

**U.S. DEPARTMENT OF EDUCATION**

Office of Innovation and Improvement

Washington, DC 20202

[www.ed.gov](http://www.ed.gov)

**FY 2011**

**APPLICATION FOR GRANTS  
UNDER THE CHARTER SCHOOLS PROGRAM**

**CFDA Number: 84.282A**

**FORM APPROVED**

OMB no. 1894-0006, Expiration Date: 9/30/2011



**DATED MATERIAL – OPEN IMMEDIATELY**

**CLOSING DATE: March 18, 2011**







**UNITED STATES DEPARTMENT OF EDUCATION**  
Office of Innovation and Improvement

Dear Applicant:

Thank you for your interest in the Charter Schools Program (CSP). Included in this application package are the instructions and forms needed to submit a CSP application to the U.S. Department of Education. The CSP is authorized under Title V, Part B, Subpart 1 of the Elementary and Secondary Education Act of 1965 (ESEA), as amended. A copy of the Notice Inviting Applications for New Awards for Fiscal Year (FY) 2011 and the authorizing statute are provided in the application package. Please take the time to review these documents thoroughly.

SEAs in States with a State statute specifically authorizing the establishment of charter schools may apply for funding. SEAs use their CSP funds to award subgrants to non-SEA eligible applicants for planning, program design, and the initial implementation of a charter school and to support the dissemination of information about, including successful practices, in charter schools.

All SEA applicants must apply for grant funds under CFDA No. 84.282A. Non-SEA eligible applicants that propose to use grant funds for planning, program design, and implementation must apply under CFDA No. 84.282B. Non-SEA eligible applicants that are requesting funds for dissemination activities must submit their applications under CFDA No. 84.282C. Competitions for CFDA 84.282B and 84.282C will be scheduled for later in the 2011 fiscal year.

Please read the document within this application package titled *Grants.gov Submission Procedures and Tips for Applicants* which describes the submission procedures to ensure your application is received in a timely and acceptable manner. The Charter Schools Program (CSP) SEA applications (CFDA 84.282A) for FY 2011 must be submitted electronically using the governmentwide Grants.gov Apply site at [www.Grants.gov](http://www.Grants.gov) on or before the deadline date. The electronic submission of applications is required; therefore, you must submit an electronic application unless you follow the procedures in the Federal Register Notice and qualify for one of the exceptions to the electronic submission requirement. If you think you may need an exception, you are urged to review the requirements promptly.

Please note that U.S. Department of Education grant application deadlines are 4:30:00 pm. Washington, DC time. **Applications submitted late will not be accepted.** The Department is required to enforce the established deadline to ensure fairness to all applicants. We suggest that you submit your application several days before the deadline, and we strongly recommend that you do not wait until the last day to submit your application.

A CSP program officer is available to provide technical assistance to applicants. If you have any questions about the program after reviewing the application package, please call or e-mail Leslie Hankerson at (202) 205-8524, [Leslie.Hankerson@ed.gov](mailto:Leslie.Hankerson@ed.gov). For questions or problems in navigating the Grants.gov system, please call the Grants.gov helpdesk at **1-800-518-4726**.

We look forward to receiving your application and appreciate your efforts in increasing the national understanding of the charter school model and expanding the number of high quality charter schools across the Nation.

Sincerely,

Scott Pearson  
Associate Assistant Deputy Secretary  
Office of Innovation and Improvement



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## IMPORTANT – PLEASE READ FIRST

### U.S. Department of Education *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

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 8.1.2). Information on computer and operating system compatibility with Adobe and links to download the latest version is available on Grants.gov. We strongly recommend that you review these details on [www.Grants.gov](http://www.Grants.gov) before completing and submitting your application. In addition, applicants should submit their application a day or two in advance of the closing date as detailed below. Applicants will no longer need to use the PureEdge software to create or submit an application. 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 may take five or more business days to complete. You may begin working on your application while completing the registration process, but you cannot submit an application until all of the Registration steps are complete. For detailed information on the Registration Steps, please go to: [http://www.grants.gov/applicants/get\\_registered.jsp](http://www.grants.gov/applicants/get_registered.jsp). [Note: Your organization will need to update its Central Contractor Registry (CCR) registration annually.]
- 2) **SUBMIT EARLY** – We strongly recommend that you do not wait until the last day to submit your application. Grants.gov will put a date/time stamp on your application and then process it after it is fully uploaded. The time it takes to upload an application will vary depending on a number of factors including the size of the application and the speed of your Internet connection, and the time it takes Grants.gov to process the application will vary as well. If Grants.gov rejects your application (see step three below), you will need to resubmit successfully before 4:30:00 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 your organization registered with the CCR (Central Contractor Registry).**

- 3) **VERIFY SUBMISSION IS OK** – You will want to verify that Grants.gov and the Department of Education receive your Grants.gov submission timely and that it was validated successfully. To see the date/time your application was received, login to Grants.gov and click on the 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.

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/applicants/applicant\\_faqs.jsp#54](http://www.grants.gov/applicants/applicant_faqs.jsp#54). For more detailed information on why an application may be rejected, you can review Application Error Tips <http://www.grants.gov/section910/ApplicationErrorTips.pdf>. 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/contactus/contactus.jsp>, or use the customer support available on the Web site: [http://www.grants.gov/applicants/applicant\\_help.jsp](http://www.grants.gov/applicants/applicant_help.jsp).

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 on your application the DUNS number that was used when your organization registered with the CCR.**

Please go to [http://www.grants.gov/applicants/applicant\\_help.jsp](http://www.grants.gov/applicants/applicant_help.jsp) 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/help/submit\\_application\\_faqs.jsp](http://www.grants.gov/help/submit_application_faqs.jsp).

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

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

### **MAC Users**

If you do not have a Windows operating System, you may need to use the Citrix solution discussed on Grants.gov to submit an application using Grants.gov. For additional information, review the FAQs for non-windows users [http://www.grants.gov/help/download\\_software.jsp](http://www.grants.gov/help/download_software.jsp). **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:

1. Ensure that you only attach the Education approved file types detailed in the Federal Register application notice (.doc, .pdf or .rtf). Also, do not upload any password protected files to your application.
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 limit the size of their file names. Lengthy file names could result in difficulties with opening and processing your application. We recommend you keep your file names to less than 50 characters. In addition, applicants should avoid including special characters in their file names (for example, %, \*, /, etc.) Both of these conditions (lengthy file names and/or special characters including in the file names) could result in difficulties opening and processing a submitted application.
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.

## PLEASE NOTE – ELECTRONIC SUBMISSION POLICY

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**Electronic Submission is Required** – As outlined in the Federal Register notice for this grant competition, applications must be submitted electronically. You must submit your application using the electronic application system designated in the Federal Register notice. (The notice will designate whether you will use e-Application or Grants.gov). You may not e-mail an electronic copy to us. We will reject your application if you submit it in paper format unless you qualify for one of the exceptions to the electronic submission requirement described below 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.

Under mandatory submission, electronic applications must be received by 4:30:00 pm Washington, DC time on the application deadline date. **Under this new policy, Education does not allow for any last minute waiver requests from applications, which is a change from the previous policy for mandatory electronic submission. Consequently, we strongly encourage you to review the registration and submission procedures for the designated electronic application system right away. In addition, we strongly suggest that you do not wait until the deadline date to submit your application.**

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, by mail or hand delivery, if you are unable to submit an application through the electronic application system designated in the Federal Register notice because –

- You do not have access to the Internet; or
  - You do not have the capacity to upload large documents to the 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 prevent 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. (Please follow the fax instructions found in the Federal Register notice for this competition. Also, your paper application must be submitted in accordance with the mail or hand delivery instructions also described in the Federal Register notice for this grant competition.)

For detailed information on the electronic submission requirement for this competition, please refer to the Federal Register notice.





4000-01-U

DEPARTMENT OF EDUCATION

Office of Innovation and Improvement

Overview Information

Charter Schools Program (CSP): State Educational Agencies

Notice inviting applications for new awards for fiscal year (FY)  
2011.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.282A.

Dates:

Applications Available: January 25, 2011

Deadline for Transmittal of Applications: March 18, 2011

Deadline for Intergovernmental Review: May 17, 2011

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the CSP is to increase national understanding of the charter school model (1) by expanding the number of high-quality charter schools available to students across the Nation by providing financial assistance for the planning, program design, and initial implementation of charter schools, and (2) by evaluating the effects of charter schools, including their effects on students, student academic achievement, staff, and parents. The Secretary awards grants to State educational agencies (SEAs) on a competitive basis to enable them to conduct charter school programs in their States. SEAs in turn use their CSP funds

to make subgrants to eligible applicants in their State. These subgrants are used for planning, program design, and initial implementation of a charter school, and to support the dissemination of information about charter schools, including successful practices demonstrated by charter schools.

Priorities and Definitions: This competition includes seven competitive preference priorities, one invitational priority, and definitions. In accordance with 34 CFR 75.105(b)(1) and 34 CFR 75.105(b)(2)(iv), competitive preference priorities 1 through 4 are from section 5202(e) of the Elementary and Secondary Education Act of 1965, as amended (ESEA), 20 U.S.C. 7221a(e). Competitive preference priorities 5 through 7 and the definitions for graduation rate, high-poverty school, open educational resources, and rural local educational agency are from the notice of final supplemental priorities and definitions for discretionary grant programs, published in the Federal Register on December 15, 2010 (75 FR 78486). The definitions for developer and eligible applicant are from 20 U.S.C. 7221i.

Competitive Preference Priorities: For FY 2011 and any subsequent year in which we make awards based on the list of unfunded applicants from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i) we award up to an additional 50 points to an application, depending on how well the application meets one or more of these priorities.

Note: In order to receive preference under priorities 1 through 7, an applicant must (a) identify the priority or priorities that it believes it meets; (b) describe, in detail, how it meets the priority or priorities; and (c) provide documentation in support of its claims, including citations and examples from its State's charter school law, regulations, or policies. In order to receive points for priority 1 or to receive points for priorities 2 through 4, an application must meet priority 1 and must meet one or more of priorities 2 through 4.

An SEA that meets priority 1 but does not meet one or more of priorities 2 through 4 will not receive any points for priorities 1 through 4.

An SEA that does not meet priority 1 but meets one or more of priorities 2 through 4 will not receive any points for priorities 2 through 4.

The Notes following the competitive preference priorities are guidance to assist applicants in responding to the priorities and are not required by statute or regulation. However, we encourage applicants to consider those Notes in responding to the priorities.

These priorities are:

Competitive Preference Priority 1--Periodic Review and Evaluation (up to 10 points). The State provides for periodic review and evaluation by the authorized public chartering agency of each charter school at least once every five years, unless required

more frequently by State law, to determine whether the charter school is meeting the terms of the school's charter and is meeting or exceeding the student academic achievement requirements and goals for charter schools as set forth under State law or the school's charter.

Note: The Secretary invites the applicant to provide information regarding whether the periodic review that takes place at least once every five years includes a public vote on whether to terminate, extend, or renew a school's charter and on whether a failure to affirmatively renew or extend a school's charter during the periodic review that takes place at least once every five years would result in the charter school being closed.

Competitive Preference Priority 2--Number of High-Quality Charter Schools (up to 8 points). The State has demonstrated progress in increasing the number of high-quality charter schools that are held accountable in the terms of the schools' charters for meeting clear and measurable objectives for the educational progress of the students attending the schools, in the period prior to the period for which an SEA applies for a grant under this competition.

Note: The Secretary invites the applicant to provide the following information: (1) its definition of "high-quality charter school"; (2) the number of "high-quality charter schools" in the State and a description of how the rate has changed over the past five years; and (3) the percentage of "high-quality charter schools" in the

State and a description of how the percentage has changed over the past five years.

Competitive Preference Priority 3--One Authorized Public Chartering Agency Other than a Local Educational Agency (LEA), or an Appeals Process (5 points). The State--

(a) Provides for one authorized public chartering agency that is not an LEA, such as a State chartering board, for each individual or entity seeking to operate a charter school pursuant to State law; or

(b) In the case of a State in which LEAs are the only authorized public chartering agencies, allows for an appeals process for the denial of an application for a charter school.

Competitive Preference Priority 4--High Degree of Autonomy (up to 5 points). The State ensures that each charter school has a high degree of autonomy over the charter school's budget and expenditures.

Competitive Preference Priority 5--Improving Achievement and High School Graduation Rates (up to 12 points). Projects that are designed to address one or more of the following priority areas:

(a) Accelerating learning and helping to improve high school graduation rates (as defined in this notice) and college enrollment rates for students in rural local educational agencies (as defined in this notice) (up to 3 points).

(b) Accelerating learning and helping to improve high school graduation rates (as defined in this notice) and college enrollment rates for students with disabilities (up to 3 points).

(c) Accelerating learning and helping to improve high school graduation rates (as defined in this notice) and college enrollment rates for English learners (up to 3 points).

(d) Accelerating learning and helping to improve high school graduation rates and college enrollment rates in high-poverty schools (as defined in this notice) (up to 3 points).

