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Office of Elementary and Secondary Education
Office of Indian Education
Washington, D.C. 20202-6335
Fiscal Year 2022**

**Application for New Grants Under
the Native American Language
(NAL@ED) Program**

CFDA 84.415B



**Dated Material - Open Immediately
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Angela Hernandez
Office of Indian Education
U.S. Department of Education
400 Maryland Avenue, S.W., room 3W248
Washington, D.C. 20202.

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

Table of Contents

Contents

Table of Contents	3
Dear Colleague Letter	4
I. Program Background Information	5
Native American Language (NAL@ED) Program	5
Program Overview.....	5
Application Requirements and Priorities	5
Applicant Guide.....	7
Technical Assistance Workshops for Prospective Applicants	10
II. Application Submission Procedures	11
Application Transmittal Instructions.....	11
Electronic Application Submission Checklist.....	16
Part 1: Preliminary Documents	18
Part 2: Budget Information.....	30
Part 3: ED Abstract Form.....	34
Part 4: Project Narrative Attachment Form.....	35
Part 5: Budget Narrative.....	37
Part 6: Other Attachments	41
Attachment: Applicant Information for NAL@ED program --Assurances	43
Attachment: Tribal Certification.....	45
Attachment: Competitive Preference Priority One.....	46
Part 7: Assurances and Certifications.....	47
III. Reporting and Accountability	50
IV. Legal and Regulatory Information	51
Notice Inviting Applications	51
Program Statute	87

United States Department of Education
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION
OFFICE OF INDIAN EDUCATION

Dear Colleague:

Thank you for your interest in the Native American Language (NAL@ED) grant program, administered by the Office of Elementary and Secondary Education of the U.S. Department of Education (Department). This document includes information for applicants seeking funding for new grant projects in Fiscal Year 2022 under the Native American Language program, authorized under Title VI of the Elementary and Secondary Act, as amended. The purposes of the NAL@ED program are to (1) support schools that use Native American and Alaska Native languages as the primary language of instruction; (2) maintain, protect, and promote the rights and freedom of Native Americans and Alaska Natives to use, practice, maintain, and revitalize their languages, as envisioned in the Native American Languages Act of 1990 (25 U.S.C. 2901, *et seq.*); and (3) support the Nation's First Peoples' efforts to maintain and revitalize their languages and cultures, and to improve educational opportunities and student outcomes within Native American and Alaska Native communities..

Please take the time to review the applicable priorities, selection criteria, and all the application instructions. An application will not be evaluated for funding if the applicant does not comply with all the procedural rules that govern the submission of the application or the application does not contain the information required under the program ([34 CFR§75.216](#) (b) and (c)).

If you are new to or would like a refresher on applying to a grant at the Department, please review our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the Federal Register on December 27, 2021 (86 FR 73264), and available at <https://www.govinfo.gov/content/pkg/FR-2021-12-27/pdf/2021-27979.pdf>.

For this competition, it is mandatory for applicants to use the government-wide website, Grants.gov (<https://www.grants.gov>), to apply. Please note that the Grants.gov site works differently than the U.S. Department of Education's e-Application System. We strongly encourage you to familiarize yourself with Grants.gov and strongly recommend that you register and submit early.

Also be aware that applications submitted to Grants.gov for the Department of Education will now be posted using Adobe forms. Therefore, applicants will need to download a compatible version of Adobe reader. Please review the Submitting Applications with Adobe Reader Software and Education Submission Procedures and Tips for Applicants forms found within this package for further information and guidance related to this requirement.

Using FY 2022 funds, the Department expects to award approximately \$1.05 million for new grants under this competition. These awards will be for a project period of up to 60 months. Grants are expected to be awarded in late September 2022.

Please visit our program website at <https://oese.ed.gov/offices/office-of-indian-education/native-american-language-program/> for further information. The program website includes helpful information, frequently asked questions, dates of future webinars or workshops, and clarifications. If you have any technical questions about the program after reviewing the application package, please contact Angela Hernandez by telephone at 202-987-0202 or via email at NAL@ed.gov.

Sincerely,

Donna Sabis-Burns, Group Leader

I. Program Background Information

Native American Language (NAL@ED) Program

CFDA Number: 84. 415B

Program Overview

The purposes of the NAL@ED program are to support schools that use Native American and Alaska Native languages as the primary language of instruction; maintain, protect, and promote the rights and freedom of Native Americans and Alaska Natives to use, practice, maintain, and revitalize their languages, as envisioned in the Native American Languages Act of 1990 (25 U.S.C. 2901 et seq.); and support the Nation’s First Peoples’ efforts to maintain and revitalize their languages and cultures, and to improve educational opportunities and student outcomes within Native American and Alaska Native communities

Application Requirements and Priorities

There are application requirements for this FY 2022 grant competition and any subsequent year in which awards are made from the list of unfunded applications from this competition.

Applicants are encouraged to thoroughly review the application requirements described in the Notice Inviting Applications (NIA) for this competition in the Federal Register.

<https://www.federalregister.gov/documents/2022/06/03/2022-12016/applications-for-new-awards-indian-education-discretionary-grants-programs-native-american-language>

Grant competitions may include “Absolute Priorities,” which must be clearly met in order for an application to be considered, and also “Competitive Preference” or “Invitational Priorities,” which are not required to be met but may increase the likelihood of receiving an award.

Absolute Priorities

For FY 2022 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are absolute priorities. Under 34 CFR 75.105(c)(3), we consider only applications that meet either Absolute Priority 1 or 2.

Note: The Department may create two funding slates—one for applications that meet Absolute Priority 1 and a separate slate for applications that meet Absolute Priority 2. As a result, the Secretary may fund applications out of the overall rank order, but the Department is not bound to do so. Applicants must clearly identify the specific absolute priority that the proposed project addresses in the project abstract section of the application.

These priorities are:

Absolute Priority 1: Develop and Maintain New Native American Language Programs.

To meet this priority, an applicant must propose to develop and maintain a Native American language instructional program that—

- (a) Will support Native American language education and development for Native American students, as well as provide professional development for teachers and, as appropriate, staff and administrators, to strengthen the overall language and academic goals of the school or schools that will be served by the project;
- (b) Will take place in a school; and
- (c) Does not augment or replace a program of identical scope that was active within the last three years at the school(s) to be served.

Absolute Priority 2: Expand and Improve Existing Native American Language Programs.

To meet this priority, an applicant must propose to improve and expand a Native American language instructional program that—

- (a) Will improve and expand Native American language education and development for Native American students, as well as provide professional development for teachers and, as appropriate, staff and administrators, to strengthen the overall language and academic goals of the school or schools that will be served by the project;
- (b) Will continue to take place in a school; and
- (c) Within the past three years has been offered at the school(s) to be served.

Competitive Preference Priorities

For FY 2022 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i) we award up to an additional 7 points to an application, depending on how well an application meets Competitive Preference Priority 1, and we award an additional 5 points to an application that meets Competitive Preference Priority 2. The maximum number of competitive preference priority points is 12.

These priorities are:

Competitive Preference Priority 1: Support Project Sustainability With Title VI Indian Education Formula Grant Funds. (up to 7 points)

To meet this priority, an applicant or a partner must receive, or be eligible to receive, a formula grant under title VI of the Elementary and Secondary Education Act of 1965, as amended (ESEA), and must commit to use all or part of that formula grant to help sustain this project after the conclusion of the grant period. To meet this priority, an applicant must include in its application—

- (a) A statement that indicates the school year in which the entity will begin using title VI formula grant funds to help support this project;
- (b) The percentage of the title VI grant that will be used for the project, which must be at least--
 - (i) 20 percent of the applicant’s title VI formula grant (3 points);
 - (ii) 40 percent of the applicant’s title VI formula grant (4 points);
 - (iii) 60 percent of the applicant’s title VI formula grant (5 points);
 - (iv) 80 percent of the applicant’s title VI formula grant (6 points); or
 - (v) 100 percent of the applicant’s title VI formula grant (7 points); and
- (c) The timeline for obtaining parent committee input and approval of this action, if necessary.

Competitive Preference Priority 2: Preference for Indian Applicants. (0 or 5 points)

To meet this priority, an application must be submitted by an Indian Tribe, Indian organization, Bureau of Indian Education (BIE)-funded school, or Tribal College or University (TCU) that is eligible to participate in the NAL@ED program. A consortium of eligible entities that meets the requirements of 34 CFR 75.127 through 75.129 and includes an Indian Tribe, Indian organization, BIE-funded school, or TCU will also be considered eligible to meet this priority. In order to be considered a consortium application, the application must include the consortium agreement signed by all parties.

Note: The consortium agreement must state that the members designate one member of the group to apply for the grant, detail the activities that each member of the group plans to perform, and bind each member of the group to every statement and assurance made by the applicant in the application (34 CFR 75.128(a) and (b)).

Applicant Guide

Applications are entered into the Grants.gov system; applications submitted via email will not be accepted. For more information, including how to submit a paper application in cases in which electronic submission is not possible, please read the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the Federal Register on December 27, 2021 (86 FR 73264), and available at <https://www.govinfo.gov/content/pkg/FR-2021-12-27/pdf/2021-27979.pdf>.

A completed application will include a program narrative. The program narrative is the section of the application that directly responds to the selection criteria. The program narrative should follow the order of the selection criteria. Applicants should describe, in detail, activities planned for each of the funding periods of the grant. The program office suggests that applicants limit the program narrative to 30 pages. Narrative attachments must be submitted as files in a read-only, flattened Portable Document Format (PDF) or as a Microsoft Word document. If applicants upload a different file type or submit a password-protected file, we will not review that material.

A minimum of 3 peer reviewers will evaluate each proposal. Reviewers will be asked to review the applicants' responses to each criterion and score each of their assigned proposals. Not responding to a specific criterion could negatively impact the score.

The Notice Inviting Applications (NIA) for this competition provides the priorities, selection criteria, application requirements, program requirements, eligibility, and definitions.

Selection Criteria

The selection criteria are from the NFP and 34 CFR 75.210. The source of each selection criterion, and the maximum possible score for addressing each criterion and subcriterion, is included in parentheses. The maximum possible score for addressing all of the criteria in this section is 100 points.

In evaluating an application, the Secretary considers the following criteria:

(a) Quality of the project design (32 points).

The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following factors:

- (1) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable. (9 points) (34 CFR 75.210(c)(2)(i))
- (2) The extent to which the project design will ensure that students' progress toward grade-level and developmentally appropriate fluency in the Native American language. (6 points) (NFP)
- (3) The extent to which the proposed project will incorporate parent engagement and participation in Native American language instruction. (6 points) (NFP)
- (4) The quality of the approach to developing and administering pre- and post-assessments of student Native American language proficiency, including consultation with individuals with assessment expertise, as needed. (6 points) (NFP)
- (5) The extent to which the performance feedback and continuous improvement are integral to the design of the proposed project. (5 points) (34 CFR 75.210 (c)(2)(xxi))

(b) Quality of project services (29 points).

The Secretary considers the quality of the services to be provided by the proposed project. In determining the quality of the services to be provided by the proposed project, the Secretary considers the following factors:

- (1) The quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. (1 point) (34 CFR 75.210(d)(2))
- (2) The quality of the plan for supporting grade-level and developmentally appropriate instruction in a Native American language by providing instruction of or through the Native American language. (11 points) (NFP)
- (3) The extent to which the project will provide professional development for teachers and, as appropriate, staff and administrators to strengthen the overall language proficiency and academic goals of the school(s) that will be served by the project, including cultural competence training for all staff in the school(s). (10 points) (NFP)
- (4) The extent to which the services to be provided by the proposed project involve the collaboration of appropriate partners for maximizing the effectiveness of project services. (4 points) (34 CFR 75.210(d)(3)(ix))
- (5) The extent to which the percentage of the school day that instruction will be provided in the Native American language is ambitious and is reasonable for the grade level and population served. (3 points) (NFP)

(c) Quality of project personnel (16 points).

