public Law 103-382). Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, 400 Maryland Ave., SW, Washington, DC 20210-4537 or email ICDocketMgr@ed.gov and reference the OMB Control Number 1894-0005.

## Intergovernmental Review of Federal Programs (Executive Order 12372)

This program falls under the rubric of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR Part 79. One of the objectives of the Executive order is to strengthen federalism--or the distribution of responsibility between localities, States, and the Federal government--by fostering intergovernmental partnerships. This idea includes supporting processes that State or local governments have devised for coordinating and reviewing proposed Federal financial grant applications.

The process for doing this requires grant applicants to contact State Single Points of Contact for information on how this works. Multi-state applicants should follow procedures specific to each state.

Further information about the State Single Point of Contact (SPOC) process and a list of names by State can be found at:

[http://www.whitehouse.gov/omb/grants\\_s poc](http://www.whitehouse.gov/omb/grants_s poc)

Absent specific State review programs, applicants may submit comments directly to the Department. All recommendations and comments must be mailed or hand-delivered by the date indicated in the actual application notice to the following address: The Secretary, EO 12372--CFDA# 84.144F, U.S. Department of Education, room 7E200, 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. (eastern time) on the closing date indicated in this notice.

**Important note:** The above address is not the same address as the one to which the applicant submits its completed applications. **Do not send applications to the above address.**

Not all states have chosen to participate in the intergovernmental review process, and therefore do not have a SPOC. If you are located in a State that does not have a SPOC, you may send application materials directly to the Department as described in the *Federal Register* notice.