Note: For each population of students for which the applicant is seeking competitive priority points, the Secretary invites the applicant to discuss the steps it would take to meet the priority. For example, the applicant could describe any guidance or support it would provide to charter school developers to assist such developers in recruiting and providing high-quality services to students who are members of the particular student population(s); how it would monitor charter schools in the State to ensure that they are taking effective and active steps to recruit and enroll students who are members of the particular student population(s); how it would monitor charter schools in the State to ensure that students who are members of the particular student population(s) are being served by such schools; or how it would design its subgrant competition, which may include the use of preferences, to ensure that students who are members of

the particular student population(s) are being served at rates equal to or greater than such students are being served in other schools in the area.

Competitive Preference Priority 6--Promoting Diversity (up to 5 points). Projects that are designed to promote student diversity, including racial and ethnic diversity, or avoid racial isolation.

Note: The Secretary invites the applicant to discuss how it would design its subgrant competition to meet this priority.

Competitive Preference Priority 7-- Improving Productivity (up to 5 points). Projects that are designed to significantly increase efficiency in the use of time, staff, money, or other resources while improving student learning or other educational outcomes (i.e., outcome per unit of resource). Such projects may include innovative and sustainable uses of technology, modification of school schedules and teacher compensation systems, use of open educational resources (as defined in this notice), or other strategies.

Invitational Priority: Under this competition we are particularly interested in applications that address the following priority. For FY 2011 and any subsequent year in which we make awards based on the list of unfunded applicants from this competition, this priority is an invitational priority. Under 34 CFR 75.105(c)(1), we do not give an application that meets this invitational priority a competitive or absolute preference over other applications. This priority is:

Support for Turnaround Schools.

The Secretary is particularly interested in projects that are designed to turn around persistently low-performing schools by providing support for one or both of the following types of activities: (1) the creation of a charter school in coordination with an LEA in the vicinity of one or more public schools closed as a consequence of the LEA implementing a restructuring plan under section 1116(b)(8) of the ESEA; or (2) the creation of a new charter school under the restart model of intervention as described in the Final Requirements for School Improvement Grants as Amended in January 2010 at (<http://www2.ed.gov/programs/sif/faq.html>). Under the restart model of intervention, an LEA converts a school into a charter school or closes and reopens a school under a charter school operator, a charter management organization, or an education management organization that has been selected through a rigorous review process.

Note: For purposes of this invitational priority –

Charter management organization is a non-profit organization that operates, manages, or oversees multiple charter schools by centralizing or sharing certain functions and resources among schools.

Educational management organization is an organization that provides whole-school operation services.

Definitions.

The following definitions are taken from the notice of final supplemental priorities and definitions for discretionary grant programs, published in the Federal Register on December 15, 2010 (75 FR 78486) and the CSP authorizing statute (20 U.S.C 7221).

Developer means an individual or group of individuals (including a public or private non-profit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out. (20 U.S.C. 7221i(2)).

Eligible applicant means a developer that has (a) applied to an authorized public chartering authority to operate a charter school; and (b) provided adequate and timely notice to that authority under section 5203(d)(3) of the ESEA. (20 U.S.C. 7221i(3)).

Graduation rate means a four-year adjusted cohort graduation rate consistent with 34 CFR 200.19(b)(1) and may also include an extended-year adjusted cohort graduation rate consistent with 34 CFR 200.19(b)(1)(v) if the State in which the proposed project is implemented has been approved by the Secretary to use such a rate under Title I of the ESEA. (75 FR 78509).

High-poverty school means a school in which at least 50 percent of students are eligible for free or reduced-price lunches under the Richard B. Russell National School Lunch Act or in which at least 50 percent of students are from low-income

families as determined using one of the criteria specified under section 1113(a)(5) of the ESEA. For middle and high schools, eligibility may be calculated on the basis of comparable data from feeder schools. Eligibility as a high-poverty school under this definition is determined on the basis of the most currently available data. (75 FR 78509).

Open educational resources (OER) means teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license that permits their free use or repurposing by others. (75 FR 78509).

Rural local educational agency means an LEA that is eligible under the Small Rural School Achievement (SRSA) program or the Rural and Low-Income School (RLIS) program authorized under Title VI, Part B of the ESEA. Eligible applicants may determine whether a particular LEA is eligible for these programs by referring to information on the Department's Web site at [www2.ed.gov/nclb/freedom/local/reap.html](http://www2.ed.gov/nclb/freedom/local/reap.html). (75 FR 78510).

Program Authority: 20 U.S.C. 7221-7221i; Consolidated Appropriations Act, 2010, Division D, Title III, Pub. L. 111-117

Note: The Department anticipates that an authority similar to that in the Consolidated Appropriations Act, 2010, Division D, Title III, Pub. L. 111-117 will be included in the fiscal year 2011 appropriations act.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 76, 77, 79, 80, 81, 82, 84, 85, 97, 98, and 99; (b) The notice of final supplemental priorities and definitions for discretionary grant programs published in the Federal Register on December 15, 2010 (75 FR 78486).

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

## II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: We estimate that between \$45,000,000 and \$62,000,000 will be available for new awards for this program for FY 2011. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process, if Congress appropriates funds for this program.

Contingent upon the availability of funds and the quality of applications we may make additional awards later in FY 2011 and in FY 2012 from the list of unfunded applicants from this competition.

Estimated Range of Awards: \$1,000,000-\$15,000,000 per year.

Estimated Average Size of Awards: \$5,000,000 per year.

Estimated Number of Awards: 7-12.

Note: The Department is not bound by any estimates in this notice. The estimated range, size, and number of awards are based on a single 12-month budget period. However, the Department may choose to fund more than 12 months of a project using the FY 2011 funds.

Project Period: Up to 36 months.

Note: Planning and implementation subgrants awarded by an SEA to non-SEA eligible applicants will be awarded for a period of up to three years, no more than 18 months of which may be used for planning and program design and no more than two years of which may be used for the initial implementation of a charter school. Dissemination subgrants are awarded for a period of up to two years.

### III. Eligibility Information

1. Eligible Applicants: SEAs in States with a State statute specifically authorizing the establishment of charter schools.

Note: Non-SEA eligible applicants in States in which the SEA elects not to participate in or does not have an application approved under the CSP may apply for funding directly from the Department. The Department plans to hold a separate competition for non-SEA eligible applicants under CFDA numbers 84.282B and 84.282C.

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

### IV. Application and Submission Information

1. Address to Request Application Package: Leslie Hankerson, U.S. Department of Education, 400 Maryland Avenue, SW., room 4W249, Washington, DC 20202-5970. Telephone: (202) 205-8524 or by e-mail: [Leslie.Hankerson@ed.gov](mailto:Leslie.Hankerson@ed.gov). If you use a telecommunications device for the deaf (TDD), 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 computer diskette) by contacting the program contact person listed in this section.

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

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. The Secretary strongly encourages applicants to limit Part III to the equivalent of no more than 60 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.

The recommended page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, you must include all of the application narrative in Part III.

### 3. Submission Dates and Times:

Applications Available: January 25, 2011

Deadline for Transmittal of Applications: March 18, 2011

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 of this notice.

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

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under For Further Information Contact in section VII in 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: May 17, 2011

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: The following funding restrictions apply to this competition:

Use of Funds for Post-Award Planning and Design of the Educational Program and Initial Implementation of the Charter School. A non-SEA eligible applicant receiving a subgrant under this program may use the subgrant funds only for--

(a) Post-award planning and design of the educational program, which may include (i) refinement of the desired educational results

and of the methods for measuring progress toward achieving those results; and (ii) professional development of teachers and other staff who will work in the charter school; and

(b) Initial implementation of the charter school, which may include (i) informing the community about the school; (ii) acquiring necessary equipment and educational materials and supplies; (iii) acquiring or developing curriculum materials; and (iv) other initial operational costs that cannot be met from State or local sources.

(20 U.S.C. 7221c(f)(3))

Use of Funds for Dissemination Activities. An SEA may reserve not more than 10 percent of its grant funds to support dissemination activities (20 U.S.C. 7221c(f)(1)). A charter school may use those funds to assist other schools in adapting the charter school's program (or certain aspects of the charter school's program) or to disseminate information about the charter school through such activities as--

(a) Assisting other individuals with the planning and start-up of one or more new public schools, including charter schools, that are independent of the assisting charter school and the assisting charter school's developers and that agree to be held to at least as high a level of accountability as the assisting charter school;

(b) Developing partnerships with other public schools, including charter schools, designed to improve student academic achievement in each of the schools participating in the partnership;

(c) Developing curriculum materials, assessments, and other materials that promote increased student achievement and are based on successful practices within the assisting charter school; and

(d) Conducting evaluations and developing materials that document the successful practices of the assisting charter school and that are designed to improve student achievement (20 U.S.C. 7221c(f)(6)(B)(i) through (iv)).

Award Basis. In determining whether to approve a grant award and the amount of such award, the Department will consider, among other things, the amount of any unobligated carryover funds the applicant has under an existing CSP grant and the applicant's performance and use of funds under a previous or existing award under any Department program (34 CFR 75.233(b) and 75.217(d)(3)(ii)). In assessing applicant's performance and use of funds under a previous or existing award the Secretary will consider, among other things, the outcomes the applicant has achieved and the results of any Departmental grant monitoring, as well as an applicant's progress in remedying any deficiencies identified in such monitoring.

We reference additional regulations outlining funding restrictions in the Applicable Regulations section of this notice.

6. Data Universal Numbering System Number, Taxpayer Identification Number, and Central Contractor Registry: 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 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 CCR 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 business day.

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 CCR registration process may take five or more business days to complete. If you are currently registered with the CCR, 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 CCR registration on an annual basis. This may take three or more business days to complete.

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an

Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined in the Grants.gov 3-Step Registration Guide (see [www.grants.gov/section910/Grants.govRegistrationBrochure.pdf](http://www.grants.gov/section910/Grants.govRegistrationBrochure.pdf)).

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 CSP, CFDA number 84.282A, 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 e-mail 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 CSP 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 84.326, not 84.326A).

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 <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 attach any narrative sections of your application as files in a .PDF (Portable Document) format only. If you upload a

file type other than a .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 e-mail. 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 prevent 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: Leslie Hankerson, U.S. Department of Education, 400 Maryland Avenue, SW., room 4W249, Washington, DC 20202-5970. FAX: (202) 205-5630. 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: 84.282A  
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: 84.282A  
550 12th Street, SW.  
Room 7041, Potomac Center Plaza  
Washington, DC 20202-4260

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 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. Application Requirements: Applicants applying for CSP grant funds must address the following application requirements, which are based on 20 U.S.C. 7221b(b) and 7221c(f), and the selection criteria described in this notice. An applicant may choose to respond to the application requirements in the context of its responses to the selection criteria.

(i) Describe the objectives of the SEA's charter school grant program and how these objectives will be fulfilled, including steps taken by the SEA to inform teachers, parents, and communities of the SEA's charter school grant program;

(ii) Describe how the SEA will inform each charter school in the State about Federal funds the charter school is eligible to receive and Federal programs in which the charter school may participate;

(iii) Describe how the SEA will ensure that each charter school in the State receives the school's commensurate share of Federal education funds that are allocated by formula each year, including during the first year of operation of the school and a

year in which the school's enrollment expands significantly;

(iv) Describe how the SEA will disseminate best or promising practices of charter schools to each LEA in the State;

(v) If an SEA elects to reserve part of its grant funds (no more than 10 percent) for the establishment of a revolving loan fund, describe how the revolving loan fund would operate;

(vi) If an SEA desires the Secretary to consider waivers under the authority of the CSP, include a request and justification for any waiver of statutory or regulatory provisions that the SEA believes is necessary for the successful operation of charter schools in the State; and

(vii) Describe how charter schools that are considered to be LEAs under State law and LEAs in which charter schools are located will comply with sections 613(a)(5) and 613(e)(1)(B) of the Individuals with Disabilities Education Act.

2. Selection Criteria: The selection criteria for this competition are from 20 U.S.C. 7221c and 34 CFR 75.210 of EDGAR and the Consolidated Appropriations Act, 2010, Division D, Title III, Pub. L. 111-117. The Department anticipates that selection criteria similar to that in the Consolidated Appropriations Act, 2010, Division D, Title III, Pub. L. 111-117 will be included in the fiscal year 2011 appropriations act. The selection criteria are as follows:

SEAs that propose to use a portion of their grant funds for dissemination activities must address each selection criterion (i) through (vii) individually and title each accordingly. SEAs that do not propose to use a portion of their grant funds for dissemination activities must address selection criteria (i) through (v) and (vii) only. SEAs that do not address criterion (vi) because they are not proposing to use a portion of their grant funds for dissemination activities will not be penalized. The maximum possible score (based on the selection criteria and not including the competitive preference priorities) is 100 points for SEAs that do not propose to use grant funds to support dissemination activities and 110 points for SEAs that propose to use grant funds to support dissemination activities. The maximum possible score for each criterion is indicated in parentheses following the criterion. The Notes following the selection criteria are guidance to help applicants in preparing their applications and are not required by statute or regulation. However, we encourage applicants to consider those Notes in responding to the selection criteria.

(i) The contribution the charter schools grant program will make in assisting educationally disadvantaged and other students in meeting State academic content standards and State student academic achievement standards (20 points).