The Secretary considers the quality of the personnel who will carry out the proposed project. In determining the quality of project personnel, the Secretary considers:

- (1) The extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. (1 point) (NFP)
- (2) The extent to which teachers of the Native American language who are identified as staff for this project have teaching experience and are fluent in the Native American language. (9 points) (NFP)
- (3) The qualifications, including relevant training and experience, of key project personnel. (6 points) (34 CFR 75.210(e)(3)(ii))

(d) Adequacy of resources (10 points).

The Secretary considers the adequacy of resources for the proposed project. In determining the adequacy of resources for the proposed project, the Secretary considers:

- (1) The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project. (6 points) (34 CFR 75.210(f)(2)(iv))
- (2) The potential for continued support of the project after Federal funding ends, including, as appropriate, the demonstrated commitment of appropriate entities to such support. (4 points) (34 CFR 75.210(f)(2)(vi))

(e) Quality of the management plan (13 points).

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

- (1) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks. (8 points) (34 CFR 75.210(g)(2)(i))
- (2) The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project. (5 points) (34 CFR 75.210(g)(2)(iv))

Definitions

Definitions for this program are from the NFP published in the Federal Register, and from the statute governing this program. These definitions apply to the FY 2022 grant competition and any subsequent year in which we make awards from the list of unfunded applications from this competition.

Indian organization (or Tribal organization) means an organization that—

- (1) Is legally established—
 - (i) By Tribal or inter-Tribal charter or in accordance with State or Tribal law; and
 - (ii) With appropriate constitution, bylaws, or articles of incorporation;
- (2) Includes in its purposes the promotion of the education of Indians;
- (3) Is controlled by a governing board, the majority of which is Indian;
- (4) If located on an Indian reservation, operates with the sanction of or by charter from the governing body of that reservation;
- (5) Is neither an organization or subdivision of, nor under the direct control of, any institution of higher education or TCU; and
- (6) Is not an agency of State or local government.

Native American means:

- (1) “Indian” as defined in section 6151(3) of the ESEA (20 U.S.C. 7491(3)), which includes individuals who are Alaska Natives and members of federally recognized or State recognized Tribes;
- (2) Native Hawaiian; or
- (3) Native American Pacific Islander. (ESEA secs. 6151(3) and 8101(34))

Native American language means the historical, traditional languages spoken by Native Americans. (ESEA sec. 8101(34))

Tribal college or university means an institution that—

- (1) Qualifies for funding under the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801, et seq.) or the Navajo Community College Act (25 U.S.C. 640a note); or
 - (2) Is cited in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note). (ESEA sec. 6133 and section 316 of the Higher Education Act of 1965, as amended)
- Tribe means either a federally recognized Tribe or a State-recognized Tribe.

Technical Assistance Workshops for Prospective Applicants

The Department intends to hold two pre-application webinars designed to provide technical assistance to interested applicants. The first webinar will be held June 21, 2022, from 1:30pm – 3:00p.m. Eastern time. You may join using this link: <https://seiservices.zoom.us/j/98771475201> . The second webinar will be held on June 29, 2022, from 1:30pm – 3:00p.m. Eastern time. You may join using this link: <https://seiservices.zoom.us/j/83324551709>. Additional information on this grant competition can be found on the Department Web site at <https://oese.ed.gov/offices/office-of-indian-education/native-american-language-program/applicant-information-native-american-language-program/>. Please check the site regularly for updates.

II. Application Submission Procedures

The deadline for submission of NAL@ED grant applications through Grants.gov is 11:59:59 PM EST on August 2, 2022.

Application Transmittal Instructions

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

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.

Browser Support

The latest versions of Microsoft Internet Explorer (IE), Mozilla Firefox, Google Chrome, and Apple Safari are supported for use with Grants.gov. However, these web browsers undergo frequent changes and updates, so we recommend you have the latest version when using Grants.gov. Legacy versions of these web browsers may be functional, but you may experience issues. Grants.gov no longer provides support for Microsoft Internet Explorer 9 or below.

For additional information or updates, please see the Grants.gov Browser information in the Applicant FAQs: <http://www.grants.gov/web/grants/applicants/applicant-faqs.html#browser>

ATTENTION – Workspace, Adobe Forms and PDF Files

Grants.gov applicants can apply online using Workspace. Workspace is a shared, online environment where members of a grant team may simultaneously access and edit different web forms within an application. For each funding opportunity announcement (FOA), you can create individual instances of a workspace.

Below is an overview of applying on Grants.gov. For access to complete instructions on how to apply for opportunities, refer to: <https://www.grants.gov/web/grants/applicants/workspace-overview.html>.

- 1) **Create a Workspace:** Creating a workspace allows you to complete it online and route it through your organization for review before submitting.
- 2) **Complete a Workspace:** Add participants to the workspace to work on the application together, complete all the required forms online or by downloading PDF versions, and check for errors before submission. The Workspace progress bar will display the state of your application process as you apply. As you apply using Workspace, you may click the blue question mark icon

near the upper-right corner of each page to access context-sensitive help.

- a. Adobe Reader: If you decide not to apply by filling out web forms you can download individual PDF forms in Workspace. The individual PDF forms can be downloaded and saved to your local device storage, network drive(s), or external drives, then accessed through Adobe Reader.

NOTE: Visit the Adobe Software Compatibility page on Grants.gov to download the appropriate version of the software at: <https://www.grants.gov/web/grants/applicants/adobe-software-compatibility.html>

b. Mandatory Fields in Forms: In the forms, you will note fields marked with an asterisk and a different background color. These fields are mandatory fields that must be completed to successfully submit your application.

c. Complete SF-424 Fields First: The forms are designed to fill in common required fields across other forms, such as the applicant name, address, and Unique Entity Identifier (UEI) Number. Once it is completed, the information will transfer to the other forms.

3) Submit a Workspace: An application may be submitted through workspace by clicking the Sign and Submit button on the Manage Workspace page, under the Forms tab. Grants.gov recommends submitting your application package at least 24-48 hours prior to the close date to provide you with time to correct any potential technical issues that may disrupt the application submission.

4) Track a Workspace Submission: After successfully submitting a workspace application, a Grants.gov Tracking Number (GRANTXXXXXXXX) is automatically assigned to the application. The number will be listed on the Confirmation page that is generated after submission. Using the tracking number, access the Track My Application page under the Applicants tab or the Details tab in the submitted workspace.

For additional training resources, including video tutorials, refer to <https://www.grants.gov/web/grants/applicants/applicant-training.html>.

Helpful Reminders

- 1) **REGISTER EARLY** – Grants.gov registration involves many steps including registration on SAM (www.sam.gov), which usually takes approximately 7 to 10 business days, but can take longer depending on the completeness and accuracy of the data entered into the SAM database by an applicant. You may begin working on your application while completing the registration process, but you cannot submit an application until all of the Registration steps are complete. Please note that once your SAM registration is active, it will take 24-48 hours for the information to be available in Grants.gov, and before you can submit an application through Grants.gov. For detailed information on the Registration Steps, please go to: <http://www.grants.gov/web/grants/register.html>. Please note that your organization will need to update its SAM registration annually.

To register in SAM.gov, click on the “Get Started” link under the “Register Your Entity...”

heading in SAM.gov. Grantees, and other entities wanting to do business with the U.S. Department of Education (e.g., entities applying for a grant), that are not already registered in SAM.gov must complete the “Register Entity” registration option and NOT the “Get a Unique Entity ID” option. The “Get a Unique Entity ID” option, which is not a full registration, is only available to entities for reporting purposes. Failing to complete the “Register Entity” option may result in loss of funding, loss of applicant eligibility, and/or delays in receiving a grant award. Information about SAM is available at www.SAM.gov. To further assist you with registering in SAM or updating your existing SAM registration, see the Quick Start Guide for Grant Registrations and the Entity Registration Video at <https://sam.gov/content/entity-registration>.

- 2) **SUBMIT EARLY – We strongly recommend that you do not wait until the last day to submit your application. Grants.gov will put a date/time stamp on your application and then process it after it is fully uploaded.** The time it takes to upload an application will vary depending on a number of factors including the size of the application and the speed of your Internet connection, and the time it takes Grants.gov to process the application will vary as well. If Grants.gov rejects your application (see step three below), you will need to resubmit successfully to Grants.gov before 11:59:59 p.m. Eastern Time on the deadline date.

You must provide the UEI on your application that was used when you registered as an Authorized Organization Representative (AOR) on Grants.gov. This UEI is assigned to your organization in SAM at the time your organization registers in SAM. If you do not enter the UEI assigned by SAM on your application, Grants.gov will reject your application.

- 3) **VERIFY SUBMISSION IS OK –** You will want to verify that Grants.gov received your application submission on time and that it was validated successfully. To see the date/time your application was received, login to Grants.gov and click on the Track My Application link. For a successful submission, the date/time received should be earlier than 11:59:59 p.m. Eastern Time, on the deadline date, AND the application status should be: Validated, Received by Agency, or Agency Tracking Number Assigned. Once the Department of Education receives your application from Grants.gov, an Agency Tracking Number (PR/award number) will be assigned to your application and will be available for viewing on Grants.gov’s Track My Application link.

If the date/time received is later than 11:59:59 p.m. Eastern Time, on the deadline date, your application is late. If your application has a status of “Received” it is still awaiting validation by Grants.gov. Once validation is complete, the status will either change to “Validated” or “Rejected with Errors.” If the status is “Rejected with Errors,” your application has not been received successfully. Some of the reasons Grants.gov may reject an application can be found on the Grants.gov site: <http://www.grants.gov/web/grants/applicants/encountering-error-messages.html>. For more detailed information on troubleshooting Adobe errors, you can review the Adobe Reader Software Tip Sheet at: <http://www.grants.gov/web/grants/applicants/adobe-software-compatibility.html>. If you discover your application is late or has been rejected, please see the instructions below.

Note: You will receive a series of confirmations both online and via e-mail about the status of your application. Please do not rely solely on e-mail to confirm whether your application

has been received timely and validated successfully.

Submission Problems – What should you do?

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

We strongly encourage paper applications, but if electronic submission is not possible (e.g., you do not have access to the internet), (1) you must provide a prior written notification that you intend to submit a paper application and (2) your paper application must be postmarked by the application deadline date. If you submit your prior written notification by email, it must be received by the Department no later than 14 calendar days before the application deadline date. If you mail your notification to the Department, it must be postmarked no later than 14 calendar days before the application deadline date (See the 2021 Common Instructions for detailed instructions regarding this procedure).

Helpful Hints When Working with Grants.gov

Please go to <http://www.grants.gov/web/grants/support.html> for help with Grants.gov. For additional tips related to submitting grant applications, please refer to the Grants.gov Applicant FAQs found at this Grants.gov link: <http://www.grants.gov/web/grants/applicants/applicant-faqs.html> as well as additional information on Workspace at <https://www.grants.gov/web/grants/applicants/applicant-faqs.html#workspace>.

Slow Internet Connections

When using a slow internet connection, such as 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. Failure to fully upload an application by the deadline date and time will result in your application being marked late in the G5 system. **If you do not have access to a high-speed internet connection, 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 14 calendar days before the application deadline date.** (See the Federal Register notice for detailed instructions and the 2021 Common Instructions.)

Attaching Files – Additional Tips

Please note the following tips related to attaching files to your application:

When you submit your application electronically, you must upload any narrative sections and all other attachments to your application as files in either Portable Document Format (PDF) or Microsoft Word. Although applicants have the option of uploading any narrative sections and all other attachments to their application in either PDF or Microsoft Word, we recommend applicants submit all documents as read-only flattened PDFs, meaning any fillable PDF files must be saved and submitted as non-fillable PDF files and not as interactive or fillable PDF files, to better ensure applications are processed in a more timely, accurate, and efficient manner.

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.

When attaching files, applicants should follow the guidelines established by Grants.gov on the size and content of file names. Uploaded file names must be fewer than 50 characters, and, in general, applicants should not use any special characters. However, Grants.gov does allow for the following UTF-8 characters when naming your attachments: A-Z, a-z, 0-9, underscore, hyphen, space, period, parenthesis, curly braces, square brackets, ampersand, tilde, exclamation point, comma, semi colon, apostrophe, at sign, number sign, dollar sign, percent sign, plus sign, and equal sign. Applications submitted that do not comply with the Grants.gov guidelines will be rejected at Grants.gov and not forwarded to the Department.