Note: The Secretary encourages the applicant to provide a description of the objectives for the SEA's charter school

grant program and to explain how these objectives will be met, including steps that will be taken by the SEA to inform teachers, parents, and communities of the SEA's charter school grant program and how the SEA will disseminate best or promising practices of charter schools to each LEA in the State.

(ii) The degree of flexibility afforded by the SEA to charter schools under the State's charter school law (20 points).

Note: The Secretary encourages the applicant to describe how the State's charter school law establishes an administrative relationship between charter schools and the authorized public chartering agency and exempts charter schools from significant State or local rules that inhibit the flexible operation and management of public schools.

The Secretary also encourages the applicant to describe the degree of autonomy charter schools in the State exercise over such matters as the charter school's budgets, expenditures, daily operation, schedules, curricula, and personnel in accordance with the State's charter school law.

(iii) The number of high-quality charter schools to be created in the State (20 points).

Note: The Secretary considers the SEA's reasonable estimate of the number of new high-quality charter schools that will be authorized and opened in the State during the project period.

The Secretary encourages the applicant to describe, in detail, its charter school subgrant application and peer review processes, how the peer review process will assess quality, and how the SEA will ensure that only high-quality charter school applicants (as defined by the applicant) are selected for funding. States that have received grants under this program previously are invited to provide data on the percentages of eligible applicants that were awarded subgrants and how this percentage related to the overall quality of applicants funded.

(iv) Quality of the management plan. In determining the quality of the management plan for the proposed project, the Secretary considers (a) 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; and (b) how the SEA will inform each charter school in the State about Federal funds the charter school is eligible to receive and ensure that each charter school in the State receives the school's commensurate share of Federal education funds that are allocated by formula each year, including during the first year of operation of the school and during a year in which the school's enrollment expands significantly (20 U.S.C. 7221b(b) (2) (A) and (B) and 7221e(a)) (10 points).

Note: The Secretary encourages the applicant to describe

any compliance issues or findings related to the CSP that have been identified in an audit or other monitoring review, as well as the steps taken to address such compliance issues or findings.

(v) The SEA's plan to monitor and hold accountable authorized public chartering agencies through such activities as providing technical assistance or establishing a professional development program, which may include providing authorized public chartering agency staff with training and assistance on planning and systems development, so as to improve the capacity of those agencies to authorize, monitor, and hold accountable charter schools (20 points). Consolidated Appropriations Act, 2010, Division D, Title III, Pub. L. 111-117.

(vi) In the case of SEAs that propose to use grant funds to support dissemination activities under section 5204(f)(6)(B) of the ESEA, the quality of the dissemination activities (5 points) and the likelihood that those activities will improve student academic achievement (5 points).

Note: The Secretary encourages the applicant to describe the steps to be taken by the SEA to award these funds to eligible applicants, including a description of the peer review process the SEA will use to review applications for dissemination, the timelines for awarding such funds, and how the SEA will assess the quality of the applications.

Applicants that have previously awarded dissemination subgrants under this program are encouraged to describe the outcomes of such subgrants and to identify any improvements to the applicant's processes for awarding and administering dissemination subgrants.

(vii) Quality of the project evaluation. In determining the quality of the evaluation, the Secretary considers 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 (10 points).

Note: The Secretary encourages the applicant to include a strong evaluation plan in the application narrative and to use that plan, as appropriate, to shape the development of the project from the beginning of the grant period. The Secretary encourages the applicant to design the plan so that it includes (a) benchmarks to monitor progress toward specific project objectives and (b) outcome measures to assess the impact on teaching and learning or other important outcomes for project participants. In its plan, we encourage the applicant to identify the individual and/or organization that will serve as the evaluator and to describe the qualifications of the evaluator. We also encourage the applicant to describe, in its application, the evaluation design, indicating: (1) the types of data that will be collected; (2) when various types of data will be collected; (3) the

methods that will be used; (4) the instruments that will be developed and when; (5) how the data will be analyzed; (6) when reports of results and outcomes will be available; and (7) how the applicant will use the information collected through the evaluation to monitor progress of the funded project and to provide accountability information both about success at the initial site and about effective strategies for replication in other settings. Applicants are encouraged to devote an appropriate level of resources to project evaluation.

3. Review and Selection Process: We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, 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).

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

#### 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 of this notice.

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

3. Reporting: (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary

processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

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

4. Performance Measures: The goal of the CSP is to support the creation and development of a large number of high-quality charter schools that are free from State or local rules that inhibit flexible operation, are held accountable for enabling students to reach challenging State performance standards, and are open to all students. The Secretary has set two performance indicators to measure progress toward this goal: (1) the number of charter schools in operation around the Nation, and (2) the percentage of fourth- and eighth-grade charter school students who are achieving at or above the proficient level on State examinations in mathematics and reading/language arts. Additionally, the Secretary has established the following measure to examine the efficiency of

the CSP: Federal cost per student in implementing a successful school (defined as a school in operation for three or more years).

All grantees will be expected to submit an annual performance report documenting their contribution in assisting the Department in meeting these performance measures.

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

6. Project Director's Meeting: Applicants approved for funding under this competition must attend a two-day meeting for project directors at a location to be determined in the continental United States during each year of the project. Applicants may

include the cost of attending this meeting in their proposed budgets.

#### VII. Agency Contacts

For Further Information Contact: Leslie Hankerson, U.S. Department of Education, 400 Maryland Avenue, SW., room 4W249, Washington, DC 20202-5970. Telephone: (202) 205-8524 or by e-mail:

Leslie.Hankerson@ed.gov.

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

#### VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or computer diskette) on request to the program contact person listed under For Further Information Contact of 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: [www.ed.gov/news/fedregister](http://www.ed.gov/news/fedregister). To use PDF you must have Adobe Acrobat Reader, which is available free at this site.

Note: The official version of this document is the document published in the Federal Register. Free Internet access to the official edition of the Federal Register and the Code of Federal

Regulations is available on GPO Access at:

[www.gpoaccess.gov/nara/index.html](http://www.gpoaccess.gov/nara/index.html).

Dated: January 19, 2011

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James H. Shelton, III,  
Assistant Deputy Secretary for  
Innovation and Improvement.

## **Authorizing Legislation and Regulations**

### **Elementary and Secondary Education Act of 1965, as amended, Title V, Part B— Public Charter Schools**

#### **Subpart 1 — Charter School Programs**

##### **SEC. 5201. PURPOSE.**

It is the purpose of this subpart to increase national understanding of the charter schools model by —

- (1) providing financial assistance for the planning, program design, and initial implementation of charter schools;
- (2) evaluating the effects of such schools, including the effects on students, student academic achievement, staff, and parents;
- (3) expanding the number of high-quality charter schools available to students across the Nation; and
- (4) encouraging the States to provide support to charter schools for facilities financing in an amount more nearly commensurate to the amount the States have typically provided for traditional public schools.

##### **SEC. 5202. PROGRAM AUTHORIZED.**

(a) **IN GENERAL-** The Secretary may award grants to State educational agencies having applications approved pursuant to section 5203 to enable such agencies to conduct a charter school grant program in accordance with this subpart.

(b) **SPECIAL RULE-** If a State educational agency elects not to participate in the program authorized by this subpart or does not have an application approved under section 5203, the Secretary may award a grant to an eligible applicant that serves such State and has an application approved pursuant to section 5203(c).

(c) **PROGRAM PERIODS-**

(1) **GRANTS TO STATES-** Grants awarded to State educational agencies under this subpart shall be for a period of not more than 3 years.

(2) **GRANTS TO ELIGIBLE APPLICANTS-** Grants awarded by the Secretary to eligible applicants or subgrants awarded by State educational agencies to eligible applicants under this subpart shall be for a period of not more than 3 years, of which the eligible applicant may use —

(A) not more than 18 months for planning and program design;

(B) not more than 2 years for the initial implementation of a charter school; and

(C) not more than 2 years to carry out dissemination activities described in section 5204(f)(6)(B).

(d) **LIMITATION-** A charter school may not receive —

(1) more than one grant for activities described in subparagraphs (A) and (B) of subsection (c)(2); or

(2) more than one grant for activities under subparagraph (C) of subsection (c)(2).

(e) **PRIORITY TREATMENT-**

(1) **IN GENERAL-** In awarding grants under this subpart for fiscal year 2002 or any succeeding fiscal year from any funds appropriated under section 5211 (other than funds reserved to carry out section 5205(b)), the Secretary shall give priority to States to the extent that the States meet the criteria described in paragraph (2) and one or more of the criteria described in subparagraph (A), (B), or (C) of paragraph (3).

(2) **REVIEW AND EVALUATION PRIORITY CRITERIA-** The criteria referred to in paragraph (1) are that the State provides for periodic review and evaluation by the authorized public chartering agency of each charter school, at least once every 5 years unless required more frequently by State law, to

determine whether the charter school is meeting the terms of the school's charter, and is meeting or exceeding the student academic achievement requirements and goals for charter schools as set forth under State law or the school's charter.

(3) **PRIORITY CRITERIA-** The criteria referred to in paragraph (1) are the following:

(A) The State has demonstrated progress, in increasing the number of high-quality charter schools that are held accountable in the terms of the schools' charters for meeting clear and measurable objectives for the educational progress of the students attending the schools, in the period prior to the period for which a State educational agency or eligible applicant applies for a grant under this subpart.

(B) The State —

(i) provides for one authorized public chartering agency that is not a local educational agency, such as a State chartering board, for each individual or entity seeking to operate a charter school pursuant to such State law; or

(ii) in the case of a State in which local educational agencies are the only authorized public chartering agencies, allows for an appeals process for the denial of an application for a charter school.

(C) The State ensures that each charter school has a high degree of autonomy over the charter school's budgets and expenditures.

(f) **AMOUNT CRITERIA-** In determining the amount of a grant to be awarded under this subpart to a State educational agency, the Secretary shall take into consideration the number of charter schools that are operating, or are approved to open, in the State.

## **SEC. 5203. APPLICATIONS.**

(a) **APPLICATIONS FROM STATE AGENCIES-** Each State educational agency desiring a grant from the Secretary under this subpart shall submit to the Secretary an application at such time, in such manner, and containing or accompanied by such information as the Secretary may require.

(b) **CONTENTS OF A STATE EDUCATIONAL AGENCY APPLICATION-** Each application submitted pursuant to subsection (a) shall —

(1) describe the objectives of the State educational agency's charter school grant program and a description of how such objectives will be fulfilled, including steps taken by the State educational agency to inform teachers, parents, and communities of the State educational agency's charter school grant program; and

(2) describe how the State educational agency —

(A) will inform each charter school in the State regarding —

(i) Federal funds that the charter school is eligible to receive; and

(ii) Federal programs in which the charter school may participate;

(B) will ensure that each charter school in the State receives the charter school's commensurate share of Federal education funds that are allocated by formula each year, including during the first year of operation of the charter school; and

(C) will disseminate best or promising practices of charter schools to each local educational agency in the State; and

(3) contain assurances that the State educational agency will require each eligible applicant desiring to receive a subgrant to submit an application to the State educational agency containing —

(A) a description of the educational program to be implemented by the proposed charter school, including —

(i) how the program will enable all students to meet challenging State student academic achievement standards;

(ii) the grade levels or ages of children to be served; and

(iii) the curriculum and instructional practices to be used;

(B) a description of how the charter school will be managed;

(C) a description of —

(i) the objectives of the charter school; and

(ii) the methods by which the charter school will determine its progress toward achieving those objectives;

- (D) a description of the administrative relationship between the charter school and the authorized public chartering agency;
- (E) a description of how parents and other members of the community will be involved in the planning, program design, and implementation of the charter school;
- (F) a description of how the authorized public chartering agency will provide for continued operation of the school once the Federal grant has expired, if such agency determines that the school has met the objectives described in subparagraph (C)(i);
- (G) a request and justification for waivers of any Federal statutory or regulatory provisions that the eligible applicant believes are necessary for the successful operation of the charter school, and a description of any State or local rules, generally applicable to public schools, that will be waived for, or otherwise not apply to, the school;
- (H) a description of how the subgrant funds or grant funds, as appropriate, will be used, including a description of how such funds will be used in conjunction with other Federal programs administered by the Secretary;
- (I) a description of how students in the community will be —
  - (i) informed about the charter school; and
  - (ii) given an equal opportunity to attend the charter school;
- (J) an assurance that the eligible applicant will annually provide the Secretary and the State educational agency such information as may be required to determine if the charter school is making satisfactory progress toward achieving the objectives described in subparagraph (C)(i);
- (K) an assurance that the eligible applicant will cooperate with the Secretary and the State educational agency in evaluating the program assisted under this subpart;
- (L) a description of how a charter school that is considered a local educational agency under State law, or a local educational agency in which a charter school is located, will comply with sections 613(a)(5) and 613(e)(1)(B) of the Individuals with Disabilities Education Act;
- (M) if the eligible applicant desires to use subgrant funds for dissemination activities under section 5202(c)(2)(C), a description of those activities and how those activities will involve charter schools and other public schools, local educational agencies, developers, and potential developers; and
- (N) such other information and assurances as the Secretary and the State educational agency may require.

(c) **ELIGIBLE APPLICANT APPLICATION-** Each eligible applicant desiring a grant pursuant to section 5202(b) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(d) **CONTENTS OF ELIGIBLE APPLICANT APPLICATION-** Each application submitted pursuant to subsection (c) shall contain —

- (1) the information and assurances described in subparagraphs (A) through (N) of subsection (b)(3), except that for purposes of this subsection subparagraphs (J), (K), and (N) of such subsection shall be applied by striking and the State educational agency' each place such term appears;
- (2) assurances that the State educational agency —
  - (A) will grant, or will obtain, waivers of State statutory or regulatory requirements; and
  - (B) will assist each subgrantee in the State in receiving a waiver under section 5204(e); and
- (3) assurances that the eligible applicant has provided its authorized public chartering authority timely notice, and a copy, of the application, except that the State educational agency (or the Secretary, in the case of an application submitted to the Secretary) may waive the requirement of this paragraph in the case of an application for a precharter planning grant or subgrant if the authorized public chartering authority to which a charter school proposal will be submitted has not been determined at the time the grant or subgrant application is submitted.

#### **SEC. 5204. ADMINISTRATION.**

(a) **SELECTION CRITERIA FOR STATE EDUCATIONAL AGENCIES-** The Secretary shall award grants to State educational agencies under this subpart on the basis of the quality of the applications submitted under section 5203(b), after taking into consideration such factors as —

- (1) the contribution that the charter schools grant program will make to assisting educationally disadvantaged and other students in meeting State academic content standards and State student academic achievement standards;
  - (2) the degree of flexibility afforded by the State educational agency to charter schools under the State's charter schools law;
  - (3) the ambitiousness of the objectives for the State charter school grant program;
  - (4) the quality of the strategy for assessing achievement of those objectives;
  - (5) the likelihood that the charter school grant program will meet those objectives and improve educational results for students;
  - (6) the number of high-quality charter schools created under this subpart in the State; and
  - (7) in the case of State educational agencies that propose to use grant funds to support dissemination activities under subsection (f)(6)(B), the quality of those activities and the likelihood that those activities will improve student academic achievement.
- (b) **SELECTION CRITERIA FOR ELIGIBLE APPLICANTS-** The Secretary shall award grants to eligible applicants under this subpart on the basis of the quality of the applications submitted under section 5203(c), after taking into consideration such factors as —
- (1) the quality of the proposed curriculum and instructional practices;
  - (2) the degree of flexibility afforded by the State educational agency and, if applicable, the local educational agency to the charter school;
  - (3) the extent of community support for the application;
  - (4) the ambitiousness of the objectives for the charter school;
  - (5) the quality of the strategy for assessing achievement of those objectives;
  - (6) the likelihood that the charter school will meet those objectives and improve educational results for students; and
  - (7) in the case of an eligible applicant that proposes to use grant funds to support dissemination activities under subsection (f)(6)(B), the quality of those activities and the likelihood that those activities will improve student achievement.
- (c) **PEER REVIEW-** The Secretary, and each State educational agency receiving a grant under this subpart, shall use a peer review process to review applications for assistance under this subpart.
- (d) **DIVERSITY OF PROJECTS-** The Secretary and each State educational agency receiving a grant under this subpart, shall award grants and subgrants under this subpart in a manner that, to the extent possible, ensures that such grants and subgrants —
- (1) are distributed throughout different areas of the Nation and each State, including urban and rural areas; and
  - (2) will assist charter schools representing a variety of educational approaches, such as approaches designed to reduce school size.
- (e) **WAIVERS-** The Secretary may waive any statutory or regulatory requirement over which the Secretary exercises administrative authority except any such requirement relating to the elements of a charter school described in section 5210(1), if —
- (1) the waiver is requested in an approved application under this subpart; and
  - (2) the Secretary determines that granting such a waiver will promote the purpose of this subpart.
- (f) **USE OF FUNDS-**
- (1) **STATE EDUCATIONAL AGENCIES-** Each State educational agency receiving a grant under this subpart shall use such grant funds to award subgrants to one or more eligible applicants in the State to enable such applicant to plan and implement a charter school in accordance with this subpart, except that the State educational agency may reserve not more than 10 percent of the grant funds to support dissemination activities described in paragraph (6).
  - (2) **ELIGIBLE APPLICANTS-** Each eligible applicant receiving funds from the Secretary or a State educational agency shall use such funds to plan and implement a charter school, or to disseminate information about the charter school and successful practices in the charter school, in accordance with this subpart.
  - (3) **ALLOWABLE ACTIVITIES-** An eligible applicant receiving a grant or subgrant under this subpart may use the grant or subgrant funds only for —
    - (A) post-award planning and design of the educational program, which may include —

- (i) refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and
- (ii) professional development of teachers and other staff who will work in the charter school; and

^(B) initial implementation of the charter school, which may include—

- ^(i) informing the community about the school;
- ^(ii) acquiring necessary equipment and educational materials and supplies;
- ^(iii) acquiring or developing curriculum materials; and
- ^(iv) other initial operational costs that cannot be met from State or local sources.

^(4) ADMINISTRATIVE EXPENSES-

^(A) STATE EDUCATIONAL AGENCY ADMINISTRATIVE EXPENSES- Each State educational agency receiving a grant pursuant to this subpart may reserve not more than 5 percent of such grant funds for administrative expenses associated with the charter school grant program assisted under this subpart.

^(B) LOCAL ADMINISTRATIVE EXPENSES- A local educational agency may not deduct funds for administrative fees or expenses from a subgrant awarded to an eligible applicant, unless the eligible applicant enters voluntarily into a mutually agreed upon arrangement for administrative services with the relevant local educational agency. Absent such approval, the local educational agency shall distribute all such subgrant funds to the eligible applicant without delay.

^(5) REVOLVING LOAN FUNDS- Each State educational agency receiving a grant pursuant to this subpart may reserve not more than 10 percent of the grant funds for the establishment of a revolving loan fund. Such fund may be used to make loans to eligible applicants that have received a subgrant under this subpart, under such terms as may be determined by the State educational agency, for the initial operation of the charter school grant program of the eligible applicant until such time as the recipient begins receiving ongoing operational support from State or local financing sources.

^(6) DISSEMINATION-

^(A) IN GENERAL- A charter school may apply for funds under this subpart, whether or not the charter school has applied for or received funds under this subpart for planning, program design, or implementation, to carry out the activities described in subparagraph (B) if the charter school has been in operation for at least 3 consecutive years and has demonstrated overall success, including—

- ^(i) substantial progress in improving student academic achievement;
- ^(ii) high levels of parent satisfaction; and
- ^(iii) the management and leadership necessary to overcome initial start-up problems and establish a thriving, financially viable charter school.

^(B) ACTIVITIES- A charter school described in subparagraph (A) may use funds reserved under paragraph (1) to assist other schools in adapting the charter school's program (or certain aspects of the charter school's program), or to disseminate information about the charter school, through such activities as—

- ^(i) assisting other individuals with the planning and start-up of one or more new public schools, including charter schools, that are independent of the assisting charter school and the assisting charter school's developers, and that agree to be held to at least as high a level of accountability as the assisting charter school;
- ^(ii) developing partnerships with other public schools, including charter schools, designed to improve student academic achievement in each of the schools participating in the partnership;
- ^(iii) developing curriculum materials, assessments, and other materials that promote increased student achievement and are based on successful practices within the assisting charter school; and
- ^(iv) conducting evaluations and developing materials that document the successful practices of the assisting charter school and that are designed to improve student performance in other schools.

(g) TRIBALLY CONTROLLED SCHOOLS- Each State that receives a grant under this subpart and designates a tribally controlled school as a charter school shall not consider payments to a school under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2507) in determining—

- (1) the eligibility of the school to receive any other Federal, State, or local aid; or
- (2) the amount of such aid.

#### SEC. 5205. NATIONAL ACTIVITIES.

(a) IN GENERAL- The Secretary shall reserve for each fiscal year the greater of 5 percent or \$5,000,000 of the amount appropriated to carry out this subpart, except that in no fiscal year shall the total amount so reserved exceed \$8,000,000, to carry out the following activities:

- (1) To provide charter schools, either directly or through State educational agencies, with —
  - (A) information regarding —
    - (i) Federal funds that charter schools are eligible to receive; and
    - (ii) other Federal programs in which charter schools may participate; and
  - (B) assistance in applying for Federal education funds that are allocated by formula, including assistance with filing deadlines and submission of applications.
- (2) To provide for other evaluations or studies that include the evaluation of the impact of charter schools on student academic achievement, including information regarding —
  - (A) students attending charter schools reported on the basis of race, age, disability, gender, limited English proficiency, and previous enrollment in public school; and
  - (B) the professional qualifications of teachers within a charter school and the turnover of the teaching force.
- (3) To provide —
  - (A) information to applicants for assistance under this subpart;
  - (B) assistance to applicants for assistance under this subpart with the preparation of applications under section 5203;
  - (C) assistance in the planning and startup of charter schools;
  - (D) training and technical assistance to existing charter schools; and
  - (E) for the dissemination to other public schools of best or promising practices in charter schools.
- (4) To provide (including through the use of one or more contracts that use a competitive bidding process) for the collection of information regarding the financial resources available to charter schools, including access to private capital, and to widely disseminate to charter schools any such relevant information and model descriptions of successful programs.
- (5) To carry out evaluations of, technical assistance for, and information dissemination regarding, the per-pupil facilities aid programs. In carrying out the evaluations, the Secretary may carry out one or more evaluations of State programs assisted under this subsection, which shall, at a minimum, address —
  - (A) how, and the extent to which, the programs promote educational equity and excellence; and
  - (B) the extent to which charter schools supported through the programs are —
    - (i) held accountable to the public;
    - (ii) effective in improving public education; and
    - (iii) open and accessible to all students.

#### (b) PER-PUPIL FACILITIES AID PROGRAMS-

(1) DEFINITION OF PER-PUPIL FACILITIES AID PROGRAM- In this subsection, the term per-pupil facilities aid program' means a program in which a State makes payments, on a per-pupil basis, to charter schools to provide the schools with financing —

- (A) that is dedicated solely for funding charter school facilities; or
- (B) a portion of which is dedicated for funding charter school facilities.

#### (2) GRANTS-

(A) IN GENERAL- From the amount made available to carry out this subsection under paragraphs (2) and (3)(B) of section 5211(b) for any fiscal year, the Secretary shall make grants, on a competitive basis, to States to pay for the Federal share of the cost of establishing or enhancing, and administering per-pupil facilities aid programs.

(B) PERIOD- The Secretary shall award grants under this subsection for periods of not more than 5 years.

(C) FEDERAL SHARE- The Federal share of the cost described in subparagraph (A) for a per-pupil facilities aid program shall be not more than —

- (i) 90 percent of the cost, for the first fiscal year for which the program receives assistance under this subsection;
- (ii) 80 percent in the second such year;
- (iii) 60 percent in the third such year;
- (iv) 40 percent in the fourth such year; and
- (v) 20 percent in the fifth such year.

(3) USE OF FUNDS-

(A) IN GENERAL- A State that receives a grant under this subsection shall use the funds made available through the grant to establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State.

(B) EVALUATIONS; TECHNICAL ASSISTANCE; DISSEMINATION- From the amount made available to a State through a grant under this subsection for a fiscal year, the State may reserve not more than 5 percent to carry out evaluations, to provide technical assistance, and to disseminate information.

(C) SUPPLEMENT, NOT SUPPLANT- Funds made available under this subsection shall be used to supplement, and not supplant, State and local public funds expended to provide per pupil facilities aid programs, operations financing programs, or other programs, for charter schools.

(4) REQUIREMENTS-

(A) VOLUNTARY PARTICIPATION- No State may be required to participate in a program carried out under this subsection.

(B) STATE LAW- To be eligible to receive a grant under this subsection, a State shall establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State, that —

- (i) is specified in State law; and
- (ii) provides annual financing, on a per-pupil basis, for charter school facilities.

(5) APPLICATIONS- To be eligible to receive a grant under this subsection, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(6) PRIORITIES- In making grants under this subsection, the Secretary shall give priority to States that meet the criteria described in paragraph (2), and subparagraphs (A), (B), and (C) of paragraph (3), of section 5202(e).

(c) RULE OF CONSTRUCTION- Nothing in this section shall be construed to require charter schools to collect any data described in subsection (a).

## **SEC. 5206. FEDERAL FORMULA ALLOCATION DURING FIRST YEAR AND FOR SUCCESSIVE ENROLLMENT EXPANSIONS.**

(a) IN GENERAL- For purposes of the allocation to schools by the States or their agencies of funds under part A of title I, and any other Federal funds which the Secretary allocates to States on a formula basis, the Secretary and each State educational agency shall take such measures as are necessary to ensure that every charter school receives the Federal funding for which the charter school is eligible not later than 5 months after the charter school first opens, notwithstanding the fact that the identity and characteristics of the students enrolling in that charter school are not fully and completely determined until that charter school actually opens. The measures similarly shall ensure that every charter school expanding its enrollment in any subsequent year of operation receives the Federal funding for which the charter school is eligible not later than 5 months after such expansion.