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 with all attachments is less than 5 MB. Therefore, you may want to check the total size of your package before submission.

Electronic Application Submission Checklist

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

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

Part 1: Preliminary Documents

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

Part 2: Budget Information

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

Part 3: ED Abstract Form

- Project Abstract

Part 4: Project Narrative Attachment Form

- Application Narrative

Part 5: Budget Narrative Attachment Form

- Budget Narrative

Part 6: Other Attachments

- Application Requirement 1 – General Requirements: Applicant Information for NAL@ED program Attachment with Assurances (**Required of all applicants**) (see form in this package)

Required, if Applicable

- Memorandum of Agreement for any applicant that proposes a project with a partner. NOTE: The applicant's Memorandum of Agreement may also serve as a consortium agreement for the purposes of requesting competitive preference priority points if it meets the requirements of [34 CFR 75.127-129](#)
- Applicant Engagement with Indian Tribes and Tribal Organizations
- Tribal Certification Attachment (see form in this package)
- Request for Competitive Preference Priority One Attachment (see form in this package)
- Documentation of Indian Organization
- Indirect Cost Rate Agreement

Part 7: Assurances and Certifications

- Assurances for Non-Construction Programs (SF 424B Form)

- Disclosure of Lobbying Activities (Standard Form LLL) (Optional)
- Grants.gov Lobbying Form
- General Education Provisions Act (GEPA) Requirements – Section 427 (ED GEPA427 form)

Part 1: Preliminary Documents

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

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

You must provide the UEI on your application that was used when you registered as an Authorized Organization Representative (AOR) on Grants.gov. This UEI is assigned to your organization in SAM at the time your organization registers in SAM. If you do not enter the UEI assigned by SAM on your application, Grants.gov will reject your application.

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

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

Grants.gov Form Instructions

Form Identifiers	Information
Agency Owner	Grants.gov
Form Name	Application for Federal Assistance (SF-424) V4.0
OMB Number	4040-0004
OMB Expiration Date	12/31/2022

Form Field Instructions

Field Number	Field Name	Required or Optional	Information
1.	Type of Submission:	Required	<p>Select one type of submission in accordance with agency instructions.</p> <ul style="list-style-type: none"> • Pre-application • Application • 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.
2.	Type of Application	Required	<p>Select one type of application in accordance with agency instructions.</p> <ul style="list-style-type: none"> • New - An application that is being submitted to an agency for the first time. • Continuation - An extension for an additional funding/budget period for a project with a projected completion date. This can include renewals. • Revision - Any change in the federal government's financial obligation or contingent liability from an existing obligation. If a revision, enter the appropriate letter(s). More than one may be selected. <p style="margin-left: 40px;"> A: Increase Award B: Decrease Award C: Increase Duration D: Decrease Duration E: Other (specify) AC: Increase Award, Increase Duration AD: Increase Award, Decrease Duration BC: Decrease Award, Increase Duration BD: Decrease Award, Decrease Duration </p>
3.	Date Received:	Required	Enter date if form is submitted through other means as instructed by the Federal agency. The date received is completed electronically if submitted via Grants.gov.
4.	Applicant Identifier:		Enter the entity identifier assigned by the Federal agency, if any, or the applicant's control number if applicable.
5a.	Federal Entity Identifier:		Enter the number assigned to your organization by the federal agency, if any.

5b.	Federal Award Identifier:		For new applications, leave blank. For a continuation or revision to an existing award, enter the previously assigned federal award identifier number. If a changed/corrected application, enter the federal identifier in accordance with agency instructions.
6.	Date Received by State:		Leave this field blank. This date will be assigned by the state, if applicable
7.	State Application Identifier:		Leave this field blank. This identifier will be assigned by the state, if applicable.
8.	Applicant Information:		Enter the following in accordance with agency instructions.
	a. Legal Name:	Required	Enter the legal name of the applicant that will undertake the assistance activity. This is the organization that has registered with the System for Award Management (SAM). Information on registering with SAM may be obtained by visiting SAM.gov.
	b. Employer/Taxpayer Number (EIN/TIN):	Required	Enter the employer or taxpayer identification number (EIN or TIN) as assigned by the Internal Revenue Service. If your organization is not in the US, enter 44-4444444.
	c. UEI:	Required	Enter the organization's UEI received from SAM. The UEI is a unique 12 character organization identifier. Information on registering with System for Award Management (SAM.gov) may be obtained by visiting the Grants.gov website.
	d. Address:	Required	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 is US). If +4 does not exist for the address, enter "0000".
	e. Organizational Unit		Enter the name of the primary organizational unit, department, or division that will undertake the assistance activity.
	f. Name and contact information of person to be contacted on matters involving this application	Required	Enter the first and last name (required); prefix, middle name, suffix, and 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: Select Applicant Type	Required	<p>Select a minimum of one applicant type or select up to three applicant types in accordance with agency instructions. If “Other” is selected, then specify Other Type of Applicant in text box.</p> <ul style="list-style-type: none"> A. State Government B. County Government C. City or Township Government D. Special District Government E. Regional Organization F. U.S. Territory or Possession G. Independent School District H. Public/State Controlled Institution of Higher Education I. Indian/Native American Tribal Government (Federally Recognized) J. Indian/Native American Tribal Government (Other than Federally Recognized) K. Indian/Native American Tribally Designated Organization L. Public/Indian Housing 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 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)
10.	Name of Federal Agency:	Required	Enter the name of the federal agency from which assistance is being requested with this application. This information is pre-populated if submitting through Grants.gov.
11.	Catalog Of Federal Domestic Assistance Number/Title	Required	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. This information is pre-populated if using Grants.gov.
12.	Funding Opportunity Number/Title	Required	Enter the Funding Opportunity Number and title of the opportunity under which assistance is requested as found in the program announcement. This information is pre-populated if using Grants.gov.

13.	Competition Identification Number/Title:		Enter the competition identification number and title of the competition under which assistance is requested, if applicable. These fields are pre-populated by Grants.gov if provided by the federal agency.
14.	Areas Affected By Project:		This data element is intended for use only by programs for which the area(s) affected are likely to be different from the place(s) of performance reported on the SF-424 Project/Performance Site Location(s) Form. Add attachment to enter additional areas, if needed.
15.	Descriptive Title of Applicant's Project:	Required	Enter a brief descriptive title of the project. Supporting documents may be attached if specified in agency instructions.
16.	Congressional Districts	Required	16a. Enter the applicant's congressional district. 16b. Enter the primary district affected by the program or project. Enter in the following format: 2 character state abbreviation – 3 characters district number, e.g., CA-005 for California 5 th district, CA-012 for California 12 th district, NC-103 for North Carolina's 103 rd district. If all congressional districts in a state are affected, enter "all" for the district number, e.g., MD-all for all congressional districts in Maryland. If nationwide, i.e., all districts within all states are affected, enter US-all. If the program/project is outside the US, enter 00.000. This optional data element is intended for use only by programs for which the area(s) affected are likely to be different than place(s) of performance reported on the SF-424 Project/Performance Site Location(s) form. Attach an additional list of program/project congressional districts, if needed.
17.	Proposed Project Start and End Dates:	Required	Enter the proposed start date and end date of the project.
18.	Estimated Funding:	Required	Enter the amount requested, or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines, as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses. For zero funding, enter 0.
19.	Is Application Subject to Review by State Under Executive Order	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.

20.	Is the Applicant Delinquent on any Federal Debt?	Required	Select the appropriate box. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of federal debt include; but may not be limited to: delinquent audit disallowances, loans, and taxes. If yes, include an explanation in an attachment.
21.	Authorized Representative:	Required	To be signed and dated by the authorized representative of the applicant organization. Enter the first and last name (required); prefix, middle name, and suffix. Enter title, telephone number, fax number, and email. Fax number is not required. 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.) If the application is submitted via Grants.gov, the signature of the authorized representative and the date signed are completed upon submission.

Instructions for U.S. Department of Education Supplemental Information for the SF-424 Application for Federal Assistance

- 1. Project Director.** Name, address, telephone and fax numbers, and e-mail and alternate email addresses of the Project Director to be contacted on matters involving this application. Enter Project Director's level of effort (the percentage of time devoted to the grant). Items marked with an asterisk (*) are mandatory.
- 2. New Potential Grantee or Novice Applicant.** If applicable, for (a), check "Yes" if you meet the definition for new potential grantees or novice applicants specified in the program competition's notice inviting applications (NIA) and included on the attached page entitled "Definitions for U.S. Department of Education Supplemental Information for the SF-424". By checking "Yes" the applicant certifies that it meets the new potential grantee or novice applicant requirements. Check "No" if you do not meet the definition for new potential grantees or novice applicants. For (b), if the program competition NIA is giving competitive preference points for new potential grantees or novice applicants, indicate how many points you are claiming for your application. The NIA will indicate how many are available depending on the design of the competition. Some competitions may provide more than one category of new potential grantees with differing levels of points.
- 3. Qualified Opportunity Zones.** If applicable, provide the Qualified Opportunity Zones (QOZ) census tract number(s) if the NIA includes a QOZ Priority in which you propose to either provide services in QOZ(s) or are located in a QOZ.
- 4. Human Subjects Research.** (See I. A. "Definitions" in attached page entitled "Definitions for U.S. Department of Education Supplemental Information for the SF-424 form.")
 - 4a. 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.
 - 4a. If Human Subjects Research.** Check "Yes" if research activities involving human subjects are planned at any time during the proposed project period, either at the applicant organization or at any other performance site or collaborating institution. Check "Yes" even if the research is exempt from the regulations for the protection of human subjects. (See I. B. "Exemptions" in attached page entitled "Definitions for U.S. Department of Education Supplemental Information for the SF-424 Application for Federal Assistance.")
 - 4b. If Human Subjects Research is Exempt from the Human Subjects Regulations.** Check "Yes" if all the research activities proposed are designated to be exempt from the regulations. Check the exemption number(s) corresponding to one or more of the eight exemption categories (Regulation revised in 2018 and became effective in 2019) listed in I. B. "Exemptions." In addition, follow the instructions in II. A. "Exempt Research Narrative" in the attached page entitled "Definitions for U.S. Department of Education Supplemental Information for the SF-424 Application for Federal Assistance."
 - 4b. If Human Subjects Research is Not Exempt from Human Subjects Regulations.** Check "No" if some or all of the planned research activities are covered (not exempt). In addition, follow the instructions in II. B. "Nonexempt Research Narrative" in the attached page entitled "Definitions for U.S. Department of Education Supplemental Information for the SF-424 Application for Federal Assistance."
 - 4b. Human Subjects Assurance Number.** If the applicant has an approved Federal Wide Assurance (FWA) on file with the Office for Human Research Protections (OHRP), U.S. Department of Health and Human Services, that covers the specific activity, insert the number in the space provided. (A list of current FWAs is available at: <http://ohrp.cit.nih.gov/search/search.aspx?styp=bsc>.) 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 part 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.
 - 4c.** If applicable, please attach your "Exempt Research" or "Nonexempt Research" narrative to your submission of the U.S. Department of Education Supplemental Information for the SF-424 form as instructed in item II, "Instructions for Exempt and Nonexempt Human Subjects Research Narratives" in the attached page entitled "Definitions for U.S. Department of Education Supplemental Information for the SF-424 Application for Federal Assistance."

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

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

Public 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. Public reporting burden for this collection of information is estimated to average 20 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. The obligation to respond to this collection is required to obtain or retain benefit (20 USC 3474 General Education Provisions Act). Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, 400 Maryland Ave., SW, Washington, DC 20210-4537 or email ICDocketMgr@ed.gov and reference the OMB Control Number 1894-0007. Note: Please do not return the completed ED SF 424 Supplemental Form to this address.

Definitions for U.S. Department of Education Supplemental Information for the SF-424 Application for Federal Assistance

Definitions:

NEW POTENTIAL GRANTEE OR NOVICE APPLICANT

New Potential Grantee: The definition of New Potential Grantee is set in the program competition's Notice Inviting Applications (NIA). The New Potential Grantee priority is from the Department's *Administrative Priorities for Discretionary Grant Programs* published in the *Federal Register* March 9, 2020 ([85 FR 13640](#)).

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

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

In the case of a group application submitted in accordance with 34 CFR 75.127-75.129, a group includes only parties that meet the requirements listed above. The Novice Applicant priority is from 34 CFR 75.225, and it must be included in the program competition NIA to be claimed on the form.

QUALIFIED OPPORTUNITY ZONES

Definition: From 26 USC section 1400Z-1 of the Internal Revenue Code, which, in relevant part, defines "qualified opportunity zone" as "a population census tract that is a low-income community that is designated as a qualified opportunity zone."

The Qualified Opportunity Zones priority is from the Department's *Final Priority for Discretionary Grant Programs* published in the *Federal Register* November 27, 2019 ([84 FR 65300](#)).

Note: The Treasury Department has created a website of Opportunity Zones Resources that includes a searchable map: <https://www.cdfifund.gov/Pages/Opportunity-Zones.aspx>.

PROTECTION OF HUMAN SUBJECTS IN RESEARCH

I. Definitions and Exemptions

A. Definitions.

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

—Research

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

—Human Subject

The regulations define human subject as "a living individual about whom an investigator (whether professional or student) conducting research obtains (i) information or biospecimens through intervention or interaction with the individual and uses, studies, or analyzes the information or biospecimens, or (ii) obtains, uses, studies, analyzes, or generate identifiable private information or identifiable biospecimens."

*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. If an activity involves obtaining private information about a living person in such a way that the information can be **directly or indirectly** linked to that individual, the definition of human subject is met.*

Private information includes information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information which has been provided for specific purposes by an individual and which the individual can reasonably expect will not be made public (for example, a school health record).

B. Exemptions.

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

(1) Research conducted in established or commonly accepted educational settings, that specifically involves normal educational practices that are not likely to adversely impact students' opportunity to learn required educational content or the assessment of educators who provide instruction. This includes most research on regular and special education instructional strategies, and research on the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods. ***If an educational practice is being introduced to the site and is not widely used for similar populations, it is not covered by this exemption.***

(2) Research that only includes interactions involving educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior (including visual or auditory recordings) if at least one of the following criteria is met: (i) the information obtained is recorded by the investigator in such a manner that the identity of the human subjects cannot readily be ascertained, directly or through identifiers linked to the subjects; (ii) Any disclosure of the human subjects' responses outside the research would not reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, educational advancement or reputation; or (iii) the information obtained is recorded by the investigator in such a manner that the identity of the human subjects can readily be ascertained, directly or through identifiers linked to the subjects, and an Institutional Review Board (IRB) conducts a "limited IRB review" to make the determinations required by 34 CFR 97.111(a)(7).

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 benign behavioral interventions in conjunction with the collection of information from an adult subject through verbal or written responses (including data entry) or audiovisual recording if the subject prospectively agrees to the intervention and information collection and at least one of the following criteria is met: (A) The information obtained is recorded by the investigator in such a manner that the identity of the human subjects cannot readily be ascertained directly or through identifiers linked to the subjects; (B) Any disclosure of the human subjects' responses outside the research would not reasonably place the subjects at risk of criminal or civil liability or be damaging to the subject' financial standing, employability, educational advancement or reputation; or (C) The information obtained is recorded by the investigator in such a manner that the identity of the human subjects can readily be ascertained, directly or through identifiers linked to the subjects,

and an IRB conducts a limited IRB review to make the determination required by 34 CFR 97.111(a)(7).

For the purpose of this provision, benign behavioral interventions are brief in duration, harmless, painless, not physically invasive, not likely to have a significant adverse lasting impact on the subjects, and the investigator has no reason to think the subjects will find the interventions offensive or embarrassing. Provided all such criteria are met, examples of such benign behavioral interventions would include having the subject play an online game, having them solve puzzles under various noise conditions, or having them decide how to allocate a nominal amount of received cash between themselves and someone else.

If the research involves deceiving the subjects regarding the nature or purposes of the research, this exemption is not applicable unless the subject authorizes the deception through a prospective agreement to participate in research in circumstances in which the subject is informed that he or she will be unaware of or misled regarding the nature or purposes of the research.

(4) Secondary Research for which Consent is not required. Secondary research uses of identifiable private information or identifiable biospecimens, if at least one of the following criteria is met: (i) The identifiable private information or identifiable biospecimens are publicly available; (ii) Information, which may include information about biospecimens, is recorded by the investigator in such a manner that the identity of the human subjects cannot readily be ascertained directly or through identifiers linked to the subjects, the investigator does not contact the subjects, and the investigator will not re-identify subjects; (iii) the research involves only information collection and analysis involving the investigators' use of identifiable health information when that use is regulated under 45 CFR parts 160 and 164, subparts A and E, for the purposes of "health care operations" or "research" as those terms are defined at 45 CFR 164.501 or for "public health activities and purposes" as described under 45 CFR 164.512 (b); or (iv) The research is conducted by, or on behalf of, a Federal department or agency using government-generated or government-collected information obtained for nonresearch activities, if the research generates identifiable private information that is or will be maintained on information technology that is subject to and in compliance with section 208(b) of the E-Government Act of 2002, 44 USC 3501 note, if all of the identifiable private information collected, used or generated as part of the activity will be maintained in systems of records subject to the Privacy Act of 1974, 5 USC 552a, and, if applicable, the information used in the research was collected subject to the Paperwork Reduction Act of 1995, 44 USC 3501 et seq.

(5) Research and demonstration projects that are conducted or supported by a Federal department or agency, or otherwise subject to the approval of department or agency heads (or the approval of the heads of bureaus or other subordinate agencies that have been delegated authority to conduct the research and demonstration projects), and that are designed to study, evaluate, improve, or otherwise examine public benefit or

service programs, including procedures for obtaining benefits or services under those programs, possible changes in or alternative to those programs or procedures, or possible changes in methods or levels of payment for benefits or services under those programs. Such projects include, but are not limited to, internal studies by Federal employees, and studies under contracts or consulting arrangements, cooperative agreements, or grants. Exempt projects also include waivers of otherwise mandatory requirements using authorities such as sections 1115 and 1115A of the Social Security Act as amended.

Each Federal department or agency conducting or supporting the research and demonstration projects must establish, on a publicly accessible Federal website or in such other manner as the department or agency head may determine, a list of the research and demonstration projects that the Federal department or agency conducts or supports under this provision. The research or demonstration project must be published on this list prior to commencing the research involving human subjects.

(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.

(7) Storage or Maintenance for Secondary Research for which Broad Consent is required. Storage or maintenance of identifiable private information or identifiable biospecimens for potential secondary research use if an IRB conducts a limited IRB review and makes the determinations requires by 34 CFR 97.111(a)(8).

(8) Secondary Research for which Broad Consent is Required. Research involving the use of identifiable private information or identifiable biospecimens for secondary research use if the following criteria are met: (i) Broad Consent for the storage, maintenance and secondary research use of the identifiable private information or identifiable biospecimens was obtained in accordance with 34 CFR 97.116(a) (1)-(4), (a) (6) and (d); (ii) Documentation of informed consent or waiver of documentation of consent was obtained in accordance with 34 CFR 97.117. (iii) an IRB conducts a limited IRB review and makes the determination that the research to be conducted is within the scope of the broad consent referenced in paragraph (d)(8)(i) of this section; and (iv) The investigator does not prevent an investigator from abiding by any legal requirements to return individual research results.

II. Instructions for Exempt and Nonexempt Human Subjects Research Narratives

If the applicant marked “Yes” for Item 3.b. of the U.S. Department of Education Supplemental Information for the SF-424 form, the applicant must attach a human subjects “exempt research” or “nonexempt research” narrative to the U.S. Department of Education Supplemental Information for the SF-

424 form. If you have multiple projects, include information about each, labeling the responses as to the project they address. For applications that include multiple research projects this can be done in a single narrative or in more than one narrative as appropriate.

A. Exempt Research Narrative.

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

B. Nonexempt Research Narrative.

If you marked “No” for item 3.b. you must attach the “nonexempt research” narrative to the U.S. Department of Education Supplemental Information for the SF-424 form. 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 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.²⁸ Where appropriate, discuss provisions for ensuring necessary medical

or professional intervention in the event of adverse effects to the subjects. Also, where appropriate, describe the provisions for monitoring the data collected to ensure the safety of the subjects.

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

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

Copies of the Department of Education's Regulations for the Protection of Human Subjects, 34 CFR part 97 and other pertinent materials on the protection of human subjects in research are available from the Office of the Chief Financial Officer, U.S. Department of Education, Washington, D.C. 20202-4331, telephone: (202) 245-8090, and on the U.S. Department of Education's Protection of Human Subjects in Research Web Site:
<https://www2.ed.gov/about/offices/list/ocfo/humansub.html>

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

Part 2: Budget Information

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

This part of your application contains information about the Federal funding you are requesting. Remember that you must provide all requested budget information for each year of the project (up to 36 months) and the total column in order to be considered for Federal funding. Specific instructions for completing the budget forms are provided within this application package.

Instructions for completing ED Form 524 Section A:

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

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

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

Travel (line 3): Indicate the travel costs of employees and participants only. Include travel of persons such as consultants on line 6. Applicants are strongly encouraged to budget funds for the project director to attend a Project Director's Meeting in the first three years of the grant.

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

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

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

Construction (line 7): Not applicable.

Other (line 8): Indicate all direct costs not covered on lines 1-6. For example, include costs such as space rental, required fees, honoraria and travel (where a contract is not in place for services), training, and communication and printing costs. *Do not include costs that are included in the indirect cost rate.*

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

Note: Direct administrative costs are limited by statute to 5% of the total grant award.

Indirect Costs (line 10): Indicate the applicant's approved indirect cost rate, per sections 75.560 – 75.564 of EDGAR. If an applicant's approved indirect cost rate agreement with a

cognizant Federal agency has expired and the applicant wishes to charge indirect costs to the grant, the applicant may use a temporary rate of 10 percent of budgeted direct salaries and wages while it negotiates a rate with its cognizant agency, per section 75.560 of EDGAR. An applicant with no previous ICR can use a de minimis rate of 10 percent of modified total direct costs (MTDC); these applicants do not need to negotiate for this rate (2 CFR 200.414(f)).

Training Stipends (line 11): This line is not applicable to this program. *Salary stipends paid to teachers and other school personnel for participating in short-term professional development should be reported in Personnel (line 1).*

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

Instructions for ED 524

General Instructions

This form is used to apply to individual U.S. Department of Education (ED) discretionary grant programs. Unless directed otherwise, provide the same budget information for each year of the multi-year funding request. Pay attention to applicable program specific instructions, if attached. You may access the Education Department General Administrative Regulations cited within these instructions at:

https://www.ecfr.gov/cgi-bin/text-idx?SID=0b63ce6f20cacbf480e5596fdf289e3&mc=true&tpl=/ecfrbrowse/Title34/34cfr75_main_02.tpl. You may access requirements from 2 CFR 200, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards” cited within these instructions at: https://www.ecfr.gov/cgi-bin/text-idx?SID=6214841a79953f26c5c230d72d6b70a1&tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl.

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 breakdown by the applicable budget categories shown in lines 1-11.

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

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

Line 13, columns (a)-(e): Show the total budget request for each project year for which funding is requested.

Line 13, 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 the indirect cost rate to be charged to the grant must be entered in the applicable field on line 10, and the following information is to be completed by your Business Office.

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

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

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

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

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

(5): 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.

(6): For Training Rate Programs, ED regulations limit **non-governmental entities** to the recovery of indirect costs on training grants to the grantee’s actual indirect costs, as determined by its negotiated rate agreement, or 8 percent of a MTDC, whichever is lower (see EDGAR § 75.562(c)(4)). The 8 percent limit also applies to cost-type contracts under grants, if these contracts are for training as defined in EDGAR § 75.562(a). If a **non-governmental entity** that receives a grant

under a training grant program does not have an approved indirect cost rate and wants to recover indirect costs, it may use a temporary rate of 10 percent of budgeted direct salaries and wages, but it must submit an indirect cost rate proposal to its cognizant agency for indirect costs within 90 days after ED issues the GAN. After the 90-day period, the government entity may not charge its grant for indirect costs until it has negotiated an indirect cost rate agreement.