(b) ADJUSTMENT AND LATE OPENINGS-

(1) IN GENERAL- The measures described in subsection (a) shall include provision for appropriate adjustments, through recovery of funds or reduction of payments for the succeeding year, in cases where payments made to a charter school on the basis of estimated or projected enrollment data exceed the amounts that the school is eligible to receive on the basis of actual or final enrollment data.

(2) RULE- For charter schools that first open after November 1 of any academic year, the State, in accordance with guidance provided by the Secretary and applicable Federal statutes and regulations, shall ensure that such charter schools that are eligible for the funds described in subsection (a) for such

academic year have a full and fair opportunity to receive those funds during the charter schools' first year of operation.

**SEC. 5207. SOLICITATION OF INPUT FROM CHARTER SCHOOL OPERATORS.**

To the extent practicable, the Secretary shall ensure that administrators, teachers, and other individuals directly involved in the operation of charter schools are consulted in the development of any rules or regulations required to implement this subpart, as well as in the development of any rules or regulations relevant to charter schools that are required to implement part A of title I, the Individuals with Disabilities Education Act, or any other program administered by the Secretary that provides education funds to charter schools or regulates the activities of charter schools.

**SEC. 5208. RECORDS TRANSFER.**

State educational agencies and local educational agencies, to the extent practicable, shall ensure that a student's records and, if applicable, a student's individualized education program as defined in section 602(11) of the Individuals with Disabilities Education Act, are transferred to a charter school upon the transfer of the student to the charter school, and to another public school upon the transfer of the student from a charter school to another public school, in accordance with applicable State law.

**SEC. 5209. PAPERWORK REDUCTION.**

To the extent practicable, the Secretary and each authorized public chartering agency shall ensure that implementation of this subpart results in a minimum of paperwork for any eligible applicant or charter school.

**SEC. 5210. DEFINITIONS.**

In this subpart:

(1) CHARTER SCHOOL- The term charter school' means a public school that —

(A) in accordance with a specific State statute authorizing the granting of charters to schools, is exempt from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;

(B) is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;

(C) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;

(D) provides a program of elementary or secondary education, or both;

(E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

(F) does not charge tuition;

(G) complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals with Disabilities Education Act;

(H) is a school to which parents choose to send their children, and that admits students on the basis of a lottery, if more students apply for admission than can be accommodated;

(I) agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such requirements are specifically waived for the purpose of this program;

(J) meets all applicable Federal, State, and local health and safety requirements;

(K) operates in accordance with State law; and

(L) has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school.

(2) DEVELOPER- The term developer' means an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

- (3) ELIGIBLE APPLICANT- The term eligible applicant' means a developer that has —
  - (A) applied to an authorized public chartering authority to operate a charter school; and
  - (B) provided adequate and timely notice to that authority under section 5203(d)(3).
- (4) AUTHORIZED PUBLIC CHARTERING AGENCY- The term authorized public chartering agency' means a State educational agency, local educational agency, or other public entity that has the authority pursuant to State law and approved by the Secretary to authorize or approve a charter school.

**SEC. 5211. AUTHORIZATION OF APPROPRIATIONS.**

- (a) IN GENERAL- There are authorized to be appropriated to carry out this subpart \$300,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.
- (b) RESERVATION- From the amount appropriated under subsection (a) for each fiscal year, the Secretary shall reserve —
  - (1) \$200,000,000 to carry out this subpart, other than section 5205(b); and
  - (2) any funds in excess of \$200,000,000, that do not exceed \$300,000,000, to carry out section 5205(b); and
  - (3)(A) 50 percent of any funds in excess of \$300,000,000 to carry out this subpart, other than section 5205(b); and
  - (B) 50 percent of any funds in excess of \$300,000,000 to carry out section 5205(b).

## General Application Instructions and Information

The 84.282A application consists of the following, as outlined in the Federal Register Notice. All forms listed below are required. Please review all instructions and the Federal Register Notice before completing your application.

If you have received an exemption to the mandatory electronic submission requirement and are submitting a hard copy application, you will not use these forms, but will prepare a narrative incorporating each element.

**ED Abstract Instructions** – The abstract narrative must not exceed one page and should use language that will be understood by a range of audiences. The abstract narrative must include the name and address of your State Educational Agency (SEA) and the name, phone number, and e-mail address of the project director for this project.

**Budget Narrative Instructions** – Before preparing the budget narrative, applicants should review the Federal Register Notice and the program statute for specific guidance and requirements. Provide an itemized budget breakdown narrative, by project year, for each budget category listed in Sections A and B of the ED 524 form. Provide other budget explanations or comments deemed necessary.

**Project Narrative Instructions** – Before preparing the project narrative, **applicants should review the Federal Register Notice** and the **program statute** for specific guidance and requirements. Note that applications will be evaluated according to the specific **Selection Criteria** specified in the Federal Register notice.

The project narrative (Part III of the application) is where you, the applicant, will address the selection criteria that reviewers use to evaluate your application. The Secretary strongly encourages applicants to limit Part III to the equivalent of no more than 60 pages. The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, you must include all of the application narrative in Part III.

**To facilitate the review of the application, please organize your project narrative in the following order and include a Table of Contents:**

1. **Competitive Preference Priorities** – For FY 2011 and any subsequent year in which we make awards based on the list of unfunded applicants from this competition, these priorities are competitive preference priorities. There are seven competitive preference priorities for FY 2011. Under 34 CFR 75.105 (c)(2)(i) we award up to an additional 50 points to an application, depending on how well the application meets one or more of these priorities.

In order to receive preference under priorities 1 through 7, an applicant must (a) identify the priority or priorities that it believes it meets; (b) describe, in detail, how it meets the priority or priorities; and

(c) provide documentation in support of its claims, including citations and examples from its State’s charter school law, regulations, or policies. In order to receive points for priority 1 or to receive points for priorities 2 through 4, an application must meet priority 1 and must meet one or more of priorities 2 through 4. An SEA that meets priority 1 but does not meet one or more of priorities 2 through 4 will not receive any points for priorities 1 through 4. An SEA that does not meet priority 1 but meets one or more of priorities 2 through 4 will not receive any points for priorities 2 through 4.

The Notes following the competitive preference priorities criteria are guidance to assist applicants in responding to the priorities and are not required by statute or regulation. However, we encourage applicants to consider those Notes in responding to the priorities.

**2. Invitational Priority** – Under this competition for FY 2011, we are particularly interested in applications that address the invitational priority. Under 34 CFR 75.105 (c) (1), we do not give an application that meets the invitational priority a competitive or absolute preference over other applications.

**3. Application Requirements** – Applicants applying for CSP grant funds must address **both** the *application requirements*, which are based on the statute, and the *selection criteria*. An applicant may choose to respond to the application requirements in the context of its responses to the selection criteria.

**4. Selection Criteria** – The selection criteria for this competition are from 20 U.S.C. 7221c and 34 CFR 75.210 of EDGAR.

**Other Attachments Instructions** – This section is where applicants will attach additional documents including resumes/curriculum vitae, and appendices. Applications should include a resume for the project director and other staff who will be directly involved in the administration of the CSP grant. For any resumes that are attached in this section, please reference the resumes in the *Application Narrative* section, so the panel reviewers can review the resumes. Before preparing additional documentation, applicants should review the **Federal Register Notice** and the **program statute** for specific guidance and requirements.

Electronic submission requires that narratives and other files be attached to the following attachment forms as per the instruction in this document such as:

- One page Abstract must be attached to the “**Abstract Attachment Form**”
- Application Narratives (which include the *Preference Priorities*, *Application Requirements*, and the *Selection Criteria*) must be attached to the “**Application Narrative Attachment Form**”
- All resumes, vitas, letters of support, bibliographies, the assurances and certifications: and other requested appendices must be attached to the “**Other Attachment Form**”
- Budget Narratives must be attached to the “**Budget Narrative Attachment Form**”

*Note: Please do not attach any narratives, supporting files, or application components to the Standard Form (SF 424). Although this form accepts attachments, the Department of Education will only review materials/files attached to the attachment forms listed above.*

## **Forms, Assurances, and Certifications**

Applicants must complete all forms included in the application package. Instructions for the following forms are included in this document:

- Application for Federal Assistance (SF-424)
- Department of Education Supplemental Information for SF 424
- Budget Information (ED 524)
- GEPA Statement
- Assurances--Non-Construction Programs (SF-424B)
- Grants.gov Lobbying Form (formerly ED 80-0013 form)
- Disclosure of Lobbying Activities (SF-LLL)
- Survey on Ensuring Equal Opportunity for Applicants

If you qualify for an exception to the mandatory electronic submission, and have requested one no later than two weeks before the application deadline date, please follow the instructions for submitting a hard copy of the application in the Federal Register Notice. To help facilitate the review of a hard copy application, please arrange the required elements in the same order they are listed here.

**All applicants must have a D-U-N-S number in order to apply for federal funds.**

NOTE: Check with your fiscal office to see if your institution has an assigned DUNS Number before contacting Dun & Bradstreet

If you do not have a D-U-N-S Number, you can obtain your D-U-N-S Number at no charge by calling 1-800-333-0505 or by completing a D-U-N-S Number Request Form. The form can be obtained at the following URL: [http://www.dnb.com/US/duns\\_update/index.html](http://www.dnb.com/US/duns_update/index.html)

The D-U-N-S Number is a unique nine-digit number that does not convey any information about the recipient. A built in check digit helps assure the accuracy of the D-U-N-S Number. The ninth digit of each number is the check digit, which is mathematically related to the other digits. It lets computer systems determine if a D-U-N-S Number has been entered correctly.

**Dun & Bradstreet, a global information services provider, has assigned D-U-N-S numbers to over 43 million companies worldwide.**

**Abstract Instructions: The abstract is to be attached to the “ ED Abstract Form” in Grants.gov under the Mandatory Documents section.**

ED Abstract Form - The abstract is to be attached to the “ED Abstract Form” in Grants.gov.

The abstract narrative must include the name and address of your State Educational Agency (SEA) and the name, phone number, and e-mail address of the project director for the CSP grant.

The abstract narrative must not exceed one page and should use language that will be understood by a range of audiences. For all projects, include the project title (if applicable), goals, expected outcomes and contributions for research, policy, practice, etc. Address how your application meets the purpose of the CSP as stated in the Notice Inviting Applications for New Awards.

**Project Narrative Instructions: The application narrative is to be attached to the “Project Narrative Attachment Form” in Grants.gov under the Mandatory Documents section.**

Before preparing the project narrative, **applicants should review the Federal Register Notice** and the **CSP program statute** for specific guidance and requirements. Note that applications will be evaluated according to the specific selection criteria specified in the Federal Register Notice.

Please limit the Project Narrative to 60 pages, double-spaced, font = 12 point or larger or no smaller than 10 pitch, font = Times New Roman, Courier, Courier New, or Arial, and number the pages consecutively. Please provide any charts, graphs, citations, or examples in the project narrative. Refer to the **Federal Register Notice** for additional application submission requirements.

**To facilitate the review of the application, please organize your Project narrative in the following order and include a Table of Contents:**

**1. Competitive Preference Priorities**

This competition includes *seven competitive preference priorities* and *one invitational priority*.

In order to receive preference under priorities 1 through 7, an applicant must (a) identify the priority or priorities that it believe it meets; (b) describe, in detail, how it meets the priority or priorities; and (c) provide documentation in support of its claims, including citations and examples from its State’s charter school law, regulations, or policies.

In order to receive points for priority 1 or to receive points for priorities 2 through 4, an application must meet priority 1 and must meet one or more of priorities 2 through 4. An SEA that meets priority 1 but does not meet one or more of priorities 2 through 4 will not receive any points for priorities 1 through 4. An SEA that does not meet priority 1 but meets one or more of priorities 2 through 4 will not receive any points for priorities 2 through 4.