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.

1.

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:
 3. a. The specific costs or contributions by budget category;
 4. b. The source of the costs or contributions; and
 5. 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.
6. 7. [Please review cost sharing and matching regulations found in 2 CFR 200.306.]
- 8.
3. If applicable to this program, provide the rate and base on which fringe benefits are calculated.
- 9.
4. If you are requesting reimbursement for indirect costs on line 10, this information is to be completed by your Business Office. Specify the estimated amount of the base to which the indirect cost rate is applied and the total indirect expense. Depending on the grant program to which you are applying and/or your approved Indirect Cost Rate Agreement, some direct cost budget categories in your grant application budget may not be included in the base and multiplied by your indirect cost rate. For example, you must multiply the indirect cost rates of "Training grants" (34 CFR 75.562) and grants under programs with "Supplement not Supplant" requirements ("Restricted Rate" programs) by a "modified total direct cost" (MTDC) base (34 CFR 75.563 or 76.563). Please indicate which costs are included and which costs are excluded from the base to which the indirect cost rate is applied.

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

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

5. Provide other explanations or comments you deem necessary.

If Applicable Section D - Budget Summary Limitation on Administrative Expenses.

If your program is subject to an administrative cost cap (as indicated Section III.2.C of the program's Notice Inviting Applications (NIA)), fill out this form as follows:

1. On the top of the page, list the percentage cap on administrative costs, and indicate whether your administrative cost cap applies to both indirect and direct costs, or only direct costs (from Section III.2.C of the program's NIA).
2. IF the cost cap applies to both indirect and direct costs:
 - (a) Fill out the entire table noting your administrative costs, including line 8. Line 8 is taken from Section A, line 10. For lines 1-6, these are only direct administrative costs; do not include in lines 1-6 any costs included in your indirect cost rate. If your program has a matching requirement (see NIA), include in lines 1-6 the administrative portions of the applicable rows from both Section A and Section B. If there is no program matching requirement, only use Section A.

- (b) Ensure that the line 10 percentage DOES NOT EXCEED the percentage cap on administrative costs. If your program does not have a matching requirement, divide line 9 by Section A line 12. If your program does have a matching requirement, to calculate line 10, divide line 9 by the sum of Section A line 12 and Section B line 12.

3. IF the cost cap applies ONLY to direct costs:

- (a) Fill out the entire table noting your administrative costs, EXCLUDING line 8.

Ensure that the line 10 percentage DOES NOT EXCEED the percentage cap on administrative costs. If your program does not have a matching requirement, divide line 7 by Section A line 9. If your program does have a matching requirement, to calculate line 10, divide line 7 by the sum of Section A line 9 and Section B line 9).

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 the Office of Finance and Operations, Office of Acquisitions and Grants Administration, Grants Policy and Training Division, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Part 3: ED Abstract Form

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

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

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

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

□ Project Abstract

The project abstract is a one-page, single-spaced summary of your project. It should include the following:

- 1) Project Title: State the title of the proposed project.
- 2) Institution: State the official name of the applicant.
- 3) Eligibility: State the eligibility category the applicant meets.
- 4) Native Language(s): List the name of the Native American or Alaska Native language for instruction.
- 5) Partners: Identify any major partners.
- 6) Priorities: Indicate the absolute priority and which, if any, of the competitive priorities your project is addressing
- 7) Project Goals: State proposed project goals, objectives, and performance outcomes.
- 8) Project Description: State a brief description of major project activities.
- 9) School Data: Provide key school information including participating school, grades, estimated total number of participating Native American and Alaska Native students to be served.
- 10) Contact: List Project Director's name, telephone and e-mail.

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

Part 4: Project Narrative Attachment Form

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

Ensure that you only attach the Education approved file types detailed in the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the Federal Register on December 27, 2021 (86 FR 73264), and available at <https://www.govinfo.gov/content/pkg/FR-2021-12-27/pdf/2021-27979.pdf>. Also, do not upload any password-protected files to your application.

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

Table of Contents

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

Application Narrative

The application narrative responds to the selection criteria found in this application package and should follow the order of the selection criteria.

We encourage applicants to limit this section of the application to the equivalent of no more than 30 pages and adhere to the following guidelines:

- 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 the cover sheet; the budget section, including the narrative budget justification; the assurances and certifications; or the abstract, the resumes, the bibliography, or the letters of support. However, the recommended page limit does apply to all of the application narrative.

Selection Criteria for Project Narrative

The selection criteria for this competition are from 34 CFR 75.210 and from the Notice of Final Priorities (NFP) published in the Federal Register on July 14, 2020 (85 FR 42305). The maximum score for all the selection criteria and the maximum possible score for addressing each selection criterion (indicated in parentheses) is detailed in the Notice Inviting Applications for this grant competition. Each criterion also includes the factors that reviewers will consider in determining the extent to which an applicant meets the criterion. The selection criteria for this competition can be

found in the I. Program Background Information section of this application package and in the Notice Inviting Applications for this grant competition.

<https://www.federalregister.gov/documents/2022/06/03/2022-12016/applications-for-new-awards-indian-education-discretionary-grants-programs-native-american-language>

Part 5: Budget Narrative

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

Ensure that you only attach the Education approved file types detailed in the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the Federal Register on December 27, 2021 (86 FR 73264), and available at <https://www.govinfo.gov/content/pkg/FR-2021-12-27/pdf/2021-27979.pdf>. Also, do not upload any password-protected files to your application.

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

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

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

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

In accordance with [34 CFR 75.232](https://www.ecfr.gov/title-34/chapter-75/subchapter-2/part-75.232), Department of Education staff perform a cost analysis of each recommended project to ensure that costs relate to the activities and objectives of the project, are reasonable, allowable and allocable. We may delete or reduce costs from the budget during this review.

Important Notes

Applicants are encouraged to review the Electronic Code of Federal Regulations Uniform Guidance, *Cost Principles* in preparing their budget and budget narrative.

The Uniform Guidance may be found at the following link:

https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl

Suggested Guidelines for the Budget Narrative

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

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

1. Personnel

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

2. Fringe Benefits

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

3. Travel

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

4. Equipment

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

5. Supplies

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

6. Contractual

- Provide the purpose and relation to project success.
- Describe the products to be acquired, and/or the professional services to be provided.
- Provide a brief justification for the use of the contractors selected.
- Identify the name(s) of the contracting party, including consultants, if available.
- Provide the cost per contractor.
- Provide the amount of time that the project will be working with the contractor(s).
- For professional services contracts, provide the amounts of time to be devoted to the project, including the costs to be charged to this proposed grant award.

- Provide the basis for cost estimates or computations.

Note: see **Important Information Regarding Professional Services Contracts** below.

7. Construction

- Not applicable.

8. Other

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

9. Total Direct Costs

- The sum of expenditures, per budget category, of lines 1-8.

10. Indirect Costs

- Identify indirect cost rate (if the applicant will charge indirect costs to the grant)

Note: Remember to provide a copy of the most recent approved indirect cost rate agreement in the Other Attachments section of the application. The indirect cost rate agreement establishes the maximum amount of indirect costs the applicant may charge to the grant. However, applicants are not required to use the full negotiated indirect cost rate, and may choose to devote greater resources to direct costs. Additionally, see **Important Information Regarding Indirect Costs** below.

11. Training Stipends

- Not applicable.

12. Total Costs

- Sum total of direct costs, indirect costs, and stipends.
- Please provide total costs for each year of the project as well as grand total cost for the entire project period (up 36 months)

Statutory Administrative Cost Limit

- Due to a statutory limitation, budgets cannot include direct administrative costs that exceed 5% of the total costs of the grant.
- We note that certain costs, such as travel, the project director salary, and evaluation, may not necessarily all be administrative but may be partly direct program cost and partly administrative.
- Please describe in sufficient detail the costs and the parts of the budget lines that you include in the calculation of administrative costs.

Important Information Regarding Professional Services Contracts

Generally, applicants other than states must comply with the procurement requirements in 2 CFR 200.318 through 200.326 and must follow the same policies and procedures they use for procurements from their non-Federal funds.

However, there are two exceptions: Under 34 CFR 75.135(a), an applicant may contract, without regard to the procurement procedures in 2 CFR part 200, to obtain services from an entity that provides a site or sites where the applicant would conduct the project activities. Also, under 34 CFR 75.135(b), an applicant may use the small purchase procedures authorized under 2 CFR 200.320(b) to procure data collection, data analysis, evaluation services, or other essential

services that are needed to meet a statutory, regulatory, or priority requirement related to the competition.

If either of these exceptions will be considered, please contact Angela Hernandez via email at Angela.Hernandez@ed.gov for additional guidance.

Important Information Regarding Indirect Costs

The Department reimburses grantees for the portion of indirect costs that a grantee incurs on a project funded by the NAL@ED program (CFDA Number 84.415B).

If an applicant has a current ICR agreement and intends to charge indirect costs to the NAL@ED program grant, the applicant must submit a copy of the ICR agreement as part of its application. The ICR agreement must be negotiated with and approved by the grantee's cognizant agency, *i.e.*, either (1) the Federal agency from which it has received the most direct funding, subject to indirect cost support; (2) the Federal agency specifically assigned cognizance by OMB; or (3) the State agency that provides the most subgrant funds to the grantee (if no direct federal awards are received). For federally-recognized tribes, the Department of Interior (DOI) is the cognizant agency.

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

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

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

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

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

Part 6: Other Attachments

Attach one or more documents to the Other Attachments Form in accordance with the instructions found on [Grants.gov](https://www.grants.gov). You may provide all of the required information in a single document, or in multiple documents.

Ensure that you only attach the Education approved file types detailed in the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the Federal Register on December 27, 2021 (86 FR 73264), and available at <https://www.govinfo.gov/content/pkg/FR-2021-12-27/pdf/2021-27979.pdf>. Also, do not upload any password-protected files to your application.

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

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

Required of All Applicants

- Applicant Information for NAL@ED program Attachment with Assurances:** This document provides information that must be provided under Application Requirements 1—General Requirements. The document also contains program assurances to be signed by the authorized representative of the applicant.

Required, if Applicable

- Memorandum of Agreement:** Any applicant that proposes to work with a partner to carry out the proposed project must include a signed and dated memorandum of agreement, signed within the four months before the application deadline, that describes the roles and responsibilities of each partner to participate in the grant, including—

- A description of how each partner will implement the project according to the timelines described in the grant application;
- The roles and responsibilities of each partner related to ensuring the data necessary to report on the Government Performance and Results Act (GPRA) indicators; and
- The roles and responsibilities of each partner related to ensuring that Native American language instructors can be recruited, retained, and trained, as appropriate, in a timely manner.

The applicant's Memorandum of Agreement may also serve as a consortium agreement for the purposes of requesting competitive preference priority points if it meets the requirements of [34 CFR 75.127-129](https://www.ecfr.gov/current/title-34/chapter-V/part-75/subpart-B/section-75.127-129)

- Applicant Engagement with Indian Tribes and Tribal Organizations.** All non-Tribal applicants must engage with appropriate officials from Tribe(s) located in the area served by the project, or with a local Tribal organization, prior to submission of an application. The engagement must provide for the opportunity for officials from Tribes or Tribal organizations to meaningfully and substantively contribute to the application. Non-Tribal applicants must submit evidence of either Tribal engagement or a letter of support from one or more Tribes.

This evidence can be part of the memorandum of agreement required by Application Requirement 2 or can be uploaded as a separate attachment.

- Tribal Certification Attachment:** Applicants that are either LEAs (including a public charter school that is an LEA under State law), a school operated by the Bureau of Indian Education, or a nontribal for-profit or nonprofit organization must complete the form.

- Request for Competitive Preference Priority One Attachment:** Applicants that request this priority must complete this form.

- Documentation of Indian Organization:** Applicants that are an Indian organization must provide adequate documentation to demonstrate that the organization meets each element of the definition of Indian organization.