The Notes following the competitive preference priorities criteria are guidance to assist applicants in responding to the priorities and are not required by statute or regulation. However, we encourage applicants to consider those Notes in responding to the priorities. The priorities are:

1. **Periodic Review and Evaluation (up to 10 points)**. *The State provides for periodic review and evaluation by the authorized public chartering agency of each charter school at least once every five years, unless required more frequently by State law, to determine whether the charter school is meeting the terms of the school’s charter, and is meeting or exceeding the student academic achievement requirements and goals for charter schools as set forth under State law or the school’s charter.*

*Note: The Secretary invites the applicant to provide information regarding whether the periodic review that takes place at least once every five years includes a public vote on whether to terminate, extend, or renew a school’s charter and on whether a failure to affirmatively renew or extend a school’s charter during the periodic review that takes place at least once every five years would result in the charter school being closed.*

2. **Number of High-Quality Charter Schools (up to 8 points)**. *The State has demonstrated progress in increasing the number of high-quality charter schools that are held accountable in the terms of the school’s charter for meeting clear and measurable objectives for the educational progress of the students attending the schools, in the period prior to the period for which an SEA applies for a grant under this competition.*

*Note: The Secretary invites the applicant to provide the following information: (1) its definition of “high-quality charter school”; (2) the number of “high-quality charter schools” in the State and a description of how the rate has changed over the past five years; and (3) the percentage of “high-quality charter schools” in the State and a description of how the percentage has changed over the past five years.*

3. **One Authorized Public Chartering Agency Other than a Local Educational Agency (LEA), or an Appeals Process (5 points)**. *The State --*

*(a) Provides for one authorized public chartering agency that is not an LEA, such as a State chartering board, for each individual or entity seeking to operate a charter school pursuant to State law; or*

*(b) In the case of a State in which LEAs are the only authorized public chartering agencies, allows for an appeals process for the denial of an application for a charter school.*

4. **High Degree of Autonomy (up to 5 points)**. *The State ensures that each charter school has a high degree of autonomy over the charter school’s budget and expenditures.*

5. **Improving Achievement and High School Graduation Rates (up to 12 points)**. *Projects that are designed to address one or more of the following priority areas:*

*(a) Accelerating learning and helping to improve high school graduation rates (as defined in the Federal Register Notice) and college enrollment rates for students in rural local educational agencies (as defined in the Federal Register Notice) (up to 3 points).*

(b) *Accelerating learning and helping to improve high school graduation rates (as defined in the Federal Register Notice) and college enrollment rates for students with disabilities (up to 3 points).*

(c) *Accelerating learning and helping to improve high school graduation rates (as defined in the Federal Register Notice) and college enrollment rates for English learners (up to 3 points).*

(d) *Accelerating learning and helping to improve high school graduation rates and college enrollment rates in high-poverty schools (as defined in the Federal Register Notice) (up to 3 points).*

*Note: For each population of students for which the applicant is seeking competitive priority points, the Secretary invites the applicant to discuss the steps it would take to meet the priority. For example, the applicant could describe any guidance or support it would provide to charter school developers to assist such developers in recruiting and providing high-quality services to students who are members of the particular student population(s); how it would monitor charter schools in the State to ensure that they are taking effective and active steps to recruit and enroll students who are members of the particular student populations; how it would monitor charter schools in the State to ensure that students who are members of the particular student population(s) are being served by such schools; or how it would design its subgrant competition, which may include the use of preferences, to ensure that students who are members of the particular student population(s) are being served at rates equal to or greater than such students are being served in other schools in the area.*

6. **Promoting Diversity (up to 5 points).** *Projects that are designed to promote student diversity, including racial and ethnic diversity, or avoid racial isolation.*

*Note: The Secretary invites the applicant to discuss how it would design its subgrant competition to meet this priority.*

7. **Improving Productivity (up to 5 points).** *Projects that are designed to significantly increase efficiency in the use of time, staff, money, or other resources while improving student learning or other educational outcomes (i.e., outcome per unit of resource). Such projects may include innovative and sustainable uses of technology, modification of school schedules and teacher compensation systems, use of open educational resources (as defined in the Federal Register Notice), or other strategies.*

**Invitational Priority:** For FY 2011, this priority is an *invitational priority*. Under 34 CFR 75.105 (c) (1), we do not give an application that meets this invitational priority a competitive or absolute preference over other applications. This priority is:

**Support for Turnaround Schools.**

*The Secretary is particularly interested in projects that are designed to turn around persistently low-performing schools by providing support for one or both of the following types of activities:*

(1) the creation of a charter school in coordination with an LEA in the vicinity of one or more public schools closed as a consequence of the LEA implementing a restructuring plan under section 1116(b) (8) of the ESEA; or

(2) the creation of a new charter school under the restart model of intervention as described in the Final Requirements for School Improvement Grants as Amended in January 2010 at (<http://www2.ed.gov/programs/sif/faq.html>) . Under the restart model of intervention, an LEA converts a school into a charter school or closes and reopens a school under a charter school operator, a charter management organization, or an education management organization that has been selected through a rigorous review process.

Note: For purposes of this invitational priority –

Charter management organization is a non-profit organization that operates, manages, or oversees multiple charter schools by centralizing or sharing certain functions and resources among schools.

Education management organization is an organization that provides whole-school operation services

### **Definitions.**

The following definitions are taken from the notice of final supplemental priorities and definitions for discretionary grant programs, published in the Federal Register on December 15, 2010 (75 FR 78486) and the CSP authorizing statute (20 U.S.C. 7221).

Developer means an individual or group of individuals (including a public or private non-profit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out. (20 U.S.C. 7221i (2)).

Eligible Applicant means a developer that has (a) applied to an authorized public chartering authority to operate a charter school; and (b) provided adequate and timely notice to that authority under section 5203 (d)(3) of the ESEA. (20 U.S. C. 7221i (3))

Graduation Rate means a four-year adjusted cohort graduation rate consistent with 34 CFR 200.19 (b) (1) and may also include an extended-year adjusted cohort graduation rate consistent with 34 CFR 200.19 (b) (1) (v) if the State in which the proposed project is implemented has been approved by the Secretary to use such a rate under Title I of the ESEA. (75 FR 78509).

High-poverty school means a school in which at least 50 percent of students are eligible for free or reduced-price lunches under the Richard B. Russell National School Lunch Act or in which at least 50 percent of students are from low-income

families as determined using one of the criteria specified under section 1113 (a) (5) of the ESEA. For middle and high schools, eligibility may be calculated on the basis of comparable data from feeder schools. Eligibility as a high-poverty school under this definition is determined on the basis of the most currently available date. (75 FR 78509).

***Open educational resources (OER)*** means teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license that permits their free use or repurposing by others. (75 FR 78509).

***Rural local education agency*** means an LEA that is eligible under the Small Rural School Achievement (SRSA) program or the Rural and Low-Income School (RLIS) program authorized under Title VI, Part B of the ESEA. Eligible applicants may determine whether a particular LEA is eligible for these programs by referring to information on the Department's Web site at [www2.ed.gov/nclb/freedom/local/reap.html](http://www2.ed.gov/nclb/freedom/local/reap.html) (75 FR 78510).

## **2. Application Requirements**

Applicants applying for CSP grant funds must address both the following application requirements, which are based on the statute, and the selection criteria described in the notice. An applicant may choose to respond to these application requirements in the context of its responses to the selection criteria.

- (i) ***Describe the objectives of the SEA's charter school grant program and how these objectives will be fulfilled, including steps taken by the SEA to inform teachers, parents, and communities of the SEA's charter school grant program;***
- (ii) ***Describe how the SEA will inform each charter school in the State about Federal funds the charter school is eligible to receive and Federal programs in which the charter school may participate;***
- (iii) ***Describe how the SEA will ensure that each charter school in the State receives the school's commensurate share of Federal education funds that are allocated by formula each year, including during the first year of operation of the school and a year in which the school's enrollment expands significantly;***
- (iv) ***Describe how the SEA will disseminate best or promising practices of charter schools to each local educational agency (LEA) in the State***
- (v) ***If an SEA elects to reserve part of its grant funds (no more than 10 percent) for the establishment of a revolving loan fund, describe how the revolving loan fund would operate;***
- (vi) ***If an SEA desires the Secretary to consider waivers under the authority of the CSP, include a request and justification for any waiver of statutory or regulatory provisions***

*that the SEA believes is necessary for the successful operation of charter schools in the State; and*

- (vii) *Describe how charter schools that are considered to be LEAs under State law and LEAs in which charter schools are located will comply with sections 613(a)(5) and 613(e)(1)(B) of the Individuals with Disabilities Education Act.*

### **3. Selection Criteria**

The selection criteria are from the authorizing statute for this program and 34 CFR 75.210 of EDGAR.

SEAs that propose to use a portion of their grant funds for dissemination activities must address each selection criterion (i) through (vii) individually and title each accordingly. SEAs that do not propose to use a portion of their grant funds for dissemination activities must address selection criteria (i) through (v) and (vii) only. SEAs that do not address criterion (vi) because they are not proposing to use a portion of their grant funds for dissemination activities will not be penalized.

The Notes following the selection criteria are guidance to help applicants in preparing their applications and are not required by statute or regulation. However, we encourage applicants to consider those Notes in responding to the selection criteria.

- (i) ***The contribution the charter schools grant program will make in assisting educationally disadvantaged and other students in meeting State academic content standards and State student academic achievement standards (20 points).***  
***Note:*** *The Secretary encourages the applicant to provide a description of the objectives for the SEA's charter school grant program and to explain how these objectives will be met, including steps that will be taken by the SEA to inform teachers, parents, and communities of the SEA's charter school grant program and how the SEA will disseminate best or promising practices of charter schools to each LEA in the State.*
- (ii) ***The degree of flexibility afforded by the SEA to charter schools under the State's charter school law (20 points).***  
***Note:*** *The Secretary encourages the applicant to describe how the State's charter school law establishes an administrative relationship between charter schools and the authorized public chartering agency and exempts charter schools from significant State or local rules that inhibit the flexible operation and management of public schools. The Secretary also encourages the applicant to describe the degree of autonomy charter schools in the State exercise over such matters as the charter school's budgets, expenditures, daily operation, schedules, curricula, and personnel in accordance with the State's charter school law.*
- (iii) ***The number of high-quality charter schools to be created in the State (20 points).***  
***Note:*** *The Secretary considers the SEA's reasonable estimate of the number of new high-quality charter schools that will be authorized and opened in the State during the project period. The Secretary encourages the applicant to describe, in detail, its charter school subgrant application and peer review processes, how the peer review process will assess*

quality, and how the SEA will ensure that only high-quality charter school applicants (as defined by the applicant) are selected for funding. States that have received grants under this program previously are invited to provide data on the percentages of eligible applicants that were awarded subgrants and how this percentage related to the overall quality of applicants funded.

- (iv) **Quality of the management plan (10 points).** In determining the quality of the management plan for the proposed project, the Secretary considers (a) 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; and (b) how the SEA will inform each charter school in the State about Federal funds the charter school is eligible to receive and ensure that each charter school in the State receives the school's commensurate share of Federal education funds that are allocated by formula each year, including during the first year of operation of the school and during a year in which the school's enrollment expands significantly (20 U.S.C. 7221b (b) (2) (A) and (B) and 7221e (a)). **Note:** The Secretary encourages the applicant to describe any compliance issues or findings related to the CSP that have been identified in an audit or other monitoring review, as well as the steps taken to address such compliance issues or findings.
- (v) **The SEA's plan to monitor and hold accountable authorized public chartering agencies through such activities as providing technical assistance or establishing a professional development program, which may include providing authorized public chartering agency staff with training and assistance on planning and systems development, so as to improve the capacity of those agencies to authorize, monitor, and hold accountable charter schools (20 points).** Consolidated Appropriations Act, 2010, Division D, Title III, Pub. L. 111-117.
- (vi) **In the case of SEAs that propose to use grant funds to support dissemination activities under section 5204(f)(6)(B) of the ESEA, the quality of the dissemination activities (5 points) and the likelihood that those activities will improve student academic achievement (5 points).** **Note:** The Secretary encourages the applicant to describe the steps to be taken by the SEA to award these funds to eligible applicants, including a description of the peer review process the SEA will use to review applications for dissemination, the timelines for awarding such funds, and how the SEA will assess the quality of the applications. Applicants that have previously awarded dissemination subgrants under this program are encouraged to describe the outcomes of such subgrants and to identify any improvements to the applicant's processes for awarding and administering dissemination subgrants.
- (vii) **Quality of the project evaluation (10 points).** In determining the quality of the evaluation, the Secretary considers 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.

**Note:** The Secretary encourages the applicant to include a strong evaluation plan in the application narrative and to use that plan, as appropriate, to shape the development of the

*project from the beginning of the grant period. The Secretary encourages the applicant to design the plan so that it includes (a) benchmarks to monitor progress toward specific project objectives and (b) outcome measures to assess the impact on teaching and learning or other important outcomes for project participants. In its plan, we encourage the applicant to identify the individual and/or organization that will serve as the evaluator and to describe the qualifications of the evaluator. We also encourage the applicant to describe, in its application, the evaluation design, indicating: (1) the types of data that will be collected; (2) when various types of data will be collected; (3) the methods that will be used; (4) the instruments that will be developed and when; (5) how the data will be analyzed; (6) when reports of results and outcomes will be available; and (7) how the applicant will use the information collected through the evaluation to monitor progress of the funded project and to provide accountability information both about success at the initial site and about effective strategies for replication in other settings. Applicants are encouraged to devote an appropriate level of resources to project evaluation.*

## CSP Grantee Reporting and Performance Measures

### Reporting:

At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as specified by the Secretary in 34 CFR 75.118. For specific requirements on grantee reporting, please refer to the ED Performance Report Form ED 524B at:

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

### Performance Measures:

The goal of the CSP is to support the creation and development of a large number of high-quality charter schools that are free from State or local rules that inhibit flexible operation, are held accountable for enabling students to reach challenging State performance standards, and are open to all students. The Secretary has set two performance indicators to measure this goal:

- (i) The number of charter schools in operation around the Nation;
- (ii) The percentage of fourth-and-eighth grade charter school students who are achieving at or above the proficient level on State examinations in mathematics and reading.

Additionally, the Secretary has established the following measure to examine the efficiency of the CSP:

1. Federal cost per student in implementing a successful school (defined as a school in operation for three or more years).

All grantees will be expected to submit an annual performance report documenting their contribution in assisting the Department in meeting these performance measures.