- Indirect Cost Rate Agreement:**
 - If the budget includes indirect costs, the applicant must attach a copy of its current Indirect Cost Rate (ICR) Agreement.

Attachment: Applicant Information for NAL@ED program --Assurances

Note: This document is required for all applicants.

Applicant Name _____

Instructional language

Name of the Native American or Alaska Native language for instruction at the school(s) supported by the eligible entity: _____

Students to be Served

Number of students to be served by the project	Grade level of targeted students in the proposed project.

Instructional Hours

Total number of instructional hours per week at the school(s)	The number of hours of instruction per week in which the Native American or Alaska Native language currently being provided to targeted students at such school(s), if any.

Pre- and Post- assessments.

1. Is a pre- and post- assessment of Native language proficiency available? Yes/No
2. If no, what percentage of grant funds will be used for developing a pre- and post- assessment of Native language proficiency? ___ percent

Project Description

Provide a description of how the eligible entity will support Native American language education and development, and provide professional development for staff, in order to strengthen the overall language and academic goals of the school(s) that will be served by the project; ensure the implementation of rigorous academic content that prepares all students for college and career; and ensure that students' progress towards meeting high level fluency goals in the Native American language. This description is provided in the project narrative on pp. _____.

Organizational information

Select the name of the governing entity(ies) of each school in which the project will take place:

- local educational agency
- tribal educational agency or department
- charter organization
- private organization
- other governing entity Name: _____

Organizational information (cont'd)

Participating school's (or schools') accreditation status:

- a. If applicable, list any partnerships with institutions of higher education.

- b. If applicable, list any indigenous language schooling and research cooperatives.

Program Assurance

The applicant assures for each school to be included in the project—

(a) the school in which the project will be located is engaged in meeting State or tribally designated long-term goals for students, as may be required by applicable Federal, State, or tribal law;

(b) the school provides assessments of students using the Native American or Alaska Native language of instruction, where possible;

(c) the qualifications of all instructional and leadership personnel at such school are sufficient to deliver high-quality education through the Native American or Alaska Native language used in the school; and

(d) the school will collect and report to the public data relative to student achievement and, if appropriate, rates of high school graduation, career readiness, and enrollment in postsecondary education or workforce development programs, of students who are enrolled in the school's programs.

Signed by the following authorized representative of the applicant:

Name _____ Date: _____

Title: _____

Attachment: Competitive Preference Priority One

Note: This document is only required if requesting consideration for Competitive Preference Priority 1. An applicant must include this information in Part 6 of its application as an uploaded document.

Competitive Preference Priority 1: Up to 7 points are awarded to an application for a project in which either the lead applicant or a partner receives, or is eligible to receive, a formula grant under title VI of the ESEA, and commits to use all or part of that formula grant to help sustain this project after conclusion of the grant period.

Name of entity with Title VI grant _____

Title VI formula grant to LEAs Identification: PR Award# S060A1 _____

Current Application Cycle for SY 2022-23:

- Single-Year Application
- Multi-Year Application
- Continuing Multi-Year Application (Year ___ of 4)

Does your application type require a Parent Committee?

- Yes
- No

Describe the following:

1) What school year will the applicant begin using the Title VI formula grant funds to help support this project? SY _____

2) What percentage of the Title VI grant will be used for this project? (i.e. 20, 40, 60, 80 or 100 percent)

3) If parent committee input and approval will need to be obtained, how will you communicate this to the parent committee, and what is the timeline for obtaining approval for the change in activities on the Title VI application?

Part 7: Assurances and Certifications

Be certain to complete all required assurances and certification in Grants.gov, and include all required information in the appropriate place on each form.

The following assurances and certifications required for this application are (unless marked Optional):

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

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 follow up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitations for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Included prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last name, First name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

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

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

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

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

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

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

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

Applicants are required to address this provision by attaching a statement (not to exceed three pages) to ED GEPA 427 form that is included in the electronic application package in Grants.gov.

III. Reporting and Accountability

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

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

Each grantee is required under section 6133 of the ESEA to submit annually to the Secretary information on the activities carried out with these grant funds, the number of children served by the project, and the number of instructional hours in and through the Native American language.

Under the Government Performance and Results Act (GPRA), the following performance indicators have been established to evaluate the overall effectiveness of the Program:

Measure 1: The number and percentage of participating students who attain proficiency in a Native language as determined by each grantee through pre- and post-assessments of Native language proficiency.

Measure 2: The number and percentage of participating students who make progress in learning a Native language, as determined by each grantee through pre- and post-assessments of Native language proficiency.

Measure 3: The number and percentage of participating students who show an improvement in academic outcomes, as measured by academic assessments or other indicators.

Measure 4: The difference between the average daily attendance of participating students and the average daily attendance of all students in the comparison group (e.g. school, LEA, Tribe, or other).

These measures constitute the Department's indicator of success for this program.

Consequently, we advise an applicant for a grant under this program to give careful consideration to these measures in conceptualizing the approach and evaluation for, its proposed project. Each grantee will be required to provide, in its annual performance and final reports, data about its progress in meeting these measures.

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

IV. Legal and Regulatory Information

Notice Inviting Applications

4000-01-U

DEPARTMENT OF EDUCATION

Applications for New Awards; Indian Education Discretionary
Grants Programs—Native American Language Program

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

ACTION: Notice.

SUMMARY: The Department of Education is issuing a notice inviting applications for fiscal year (FY) 2022 for Indian Education Discretionary Grants Programs—Native American Language (NAL@ED) program, Assistance Listing Number (ALN) 84.415B. This notice relates to the approved information collection under OMB control number 1810-0731.

DATES:

Applications Available: [INSERT DATE OF PUBLICATION IN THE
FEDERAL REGISTER].

Deadline for Notice of Intent to Apply: [INSERT DATE 30 DAYS
AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

Date of Pre-Application Meeting: [INSERT DATE 15 DAYS AFTER
DATE OF PUBLICATION IN THE FEDERAL REGISTER].

Deadline for Transmittal of Applications: [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

Deadline for Intergovernmental Review: [INSERT DATE 120 DAYS AFTER APPLICATION TRANSMITTAL DEADLINE].

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the *Federal Register* on December 27, 2021 (86 FR 73264) and available at www.federalregister.gov/d/2021-27979. Please note that these Common Instructions supersede the version published on February 13, 2019, and, in part, describe the transition from the requirement to register in SAM.gov a Data Universal Numbering System (DUNS) number to the implementation of the Unique Entity Identifier (UEI). More information on the phase-out of DUNS numbers is available at www2.ed.gov/about/offices/list/fofo/docs/unique-entity-identifier-transition-fact-sheet.pdf.

FOR FURTHER INFORMATION CONTACT: Angela Hernandez, U.S. Department of Education, 400 Maryland Avenue, SW, room 3W234, Washington, DC 20202-6335. Telephone: (202) 205-1909. Email: NAL@ed.gov.

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

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purposes of this program are to (1) support schools that use Native American and Alaska Native languages as the primary language of instruction; (2) maintain, protect, and promote the rights and freedom of Native Americans and Alaska Natives to use, practice, maintain, and revitalize their languages, as envisioned in the Native American Languages Act of 1990 (25 U.S.C. 2901, *et seq.*); and (3) support the Nation's First Peoples' efforts to maintain and revitalize their languages and cultures, and to improve educational opportunities and student outcomes within Native American and Alaska Native communities.

Background: The Department encourages applicants to propose a broad range of activities to achieve these purposes, including activities that are aligned with the Administration's policy focus areas and with the needs described by Tribal leaders and the education field during the March 17, 2022 Department-sponsored listening session, "Advancing the Interagency Memorandum of Agreement on Native Languages: Promising Practices and Persistent Barriers." Specifically, we encourage promoting education equity and adequacy in resources and opportunity for underserved students, including rigorous, engaging, and well-

rounded approaches to learning that are inclusive regarding culture and language and prepare students for college, career, and civic life. Activities that support Native American or Alaska Native language education and development include implementing inclusive pedagogical practices in professional development programs; using technology to support evidence-based approaches to personalized student learning in the classroom; and increasing the number and diversity of experienced and effective educators, including those from the community that they serve.

In addition, the Department intends for the NAL@ED program to have a broad impact. The Department plans to accomplish this in three ways. First, the Department will fund only one high-quality project per Native language under this competition, provided there are enough high-quality applications. This is consistent with both the statutory requirement that the Department ensure a diversity of languages are represented to the maximum extent feasible, and the congressional emphasis in the Explanatory Statement accompanying the Department of Education Appropriations Act, 2022, on supporting language diversity. Second, in addition to soliciting applications from existing Native language instructional programs (Absolute Priority 2), the Department is soliciting applications supporting new Native language instructional programs via

Absolute Priority 1. Third, the Department will not exclusively fund applicants from a single State, provided there is a sufficient number of high-quality applications (Program Requirement 3). This is consistent with the congressional emphasis in the Explanatory Statement accompanying the Department of Education Appropriations Act, 2022 on the importance of geographical diversity in grantees under this program. Together, these approaches will help ensure the program has a broad impact by funding projects supporting a variety of Native languages.

Priorities: This competition includes two absolute priorities and two competitive preference priorities. These priorities are from the notice of final priorities, requirements, definitions, and selection criteria for this program published in the *Federal Register* on July 14, 2020 (85 FR 42305) (NFP).

Absolute Priorities: For FY 2022 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are absolute priorities. Under 34 CFR 75.105(c)(3), we consider only applications that meet either Absolute Priority 1 or 2.

Note: The Department may create two funding slates—one for applications that meet Absolute Priority 1 and a separate slate for applications that meet Absolute Priority 2. As a result, the Secretary may fund applications out of the overall rank

order, but the Department is not bound to do so. Applicants must clearly identify the specific absolute priority that the proposed project addresses in the project abstract section of the application.

These priorities are:

Absolute Priority 1: Develop and Maintain New Native American Language Programs.

To meet this priority, an applicant must propose to develop and maintain a Native American language instructional program that—

(a) Will support Native American language education and development for Native American students, as well as provide professional development for teachers and, as appropriate, staff and administrators, to strengthen the overall language and academic goals of the school or schools that will be served by the project;

(b) Will take place in a school; and

(c) Does not augment or replace a program of identical scope that was active within the last three years at the school(s) to be served.

Absolute Priority 2: Expand and Improve Existing Native American Language Programs.

To meet this priority, an applicant must propose to improve and expand a Native American language instructional program that—

(a) Will improve and expand Native American language education and development for Native American students, as well as provide professional development for teachers and, as appropriate, staff and administrators, to strengthen the overall language and academic goals of the school or schools that will be served by the project;

(b) Will continue to take place in a school; and

(c) Within the past three years has been offered at the school(s) to be served.

Competitive Preference Priorities: For FY 2022 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i) we award up to an additional 7 points to an application, depending on how well an application meets Competitive Preference Priority 1, and we award an additional 5 points to an application that meets Competitive Preference Priority 2. The maximum number of competitive preference priority points is 12.

These priorities are:

Competitive Preference Priority 1: Support Project Sustainability With Title VI Indian Education Formula Grant Funds. (up to 7 points)

To meet this priority, an applicant or a partner must receive, or be eligible to receive, a formula grant under title VI of the Elementary and Secondary Education Act of 1965, as amended (ESEA), and must commit to use all or part of that formula grant to help sustain this project after the conclusion of the grant period. To meet this priority, an applicant must include in its application—

(a) A statement that indicates the school year in which the entity will begin using title VI formula grant funds to help support this project;

(b) The percentage of the title VI grant that will be used for the project, which must be at least--

(i) 20 percent of the applicant's title VI formula grant (3 points);

(ii) 40 percent of the applicant's title VI formula grant (4 points);

(iii) 60 percent of the applicant's title VI formula grant (5 points);

(iv) 80 percent of the applicant's title VI formula grant (6 points); or

(v) 100 percent of the applicant's title VI formula grant (7 points); and

(c) The timeline for obtaining parent committee input and approval of this action, if necessary.

Competitive Preference Priority 2: Preference for Indian Applicants. (0 or 5 points)

To meet this priority, an application must be submitted by an Indian Tribe, Indian organization, Bureau of Indian Education (BIE)-funded school, or Tribal College or University (TCU) that is eligible to participate in the NAL@ED program. A consortium of eligible entities that meets the requirements of 34 CFR 75.127 through 75.129 and includes an Indian Tribe, Indian organization, BIE-funded school, or TCU will also be considered eligible to meet this priority. In order to be considered a consortium application, the application must include the consortium agreement signed by all parties.

Note: The consortium agreement must state that the members designate one member of the group to apply for the grant, detail the activities that each member of the group plans to perform, and bind each member of the group to every statement and assurance made by the applicant in the application (34 CFR 75.128(a) and (b)).

Application Requirements: These application requirements are from section 6133(c) of the ESEA (20 U.S.C. 7453) and from the

NFP. For FY 2022 and any subsequent year in which we make awards from the list of unfunded applications from this competition, applicants must meet the following application requirements.

(1) General Requirements. An applicant must include the following information in its application—

(a) A completed information form that includes:

(i) Instructional language. The name of the Native American or Alaska Native language to be used for instruction at the school(s) supported by the eligible entity.

(ii) Students to be served. The number of students to be served by the project and the grade level(s) of targeted students in the proposed project.

(iii) Instructional hours. The number of hours of instruction per week in and through one or more Native American or Alaska Native languages currently being provided to targeted students at such school(s), if any.

(iv) Pre- and post-assessments. Whether a pre- and post-assessment of Native American language proficiency is available and, if not, the percentage of grant funds that will be used for developing such assessment.

(v) Program description. A description of how the eligible entity will support Native American language education and development, and provide professional development for staff,

in order to strengthen the overall language and academic goals of the school(s) that will be served by the project; ensure the implementation of rigorous academic content that prepares all students for college and career; and ensure that students progress toward meeting high-level fluency goals in the Native American language.

(vi) Organizational information. For each school included in the project, information regarding the school's organizational governance or affiliations, specifically information about the school's governing entity (such as a local educational agency (LEA), Tribal educational agency or department, charter organization, private organization, or other governing entity); the school's accreditation status; any partnerships with institutions of higher education (IHEs); and any indigenous language schooling and research cooperatives.

(b) An assurance that for each school to be included in the project—

(i) The school is engaged in meeting State or Tribally designated long-term goals for students, as may be required by applicable Federal, State, or Tribal law;

(ii) The school provides assessments of students using the Native American or Alaska Native language of instruction, where possible;

(iii) The qualifications of all instructional and leadership personnel at such school are sufficient to deliver high-quality education through the Native American or Alaska Native language used in the school; and

(iv) The school will collect and report to the public data relative to student achievement and, if appropriate, rates of high school graduation, career readiness, and enrollment in postsecondary education or workforce development programs, of students who are enrolled in the school's programs.

(2) Memorandum of Agreement. Any applicant that proposes to work with a partner to carry out the proposed project must include a signed and dated memorandum of agreement that describes the roles and responsibilities of each partner to participate in the grant, including—

(i) A description of how each partner will implement the project according to the timelines described in the grant application;

(ii) The roles and responsibilities of each partner related to ensuring the data necessary to report on the Government Performance and Results Act (GPRA) indicators¹; and

(iii) The roles and responsibilities of each partner related to ensuring that Native American language instructors

¹ The Department notes that such reporting will be required in connection with the performance measurement requirements under 34 CFR 75.110, rather than indicators under GPRA. For further information, see section 4 (Performance Measures) under VI. Award Administration Information.

can be recruited, retained, and trained, as appropriate, in a timely manner.

This memorandum of agreement must be signed no more than four months prior to the application deadline (*i.e.*, the agreement must be signed within the four months prior to the application deadline).

(3) Applicant Engagement with Indian Tribes and Tribal Organizations. All non-Tribal applicants must engage with appropriate officials from Tribe(s) located in the area served by the project, or with a local Tribal organization, prior to submission of an application. The engagement must provide for the opportunity for officials from Tribes or Tribal organizations to meaningfully and substantively contribute to the application. Non-Tribal applicants must submit evidence of either Tribal engagement or a letter of support from one or more Tribes or Tribal organizations. This evidence can be part of the memorandum of agreement required by Application Requirement 2 or can be uploaded as a separate attachment.

Note: If an applicant is an affected LEA that is subject to ESEA section 8538, then the LEA is required to consult with appropriate officials from Tribe(s) or Tribal organizations approved by the Tribes located in the area served by the LEA prior to its submission of an application, on the contents of the application as required under ESEA section 8538. Affected

LEAs are those that have 50 percent or more of their student enrollment made up of Native American students or received an Indian education formula grant under title VI of the ESEA in the previous fiscal year that exceeds \$40,000. (ESEA sec. 8538)

(4) Certification. An applicant that is an LEA (including a public charter school that is an LEA under State law), a school operated by the BIE, or a nontribal for-profit or nonprofit organization must submit a certification from an entity described in application requirement (4)(a), containing the assurances described in application requirement (4)(b).

(a) The certification must be from one of the following entities, on whose land the school or program is located, or that is an entity served by the school, or whose members (as defined by that entity) are served by the school:

(i) A federally recognized Indian Tribe or Tribal organization.

(ii) A TCU.

(iii) An Alaska Native Regional Corporation or an Alaska Native nonprofit organization.

(iv) A Native Hawaiian organization.

(b) The certification must state that—

(i) The school or applicant organization has the capacity to provide education primarily through a Native American or an Alaska Native language; and

(ii) There are sufficient speakers of the target language at the school or available to be hired by the school or applicant organization.

Program Requirements: For FY 2022 and any subsequent year in which we make awards from the list of unfunded applications from this competition, grantees must adhere to the following program requirements:

(1) Native American Language Proficiency Assessment.

Grantees must administer pre- and post-assessments of Native American language proficiency to participating students. This Native American language assessment may be any relevant tool that measures student Native American language proficiency, such as oral, written, or project-based assessments, and formative or summative assessments.

(2) Diversity of Languages. To ensure a diversity of languages as required by statute, the Department will not fund more than one project in any competition year that proposes to use the same Native American language, assuming there are enough high-quality applications. In the event of a lack of high-quality applications in one competition year, the Department may choose to fund more than one project with the same Native American language.

(3) Geographic Distribution. To ensure geographic diversity, assuming there are enough high-quality applications,

the Department will not exclusively fund projects that all propose to serve students in the same State in any competition year. In the event of a lack of high-quality applications in one competition year, the Department may choose to fund only applications that propose to provide services in one State.

(4) ISDEEA Statutory Hiring Preference:

(a) Awards that are primarily for the benefit of Indians are subject to the provisions of section 7(b) of the Indian Self-Determination and Education Assistance Act (Pub. L. 93-638). That section requires that, to the greatest extent feasible, a grantee--

(1) Give to Indians preferences and opportunities for training and employment in connection with the administration of the grant; and

(2) Give to Indian organizations and to Indian-owned economic enterprises, as defined in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452(e)), preference in the award of contracts in connection with the administration of the grant.

(b) For purposes of this section, an Indian is a member of any federally recognized Indian Tribe.

Definitions: The definitions of "Indian organization (or Tribal organization)" and "Tribe" are from the NFP. The definitions of

"Native American," "Native American language," and "Tribal college or university" are from the ESEA.

Indian organization (or Tribal organization) means an organization that—

- (1) Is legally established—
 - (i) By Tribal or inter-Tribal charter or in accordance with State or Tribal law; and
 - (ii) With appropriate constitution, bylaws, or articles of incorporation;
- (2) Includes in its purposes the promotion of the education of Indians;
- (3) Is controlled by a governing board, the majority of which is Indian;
- (4) If located on an Indian reservation, operates with the sanction of or by charter from the governing body of that reservation;
- (5) Is neither an organization or subdivision of, nor under the direct control of, any IHE or TCU; and
- (6) Is not an agency of State or local government.

Native American means:

- (1) "Indian" as defined in section 6151(3) of the ESEA (20 U.S.C. 7491(3)), which includes individuals who are Alaska Natives and members of federally recognized or State recognized Tribes;

(2) Native Hawaiian; or

(3) Native American Pacific Islander. (ESEA secs. 6151(3) and 8101(34))

Native American language means the historical, traditional languages spoken by Native Americans. (ESEA sec. 8101(34))

Tribal college or university means an institution that—

(1) Qualifies for funding under the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801, *et seq.*) or the Navajo Community College Act (25 U.S.C. 640a note); or

(2) Is cited in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note). (ESEA sec. 6133 and section 316 of the Higher Education Act of 1965, as amended)

Tribe means either a federally recognized Tribe or a State-recognized Tribe.

Program Authority: 20 U.S.C. 7453.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485.

(c) The Uniform Administrative Requirements, Cost Principles,

and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The NFP.

Note: The open licensing requirement in 2 CFR 3474.20 does not apply to this program.

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

Note: The regulations in 34 CFR part 86 apply to IHEs only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: \$1,054,537.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2023 and subsequent years from the list of unfunded applications from this competition.

Estimated Range of Awards: \$300,000-\$400,000.

Estimated Average Size of Awards: \$350,000.

Estimated Number of Awards: 3.

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

Project Period: Up to 60 months.

III. Eligibility Information

1. Eligible Applicants: The following entities, either alone or in a consortium, that have a plan to develop and

maintain, or to improve and expand, programs that support the entity's use of a Native American or Alaska Native language as the primary language of instruction in one or more elementary or secondary schools (or both) are eligible under this program:

(a) An Indian Tribe.

(b) A Tribal College or University (TCU).

(c) A Tribal education agency.

(d) An LEA, including a public charter school that is an LEA under State law.

(e) A school operated by the Bureau of Indian Education (BIE).

(f) An Alaska Native Regional Corporation (as described in section 3(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(g))).

(g) A private, Tribal, or Alaska Native nonprofit organization.

(h) A non-Tribal for-profit organization.

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

b. Indirect Cost Rate Information: This program uses an unrestricted indirect cost rate. For more information regarding indirect costs, or to obtain a negotiated indirect cost rate, please see www2.ed.gov/about/offices/list/ocfo/intro.html.

c. Administrative Cost Limitation: Under ESEA section 6133(g), no more than five percent of funds awarded for a grant under this program may be used for administrative purposes, and for grants made using FY 2022 funds this administrative cost cap applies only to direct administrative costs, not indirect costs.

3. Other: Projects funded under this competition should budget for a 2-day Project Directors' meeting in Washington, DC, during each year of the project period.

IV. Application and Submission Information

1. Application Submission Instructions: Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the *Federal Register* on December 27, 2021 (86 FR 73264) and available at www.federalregister.gov/d/2021-27979, which contain requirements and information on how to submit an application. Please note that these Common Instructions supersede the version published on February 13, 2019, and, in part, describe the transition from the requirement to register in SAM.gov a DUNS number to the implementation of the UEI. More information on the phase-out of DUNS numbers is available at www2.ed.gov/about/offices/list/ofed/docs/unique-entity-identifier-transition-fact-sheet.pdf.

2. Submission of Proprietary Information: Given the types of projects that may be proposed in applications for this

competition, your application may include business information that you consider proprietary. In 34 CFR 5.11 we define "business information" and describe the process we use in determining whether any of that information is proprietary and, thus, protected from disclosure under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552, as amended).

Because we plan to make successful applications available to the public by posting them on our website, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information that you believe is exempt from disclosure under Exemption 4. In the appropriate Appendix section of your application, under "Other Attachments Form," please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. 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.

4. Recommended Page Limit: The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that

you (1) limit the application narrative to no more than 30 pages and (2) use the following standards:

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

The recommended page limit does not apply to the cover sheet; the budget section, including the narrative budget justification; the assurances and certifications; or the one-page abstract, the resumes, the bibliography, the letter(s) of support, or the signed consortium agreement. However, the recommended page limit does apply to all of the application narrative. An application will not be disqualified if it exceeds the recommended page limit.