\*\*For guidance on creating strong application objectives and performance measures, please visit <http://www2.ed.gov/programs/charter/applicant.html>, or contact [charterschools@ed.gov](mailto:charterschools@ed.gov) or the contacts from the Notice.

**Budget Narrative Instructions: The budget narrative is to be attached to the “Budget Narrative Attachment Form” in Grants.gov under the Mandatory Documents section.**

Before preparing the budget narrative, **applicants should review the Federal Register Notice**, and the **program statute** for specific guidance and requirements. Note that applications will be evaluated according to the specific selection criteria specified in the Federal Register notice.

Provide an itemized budget breakdown narrative, by project year, for each budget category listed in Sections A and B of the ED 524 form. If applicable to this program, provide the rate and base on which fringe benefits are calculated. This competition does not involve cost sharing or matching.

If you are requesting reimbursement for indirect costs on line 10, this information is to be completed by your Business Office. Specify the estimated amount of the base to which the indirect cost rate is applied and the total indirect expense. Please indicate which costs are included and which costs are excluded from the base to which the indirect cost rate is applied.

Each State educational agency receiving a grant pursuant to this subpart may reserve not more than 5 percent of such grant funds for administrative expenses associated with the charter school grant program.

Provide other budget explanations or comments deemed necessary.

**Other Attachments Instructions: The other attachments are to be attached to the “Other Attachment Form” in Grants.gov under the Mandatory Documents section.**

This section is where applicants will attach additional documents including resumes/curriculum vitae, and appendices. Applications should include a resume for the project director and other staff who will be directly involved in the administration of the CSP grant. Before preparing additional documentation, applicants should review the **Federal Register Notice** and the **program statute** for specific guidance and requirements.

Electronic submission requires that narratives and other files be attached to the following attachment forms as per the instruction in this document such as:

- One page Abstract must be attached to the “**Ed Abstract Form**”
- Application Narratives (which include the *Preference Priorities*, *Application Requirements*, and the *Selection Criteria*) must be attached to the “**Project Narrative Attachment Form**”
- All resumes, vitas, letters of support, bibliographies, the assurances and certifications, and other requested appendices must be attached to the “**Other Attachment Form**”
- Budget Narratives must be attached to the “**Budget Narrative Attachment Form**”

*Note: Please do not attach any narratives, supporting files, or application components to the Standard Form (SF 424). Although this form accepts attachments, the Department of Education will only review materials/files attached to the attachment forms listed above.*

## **Charter School Program Assurances**

As a part of the completed application, the applicant must print the assurances on the next page of this application package document, sign, and fax to the Charter Schools Program at (202) 205-5630, with supporting documentation.

## **CHARTER SCHOOLS PROGRAM ASSURANCES – STATE EDUCATIONAL AGENCIES**

Pursuant to Section 5203(b)(3) of the ESEA and the Consolidated Appropriations Act, 2010, a State educational agency (SEA) application for a grant under the CSP must contain the following assurances.

As the duly authorized representative of the applicant, I certify to the following:

- 1) The applicant will require each eligible applicant desiring to receive a subgrant to submit an application to the SEA containing:
  - A) A description of the educational program to be implemented by the proposed charter school, including (i) how the program will enable all students to meet challenging State student academic achievement standards; (ii) the grade levels or ages of children to be served; and (iii) the curriculum and instructional practices to be used;
  - B) A description of how the charter school will be managed;
  - C) A description of (i) the objectives of the charter school; and (ii) the methods by which the charter school will determine its progress toward achieving those objectives;
  - D) A description of the administrative relationship between the charter school and the authorized public chartering agency;
  - E) A description of how parents and other members of the community will be involved in the planning, program design and implementation of the charter school;
  - F) A description of how the authorized public chartering agency will provide for continued operation of the school once the Federal grant has expired, if such agency determines that the school has met its objectives;
  - G) A request and justification for waivers of any Federal statutory or regulatory provisions that the eligible applicant believes are necessary for the successful operation of the charter school, and a description of any State or local rules, generally applicable to public schools, that the applicant proposes to be waived, or otherwise not apply to the school;
  - H) A description of how the subgrant funds will be used, including a description of how such funds will be used in conjunction with other Federal programs administered by the U.S. Secretary of Education;
  - I) A description of how students in the community will be (i) informed about the charter school; and (ii) given an equal opportunity to attend the charter school;
  - J) An assurance that the eligible applicant will annually provide the Secretary and the SEA such information as may be required to determine if the charter school is making satisfactory progress toward achieving the objectives described in subparagraph (C)(i);
  - K) An assurance that the applicant will cooperate with the Secretary and the SEA in evaluating the program assisted under this subpart;
  - L) A description of how a charter school that is considered a local educational agency under State law, or a local educational agency in which a charter school is located, will comply with sections 613(a)(5) and 613(e)(1)(B) of the Individuals with Disabilities Education Act;
  - M) If the eligible applicant desires to use subgrant funds for dissemination activities under section 5202(c)(2)(C), a description of those activities and how those activities will involve charter schools and other public schools, local educational agencies, developers, and potential developers; and

N) Such other information and assurances as the Secretary and SEA may require.

2) The applicant will –

A) Use the grant funds to award subgrants to one or more eligible applicants in the State to enable the applicant to plan and implement a charter school in accordance with this program; and

B) Use a peer review process to review applications for subgrants.

3) State law, regulations, or other policies in the State where the applicant is located require that –

A) Each authorized charter school in the State operate under a legally binding charter or performance contract between itself and the school’s authorized public chartering agency that describes the obligations and responsibilities of the school and the public chartering agency; conduct annual, timely, and independent audits of the school’s financial statements that are filed with the school’s authorized public chartering agency; and demonstrate improved student academic achievement; and

B) Authorized public chartering agencies use increases in student academic achievement for all groups of students described in section 1111(b)(2)(C)(v) of the ESEA as the most important factor when determining to renew or revoke a school’s charter.

\_\_\_\_\_  
NAME OF AUTHORIZED OFFICIAL

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
SIGNATURE OF AUTHORIZED OFFICIAL

\_\_\_\_\_  
DATE

\_\_\_\_\_  
APPLICANT ORGANIZATION

\_\_\_\_\_  
DATE SUBMITTED

Application for Federal Assistance SF-424	
<b>*1. Type of Submission:</b> <input type="checkbox"/> Preapplication <input type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	<b>*2. Type of Application:</b> * If Revision, select appropriate letter(s): <input type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision *Other (Specify): _____
<b>*3. Date Received:</b> <small>Completed by Grants.gov upon submission</small>	<b>4. Applicant Identifier:</b>
<b>5a. Federal Entity Identifier:</b>	<b>*5b. Federal Award Identifier:</b>
<b>State Use Only:</b>	
<b>6. Date Received by State:</b>	<b>7. State Application Identifier:</b>
<b>8. APPLICANT INFORMATION:</b>	
<b>*a. Legal Name:</b> _____	
<b>*b. Employer/Taxpayer Identification Number (EIN/TIN):</b> _____	<b>*c. Organizational DUNS:</b> _____
<b>d. Address:</b>	
<b>*Street 1:</b>	_____
Street 2:	_____
<b>*City:</b>	_____
County/Parish:	_____
<b>*State:</b>	_____
Province:	_____
<b>*Country:</b>	_____
<b>*Zip / Postal Code:</b>	_____
<b>e. Organizational Unit:</b>	
Department Name:	Division Name:
<b>f. Name and contact information of person to be contacted on matters involving this application:</b>	
Prefix: _____	<b>*First Name:</b> _____
Middle Name: _____	
<b>*Last Name:</b>	_____
Suffix: _____	

Title:
Organizational Affiliation:
*Telephone Number: <input type="text"/> Fax Number:
*Email: <input type="text"/>

**Application for Federal Assistance SF-424**

**9. Type of Applicant 1: Select Applicant Type:**

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

\*Other (Specify)

**\*10 Name of Federal Agency:**

**11. Catalog of Federal Domestic Assistance Number:**  
\_\_\_\_\_

CFDA Title:  
\_\_\_\_\_

**\*12 Funding Opportunity Number:**

\*Title:

**13. Competition Identification Number:**  
\_\_\_\_\_

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

14. Areas Affected by Project (Cities, Counties, States, etc.):

\*15. Descriptive Title of Applicant's Project:

[Redacted area for Descriptive Title of Applicant's Project]

Attach supporting documents as specified in agency instructions.

**Application for Federal Assistance SF-424**

16. Congressional Districts Of:

\*a. Applicant: [Redacted]

\*b. Program/Project: [Redacted]

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:

\*a. Start Date: [Redacted]

\*b. End Date: [Redacted]

18. Estimated Funding (\$):

*a. Federal	[Redacted]
*b. Applicant	[Redacted]
*c. State	[Redacted]
*d. Local	[Redacted]
*e. Other	[Redacted]
*f. Program Income	[Redacted]
*g. TOTAL	[Redacted]

**\*19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- a. This application was made available to the State under the Executive Order 12372 Process for review on \_\_\_\_\_
- b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- c. Program is not covered by E.O. 12372.

**\*20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

- Yes
- No

If "Yes", provide explanation and attach.

21. \*By signing this application, I certify (1) to the statements contained in the list of certifications\*\* and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances\*\* and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)

\*\* I AGREE

\*\* The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

**Authorized Representative:**

Prefix: \_\_\_\_\_

\*First Name: \_\_\_\_\_

Middle Name: \_\_\_\_\_

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

Suffix: \_\_\_\_\_

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

\*Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

\* Email: \_\_\_\_\_

\*Signature of Authorized Representative: Completed by Grants.gov upon submission

\*Date Signed: Completed by Grants.gov upon submission

## INSTRUCTIONS FOR THE SF-424

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

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

8.	<b>Applicant Information:</b> Enter the following in accordance with agency instructions:			programs for which the area(s) affected are likely to be different than place(s) of performance reported on the SF-424 Project/Performance Site Location(s) Form. Attach an additional list of program/project congressional districts, if needed.
	<b>a. Legal Name:</b> (Required) Enter the legal name of applicant that will undertake the assistance activity. This is the organization that has registered with the Central Contractor Registry (CCR). Information on registering with CCR may be obtained by visiting <a href="http://www.Grants.gov">www.Grants.gov</a> .		17.	<b>Proposed Project Start and End Dates:</b> (Required) Enter the proposed start date and end date of the project.
	<b>b. Employer/Taxpayer Number (EIN/TIN):</b> (Required) Enter the employer or taxpayer identification number (EIN or TIN) as assigned by the Internal Revenue Service. If your organization is not in the US, enter 44-4444444.		18.	<b>Estimated Funding:</b> (Required) Enter the amount requested, or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines, as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses.
	<b>c. Organizational DUNS:</b> (Required) Enter the organization's DUNS or DUNS+4 number received from Dun and Bradstreet. Information on obtaining a DUNS number may be obtained by visiting <a href="http://www.Grants.gov">www.Grants.gov</a> .		19.	<b>Is Application Subject to Review by State Under Executive Order 12372 Process?</b> (Required) Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. Select the appropriate box. If "a." is selected, enter the date the application was submitted to the State.
	<b>d. Address:</b> Enter address: Street 1 (Required); city (Required); County/Parish, State (Required if country is US), Province, Country (Required), 9-digit zip/postal code (Required if country US).		20.	<b>Is the Applicant Delinquent on any Federal Debt?</b> (Required) Select the appropriate box. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of federal debt include; but, may not be limited to: delinquent audit disallowances, loans and taxes. If yes, include an explanation in an attachment.
	<b>e. Organizational Unit:</b> Enter the name of the primary organizational unit, department or division that will undertake the assistance activity.		21.	<b>Authorized Representative:</b> To be signed and dated by the authorized representative of the applicant organization. Enter the first and last name (Required); prefix, middle name, suffix. Enter title, telephone number, email (Required); and fax number. A copy of the governing body's authorization for you to sign this application as the official representative must be on file in the applicant's office. (Certain federal agencies may require that this authorization be submitted as part of the application.)
	<b>f. Name and contact information of person to be contacted on matters involving this application:</b> Enter the first and last name (Required); prefix, middle name, suffix, title. Enter organizational affiliation if affiliated with an organization other than that in 7.a. Telephone number and email (Required); fax number.			
9.	Type of Applicant: (Required) Select up to three applicant type(s) in accordance with agency instructions.			
	A. State Government B. County Government C. City or Township Government D. Special District Government E. Regional Organization F. U.S. Territory or Possession G. Independent	M. Nonprofit N. Private Institution of Higher Education O. Individual P. For-Profit Organization (Other than Small Business) Q. Small Business R. Hispanic-serving Institution S. Historically Black		

	School District H. Public/State Controlled Institution of Higher Education I. Indian/Native American Tribal Government (Federally Recognized) J. Indian/Native American Tribal Government (Other than Federally Recognized) K. Indian/Native American Tribally Designated Organization L. Public/Indian Housing Authority	Colleges and Universities (HBCUs) T. Tribally Controlled Colleges and Universities (TCCUs) U. Alaska Native and Native Hawaiian Serving Institutions V. Non-US Entity W. Other (specify)		
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**[U.S Department of Education note:** As of spring, 2010, the FON discussed in Block 12 of the instructions can be found via the following URL: [http://www.grants.gov/applicants/find\\_grant\\_opportunities.jsp](http://www.grants.gov/applicants/find_grant_opportunities.jsp).]

### 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___ 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___ b. initial award  c. post-award</p>	<p><b>3. Report Type:</b>  a. initial filing  ___a___ 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>Congressional District, if known:</p>	<p><b>5. If Reporting Entity in No. 4 is Subawardee,</b>  Enter Name and Address of Prime:</p> <p>Congressional District, if known:</p>	
<p><b>6. Federal Department/Agency:</b></p>	<p><b>7. Federal Program Name/Description:</b>  <b>Fund for the Improvement of Education</b></p> <p>CFDA Number, if applicable: ___84.215K___</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>Signature: _____  Print Name: _____  Title: _____  Telephone No.: _____ Date: _____</p>	
<p>Federal Use Only</p>	<p>Authorized for Local Reproduction  Standard Form - LLL (Rev. 7-97)</p>	

## 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
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 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		
<input style="width: 80%; border: none;" type="text"/>		
* PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE		
Prefix: <input style="width: 50px; border: none;" type="text"/>	First Name: <input style="width: 200px; border: none;" type="text"/>	Middle Name: <input style="width: 150px; border: none;" type="text"/>
* Last Name: <input style="width: 280px; border: none;" type="text"/>	Suffix: <input style="width: 100px; border: none;" type="text"/>	
* Title: <input style="width: 350px; border: none;" type="text"/>		
* SIGNATURE: <input style="width: 250px; border: none;" type="text"/>	* DATE: <input style="width: 230px; border: none;" type="text"/>	

**SUPPLEMENTAL INFORMATION  
REQUIRED FOR  
DEPARTMENT OF EDUCATION**

**1. Project Director:**

Prefix:  \*First Name:  Middle Name:  \*Last Name:  Suffix:

Address:

\* Street1:

Street2:

\* City:

County:

\* State:  \* Zip Code:  \* Country:

\* Phone Number (give area code)

Fax Number (give area code)

Email Address:

**2. Applicant Experience:**

Novice Applicant  Yes  No  Not applicable to this program

**3. Human Subjects Research:**

Are any research activities involving human subjects planned at any time during the proposed project Period?

Yes  No

Are ALL the research activities proposed designated to be exempt from the regulations?

Yes Provide Exemption(s) #:

No Provide Assurance #, if available:

**Please attach an explanation Narrative:**

**INSTRUCTIONS FOR  
DEPARTMENT OF EDUCATION SUPPLEMENTAL INFORMATION FOR SF 424**

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

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

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

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

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

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

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

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

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

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

**Paperwork Burden Statement.** *According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1890-0017. The time required to complete this information collection is estimated to average between 15 and 45 minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the estimate(s) or suggestions for improving this form, please write to: U.S. Department of Education, Washington, D.C. 20202-4700. If you have comments or concerns regarding the status of your individual submission of this form write directly to: Joyce I. Mays, Application Control Center, U.S. Department of Education, Potomac Center Plaza, 550 12<sup>th</sup> Street, S.W. Room 7076, Washington, D.C. 20202-4260.*

**DEFINITIONS FOR  
DEPARTMENT OF EDUCATION SUPPLEMENTAL INFORMATION FOR SF 424  
(Attachment to Instructions for Supplemental Information for SF 424)**

**Definitions:**

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

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

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

**PROTECTION OF HUMAN SUBJECTS IN RESEARCH**

**I. Definitions and Exemptions**

**A. Definitions.**

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

**—Research**

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

**—Human Subject**

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

**B. Exemptions.**

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

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

(2) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior, unless: (a) information obtained is recorded in such a manner that human subjects can be identified, directly or through identifiers linked to the subjects; and (b) any disclosure of the human subjects’ responses outside the research could reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects’ financial standing, employability, or reputation. *If the subjects are children, exemption 2 applies only to research involving educational tests and observations of public behavior when the investigator(s) do not participate in the activities being observed.*

**Exemption 2 does not apply if children are surveyed or interviewed or if the research involves observation of public behavior and the investigator(s) participate in the activities being observed.** [Children are defined as persons who have not attained the legal age for consent to treatments or procedures involved in the research, under the applicable law or jurisdiction in which the research will be conducted.]

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

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

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

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

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

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

### A. Exempt Research Narrative.

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

### B. Nonexempt Research Narrative.

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

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

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

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

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

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

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

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

*Copies of the Department of Education’s Regulations for the Protection of Human Subjects, 34 CFR Part 97 and other pertinent materials on the protection of human subjects in research are available from the U.S. Department of Education, Protection of Human Subjects Coordinator, Office of the Chief Financial Officer, LBJ Building, 400 Maryland Avenue, SW, Washington, D.C. 20202-4250, telephone: (202) 260-3353, and on the U.S. Department of Education’s Protection of Human Subjects in Research Web Site: <http://www.ed.gov/about/offices/list/ocfo/humansub.html>*

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



**U.S. DEPARTMENT OF EDUCATION  
BUDGET INFORMATION  
NON-CONSTRUCTION PROGRAMS**

OMB Control Number: 1894-0008  
Expiration Date: 02/28/2011

Name of Institution/Organization

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

**SECTION A - BUDGET SUMMARY**

**U.S. DEPARTMENT OF EDUCATION FUNDS**

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

**\*Indirect Cost Information (To Be Completed by Your Business Office):**

If you are requesting reimbursement for indirect costs on line 10, please answer the following questions:

- (1) Do you have an Indirect Cost Rate Agreement approved by the Federal government?  Yes  No
- (2) If yes, please provide the following information:  
 Period Covered by the Indirect Cost Rate Agreement: From: \_\_\_/\_\_\_/\_\_\_\_\_ To: \_\_\_/\_\_\_/\_\_\_\_\_ (mm/dd/yyyy)  
 Approving Federal agency: \_\_\_ ED \_\_\_ Other (please specify): \_\_\_\_\_ The Indirect Cost Rate is \_\_\_\_\_%
- (3) For Restricted Rate Programs (check one) -- Are you using a restricted indirect cost rate that:  
 Is included in your approved Indirect Cost Rate Agreement? or  Complies with 34 CFR 76.564(c)(2)? The Restricted Indirect Cost Rate is \_\_\_\_\_%

Name of Institution/Organization	Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.
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**SECTION B - BUDGET SUMMARY  
NON-FEDERAL FUNDS**

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

**SECTION C – BUDGET NARRATIVE** (see instructions)

## Instructions for ED 524

### General Instructions

**This form is used to apply to individual U.S. Department of Education (ED) discretionary grant programs. Unless directed otherwise, provide the same budget information for each year of the multi-year funding request. Pay attention to applicable program specific instructions, if attached. You may access the Education Department General Administrative Regulations, 34 CFR 74 – 86 and 97-99, on ED’s website at:**

**<http://www.ed.gov/policy/fund/reg/edgarReg/edgar.html>**

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

### Section A - Budget Summary

U.S. Department of Education Funds

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

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

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

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

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

**Indirect Cost Information:** If you are requesting reimbursement for indirect costs on line 10, this information is to be completed by your Business Office. (1): Indicate whether or not your organization has an Indirect Cost Rate Agreement that was approved by the Federal government. If you checked “no,” ED generally will authorize grantees to use a temporary rate of 10 percent of budgeted salaries and wages subject to the following limitations:

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

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

(2): If you checked “yes” in (1), indicate in (2) the beginning and ending dates covered by the Indirect Cost Rate Agreement. In addition, indicate whether ED, another Federal agency (Other) or State agency issued the approved agreement. If you check “Other,” specify the name of the Federal or other agency that issued the approved agreement.

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

### Section B - Budget Summary Non-Federal Funds

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

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

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

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

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

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

1. Provide an itemized budget breakdown, and justification by project year, for each budget category listed in Sections A and B. For grant projects that will be divided into two or more separately budgeted major activities or sub-projects, show for each budget category of a project year the breakdown of the specific expenses attributable to each sub-project or activity.

2. For non-Federal funds or resources listed in Section B that are used to meet a cost-sharing or matching requirement or provided as a voluntary cost-sharing or matching commitment, you must include:

- The specific costs or contributions by budget category;
- The source of the costs or contributions; and

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

[Please review ED’s general cost sharing and matching regulations, which include specific limitations, in 34 CFR 74.23, applicable to non-governmental entities, and 80.24, applicable to governments, and the applicable Office of Management and Budget (OMB) cost principles for your entity type regarding donations, capital assets, depreciation and use allowances. OMB cost principle circulars are available on OMB’s website at:

<http://www.whitehouse.gov/omb/circulars/index.html>]

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

When calculating indirect costs (line 10) for “Training grants” or grants under “Restricted Rate” programs, you must refer to the information and examples on ED’s website at:  
<http://www.ed.gov/fund/grant/apply/appforms/appforms.html>.

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

- Provide other explanations or comments you deem necessary.

Paperwork Burden Statement

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

required to complete this information collection is estimated to vary from 13 to 22 hours per response, with an average of 17.5 hours per response, including the time to review instructions, search existing data sources, gather the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: U.S. Department of Education, Washington, D.C. 20202-4537. If you have comments or concerns regarding the status of your individual submission of this form, write directly to (insert program office), U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202

## 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

### Estimated Burden Statement for GEPA Requirements

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is **1894-0005**. The time required to complete this information collection is estimated to average 1.5 hours per response, including the time to review instructions, search existing data resources,

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. gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202-4537.

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**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, Audits of States, Local Governments, and Non-Profit Organizations.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

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

# Survey on Ensuring Equal Opportunity for Applicants

OMB No. 1894-0010 Exp. 05/31/2012

**Purpose:** The Federal government is committed to ensuring that all qualified applicants, small or large, non-religious or faith-based, have an equal opportunity to compete for Federal funding. In order for us to better understand the population of applicants for Federal funds, we are asking nonprofit private organizations (not including private universities) to fill out this survey.

Upon receipt, the survey will be separated from the application. Information provided on the survey will not be considered in any way in making funding decisions and will not be included in the Federal grants database. While your help in this data collection process is greatly appreciated, completion of this survey is voluntary.

**Instructions for Submitting the Survey:** *If you are applying using a hard copy application, please place the completed survey in an envelope labeled "Applicant Survey." Seal the envelope and include it along with your application package. If you are applying electronically, please submit this survey along with your application.*

**Applicant's (Organization) Name:** \_\_\_\_\_

**Applicant's DUNS Number:** \_\_\_\_\_

**Federal Program:** \_\_\_\_\_ **CFDA Number:** \_\_\_\_\_

1. Has the applicant ever received a grant or contract from the Federal government?

Yes       No

2. Is the applicant a faith-based organization?

Yes       No

3. Is the applicant a secular organization?

Yes       No

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

Yes       No

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

Yes       No

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

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

7. What is the size of the applicant's annual budget?

(*Check only one box.*)

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

# Survey Instructions on Ensuring Equal Opportunity for Applicants

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**Provide the applicant's (organization) name and DUNS number and the grant name and CFDA number.**

1. Self-explanatory.
2. Self-identify.
3. Self-identify.
4. 501(c)(3) status is a legal designation provided on application to the Internal Revenue Service by eligible organizations. Some grant programs may require nonprofit applicants to have 501(c)(3) status. Other grant programs do not.
5. Self-explanatory.
6. For example, two part-time employees who each work half-time equal one full-time equivalent employee. If the applicant is a local affiliate of a national organization, the responses to survey questions 2 and 3 should reflect the staff and budget size of the local affiliate.
7. Annual budget means the amount of money your organization spends each year on all of its activities.

## **Paperwork Burden Statement**

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1890-0014. The time required to complete this information collection is estimated to average five (5) minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** The Agency Contact listed in this grant application package.

OMB No. 1894-0010 Exp. 05/31/2012

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

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 process and a list of names by State can be found at:

[http://www.whitehouse.gov/omb/grants\\_spoc](http://www.whitehouse.gov/omb/grants_spoc)

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#84.282A, 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.**

## **Paperwork Burden Statement**

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1894-0006. The time required to complete this information collection is estimated to average 60 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection.

**If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, D.C. 20202-4537.

**If you have comments or concerns regarding the status of your individual submission of this form, write directly to:** CSP, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington D.C. 20202-5970.

## **Applicant Checklist**

Use This Checklist While Preparing Your Application Package.  
All items listed on this checklist are required, except as noted.

\_\_\_ Abstract

\_\_\_ Budget Narrative

\_\_\_ Project Narrative

Note: Have you addressed all Application Requirements including Selection  
Criteria and Priorities?

\_\_\_ Other Attachments

### **Forms:**

\_\_\_ Application for Federal Assistance (SF424)

\_\_\_ Lobbying Disclosure Form (SF LLL) (if applicable; refer to instructions)

\_\_\_ Grants.gov Lobbying form (formerly ED 80-0013 form)

\_\_\_ Department of Education Supplemental Information for SF 424

\_\_\_ Department of Education Budget Information Non-Construction Programs Form –  
Sections A & B (ED 524)

\_\_\_ Narrative addressing GEPA Section 427

\_\_\_ Assurances for Non-Construction Programs (SF 424B)

\_\_\_ Survey on Ensuring Equal Opportunity for Applicants