5. Notice of Intent to Apply: The Department will be able to review grant applications more efficiently if we know the approximate number of applicants that intend to apply. Therefore, we strongly encourage each potential applicant to

notify us of their intent to submit an application. To do so, please email the program contact person listed under FOR FURTHER INFORMATION CONTACT with the subject line "Intent to Apply," and include the applicant's name and a contact person's name and email address. Applicants that do not submit a notice of intent to apply may still apply for funding; applicants that do submit a notice of intent to apply are not bound to apply or bound by the information provided.

V. Application Review Information

1. Selection Criteria. The selection criteria are from the NFP and 34 CFR 75.210. The source of each selection criterion, and the maximum possible score for addressing each criterion and subcriterion, is included in parentheses. The maximum possible score for addressing all of the criteria in this section is 100 points.

In evaluating an application, the Secretary considers the following criteria:

(a) Quality of the project design (32 points).

The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(1) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable. (9 points) (34 CFR 75.210(c)(2)(i))

(2) The extent to which the project design will ensure that students' progress toward grade-level and developmentally appropriate fluency in the Native American language. (6 points)

(NFP)

(3) The extent to which the proposed project will incorporate parent engagement and participation in Native American language instruction. (6 points) (NFP)

(4) The quality of the approach to developing and administering pre- and post-assessments of student Native American language proficiency, including consultation with individuals with assessment expertise, as needed. (6 points)

(NFP)

(5) The extent to which the performance feedback and continuous improvement are integral to the design of the proposed project. (5 points) (34 CFR 75.210 (c)(2)(xxi))

(b) Quality of project services (29 points). The Secretary considers the quality of the services to be provided by the proposed project. In determining the quality of the services to be provided by the proposed project, the Secretary considers the following factors:

(1) The quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. (1 point) (34 CFR 75.210(d)(2))

(2) The quality of the plan for supporting grade-level and developmentally appropriate instruction in a Native American language by providing instruction of or through the Native American language. (11 points) (NFP)

(3) The extent to which the project will provide professional development for teachers and, as appropriate, staff and administrators to strengthen the overall language proficiency and academic goals of the school(s) that will be served by the project, including cultural competence training for all staff in the school(s). (10 points) (NFP)

(4) The extent to which the services to be provided by the proposed project involve the collaboration of appropriate partners for maximizing the effectiveness of project services. (4 points) (34 CFR 75.210(d)(3)(ix))

(5) The extent to which the percentage of the school day that instruction will be provided in the Native American language is ambitious and is reasonable for the grade level and population served. (3 points) (NFP)

(c) Quality of project personnel (16 points).

The Secretary considers the quality of the personnel who will carry out the proposed project. In determining the quality of project personnel, the Secretary considers:

(1) The extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. (1 point) (NFP)

(2) The extent to which teachers of the Native American language who are identified as staff for this project have teaching experience and are fluent in the Native American language. (9 points) (NFP)

(3) The qualifications, including relevant training and experience, of key project personnel. (6 points) (34 CFR 75.210(e) (3) (ii))

(d) Adequacy of resources (10 points).

The Secretary considers the adequacy of resources for the proposed project. In determining the adequacy of resources for the proposed project, the Secretary considers:

(1) The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project. (6 points) (34 CFR 75.210(f) (2) (iv))

(2) The potential for continued support of the project after Federal funding ends, including, as appropriate, the

demonstrated commitment of appropriate entities to such support.
(4 points) (34 CFR 75.210(f)(2)(vi))

(e) Quality of the management plan (13 points). The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers:

(1) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks. (8 points) (34 CFR 75.210(g)(2)(i))

(2) The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project. (5 points) (34 CFR 75.210(g)(2)(iv))

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

applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary 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 (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. Risk Assessment and Specific Conditions:

Consistent with 2 CFR 200.206, before awarding grants under this program, the Department conducts a review of the risks posed by applicants. Under 2 CFR 200.208, the Secretary may impose specific conditions and, under 2 CFR 3474.10, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. Integrity and Performance System: If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently \$250,000), under 2 CFR 200.206(a)(2) we must make a judgment about your integrity, business ethics, and

record of performance under Federal awards--that is, the risk posed by you as an applicant--before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management (SAM). You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds \$10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed \$10,000,000.

5. In General: In accordance with the Office of Management and Budget's guidance located at 2 CFR part 200, all applicable Federal laws, and relevant Executive guidance, the Department will review and consider applications for funding pursuant to this notice inviting applications in accordance with:

(a) Selecting recipients most likely to be successful in delivering results based on the program objectives through an objective process of evaluating Federal award applications (2 CFR 200.205);

(b) Prohibiting the purchase of certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act of 2019 (Pub. L. No. 115–232) (2 CFR 200.216);

(c) Providing a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States (2 CFR 200.322); and

(d) Terminating agreements in whole or in part to the greatest extent authorized by law if an award no longer effectuates the program goals or agency priorities (2 CFR 200.340).

VI. Award Administration Information

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

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

2. Administrative and National Policy Requirements:

We identify administrative and national policy requirements in the application package and reference these and other requirements in the Applicable Regulations section of this notice.

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

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

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR

75.720(c). For specific requirements on reporting, please go to www.ed.gov/fund/grant/apply/appforms/appforms.html.

(c) Under 34 CFR 75.250(b), the Secretary may provide a grantee with additional funding for data collection analysis and reporting. In this case the Secretary establishes a data collection period.

4. Performance Measures: For the purpose of Department reporting under 34 CFR 75.110, we have established the following performance measures for the NAL@ED program:

(a) The number and percentage of students who attain proficiency in a Native language as determined by each grantee through pre- and post-assessments of Native language proficiency;

(b) The number and percentage of participating students who make progress in learning a Native language, as determined by each grantee, through pre- and post-assessments of Native language proficiency;

(c) The number and percentage of participating students who show an improvement in academic outcomes, as measured by academic assessments or other indicators; and

(d) The difference between the average daily attendance of participating students and the average daily attendance of all students in the comparison group (e.g., school, LEA, Tribe, or other).

These measures constitute the Department's indicators of success for this program. Consequently, we advise an applicant for a grant under this program to carefully consider these measures in conceptualizing the approach to, and evaluation for, its proposed project. Each grantee will be required to provide, in its annual performance and final reports, data about its progress in meeting these measures.

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

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

VII. Other Information

Accessible Format: On request to the program contact person listed under FOR FURTHER INFORMATION CONTACT, individuals with disabilities can obtain this document and a copy of the application package in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

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

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

Dated:

Ruth E. Ryder,

*Deputy Assistant Secretary for Policy and
Programs
Office of Elementary and Secondary
Education.*

Program Statute

SEC. 6133. NATIVE AMERICAN AND ALASKA NATIVE LANGUAGE IMMERSION SCHOOLS AND PROGRAMS.

(a) PURPOSES.—The purposes of this section are—

(1) to establish a grant program to support schools that use Native American and Alaska Native languages as the primary language of instruction;

(2) to maintain, protect, and promote the rights and freedom of Native Americans and Alaska Natives to use, practice, maintain, and revitalize their languages, as envisioned in the Native American Languages Act (25 U.S.C. 2901 et seq.); and

(3) to support the Nation’s First Peoples’ efforts to maintain and revitalize their languages and cultures, and to improve educational opportunities and student outcomes within Native American and Alaska Native communities.

(b) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—From funds reserved under section 6152(c), the Secretary shall reserve 20 percent to make grants to eligible entities to develop and maintain, or to improve and expand, programs that support schools, including elementary school and secondary school education sites and streams, using Native American and Alaska Native languages as the primary languages of instruction.

(2) ELIGIBLE ENTITIES.—In this subsection, the term ‘eligible entity’ means any of the following entities that has a plan to develop and maintain, or to improve and expand, programs that support the entity’s use of a Native American or Alaska Native language as the primary language of instruction in elementary schools or secondary schools, or both:

(A) An Indian tribe.

(B) A Tribal College or University (as defined in section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c)).

(C) A tribal education agency.

(D) A local educational agency, including a public charter school that is a local educational agency under State law.

(E) A school operated by the Bureau of Indian Education.

(F) An Alaska Native Regional Corporation (as described in section 3(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(g))).

(G) A private, tribal, or Alaska Native nonprofit organization.

(H) A nontribal for-profit organization.

(c) APPLICATION.—

(1) IN GENERAL.—An eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require, including the following:

(A) The name of the Native American or Alaska Native language to be used for instruction at the school supported by the eligible entity.

(B) The number of students attending such school.

(C) The number of hours of instruction in or through 1 or more Native American or Alaska Native languages being provided to targeted students at such school, if any.

(D) A description of how the eligible entity will—

(i) use the funds provided to meet the purposes of this section;

(ii) implement the activities described in subsection (e);

(iii) ensure the implementation of rigorous academic content; and

(iv) ensure that students progress toward high level fluency goals.

(E) Information regarding the school's organizational governance or affiliations, including information about—

- (i) the school governing entity (such as a local educational agency, tribal education agency or department, charter organization, private organization, or other governing entity);
- (ii) the school's accreditation status;
- (iii) any partnerships with institutions of higher education; and
- (iv) any indigenous language schooling and research cooperatives.

(F) An assurance that—

- (i) the school is engaged in meeting State or tribally designated long-term goals for students, as may be required by applicable Federal, State, or tribal law;
- (ii) the school provides assessments of students using the Native American or Alaska Native language of instruction, where possible;
- (iii) the qualifications of all instructional and leadership personnel at such school is sufficient to deliver high-quality education through the Native American or Alaska Native language used in the school; and
- (iv) the school will collect and report to the public data relative to student achievement and, if appropriate, rates of high school graduation, career readiness, and enrollment in postsecondary education or workforce development programs, of students who are enrolled in the school's programs.

(2) LIMITATION.—The Secretary shall not give a priority in awarding grants under this section based on the information described in paragraph (1)(E).

(3) SUBMISSION OF CERTIFICATION.—

(A) IN GENERAL.—An eligible entity that is a public elementary school or secondary school (including a public charter school or a school operated by the Bureau of Indian Education) or a nontribal for-profit or nonprofit organization shall submit, along with the application requirements described in paragraph (1), a certification described in subparagraph (B) indicating that—

- (i) the school or organization has the capacity to provide education primarily through a Native American or an Alaska Native language; and
- (ii) there are sufficient speakers of the target language at the school or available to be hired by the school or organization.

(B) CERTIFICATION.—The certification described in subparagraph (A) shall be from one of the following entities, on whose land the school or program is located, that is an entity served by such school, or that is an entity whose members (as defined by that entity) are served by the school:

- (i) A Tribal College or University (as defined in section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c)).
- (ii) A Federally recognized Indian tribe or tribal organization.
- (iii) An Alaska Native Regional Corporation or an Alaska Native nonprofit organization.
- (iv) A Native Hawaiian organization.

(d) AWARDING OF GRANTS.—In awarding grants under this section, the Secretary shall—

- (1) determine the amount of each grant and the duration of each grant, which shall not exceed 3 years; and
- (2) ensure, to the maximum extent feasible, that diversity in languages is represented.

(e) ACTIVITIES AUTHORIZED.—

(1) REQUIRED ACTIVITIES.—An eligible entity that receives a grant under this section shall use such funds to carry out the following activities:

(A) Supporting Native American or Alaska Native language education and development.

(B) Providing professional development for teachers and, as appropriate, staff and administrators to strengthen the overall language and academic goals of the school that will be served by the grant program.

(2) ALLOWABLE ACTIVITIES.—An eligible entity that receives a grant under this section may use such funds to carry out the following activities:

(A) Developing or refining curriculum, including teaching materials and activities, as appropriate.

(B) Creating or refining assessments written in the Native American or Alaska Native language of instruction that measure student proficiency and that are aligned with State or tribal academic standards.

(C) Carrying out other activities that promote the maintenance and revitalization of the Native American or Alaska Native language relevant to the grant program.

(f) REPORT TO SECRETARY.—Each eligible entity that receives a grant under this section shall prepare and submit an annual report to the Secretary, which shall include—

(1) the activities the entity carried out to meet the purposes of this section; and

(2) the number of children served by the program and the number of instructional hours in the Native American or Alaska Native language.

(g) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds provided to a grantee under this section for any fiscal year may be used for administrative purposes.