



Mailing Address:
1 Baldwin Street
Drawer 33
Montpelier, Vermont 05633-5701

Tel.: (802) 828-2295
Fax: (802) 828-2483

STATE OF VERMONT
JOINT FISCAL COMMITTEE
1 Baldwin Street
Montpelier, Vermont 05633-5701

MEMORANDUM

To: James Reardon, Commissioner of Finance & Management

From: Rebecca Buck, Staff Associate *RB*

Date: August 11, 2006

Subject: Status of Grant Request

No Joint Fiscal Committee member has requested that the following item be held for review:

JFO #2262 – \$50,000 grant from the U.S. Department of Education to the Education Department. Utilizing a formula calculation, the Department will use these funds to reimburse Local Education Agencies for a portion of the actual costs of providing educational services to students displaced by Hurricanes Katrina and Rita.
[JFO received 07/12/06]

In accordance with 32 V.S.A. §5, the requisite 30 days having elapsed since this item was submitted to the Joint Fiscal Committee, the Governor's approval may now be considered final. We ask that you inform the Secretary of Administration and your staff of this action.

cc: Michael Smith
Linda Morse
Richard Cate

From: Rebecca Buck
To: richardcate@education.state.vt.us
Date: 7/19/2006 1:46:00 PM
Subject: Passing along a thank you

Richard: Representative Michael Obuchowski wanted me to pass along his appreciation and thanks for your response with regard to JFO #2262 (\$50,000 DOE grant for students displaced by Hurricanes Katrina and Rita). --Becky



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STATE OF VERMONT
JOINT FISCAL COMMITTEE
1 Baldwin Street
Montpelier, Vermont 05633-5701

MEMORANDUM

To: Joint Fiscal Committee Members

From: Rebecca Buck, Staff Associate *RB*

Date: July 13, 2006

Subject: Grant Requests

Enclosed please find three (3) requests which the Joint Fiscal Office recently received from the Administration:

JFO #2260 – \$19,835 grant from the U.S. Department of Agriculture through the University of Delaware to the Agency of Agriculture, Food and Markets. These grant funds will be used by dairy producers and workers for management and training for the Vermont Hispanic workforce to increase safety and productivity through workshops and one-on-one follow-up.

[JFO received 07/11/06]

JFO #2261 – \$30,000 grant from the U.S. Department of Agriculture through the University of Vermont to the Agency of Agriculture, Food and Markets. These grant funds will support a portion of the “Dairy Ombudsman” position who will work with the Governor’s Dairy Task Force. The ombudsman will conduct education activities through use of a web site, farm visits and phone contacts as well as provide one-on-one and small group assistance to dairy farmers on production, marketing, financial and legal risk management.

[JFO received 07/11/06]

JFO #2262 – \$50,000 grant from the U.S. Department of Education to the Education Department. Utilizing a formula calculation, the Department will use these funds to reimburse Local Education Agencies for a portion of the actual costs of providing educational services to students displaced by Hurricanes Katrina and Rita. [JFO received 07/12/06]

The Joint Fiscal Office has reviewed these submissions and determined that all appropriate forms bearing the necessary approvals are in order.

In accordance with the procedures for processing such requests, we ask you to review the enclosed and notify the Joint Fiscal Office (Rebecca Buck at 802/828-5969; rbuck@leg.state.vt.us or Maria Belliveau at 802/828-5971; mbelliveau@leg.state.vt.us) if you would like any item(s) held for Committee review. Unless we hear from you to the contrary by July 27 we will assume that you agree to consider as final the Governor's acceptance of these requests.

cc: Michael Smith, Secretary
James Reardon, Commissioner
Linda Morse, Administrative Assistant
Stephen Kerr, Secretary
Richard Cate, Commissioner

STATE OF VERMONT
GRANT ACCEPTANCE FORM

JFO #
2262

DATE: July 6, 2006

DEPARTMENT: Department of Education

GRANT/DONATION (brief description and purpose): Federal reimbursement to Local Education Agencies for the cost of providing services to students displaced by hurricane Katrina.

GRANTOR/DONOR: U.S. Department of Education

GRANT PERIOD: One-Time

AMOUNT/VALUE: \$50,000

POSITIONS REQUESTED (LIMITED SERVICE): None

ANY ON-GOING, LONG-TERM COSTS TO THE STATE: None

COMMENTS:

DEPT. FINANCE AND MANAGEMENT:

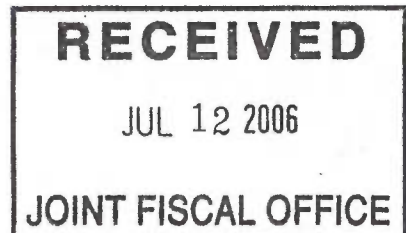
SECRETARY OF ADMINISTRATION:

SENT TO JOINT FISCAL OFFICE:

(INITIAL) AAB *Eng 7/12/06*

(INITIAL) JMS

(DATE) 7/12/06



STATE OF VERMONT
REQUEST FOR GRANT ACCEPTANCE
(use additional sheets as needed)

FORM AA-1
(Rev. 9-90)

1. Vermont Department of Education
2. Independent and Federal Programs
3. Emergency Impact Aid for Displaced Students
4. Elementary and Secondary Education Hurricane Relief - Temporary Emergency Impact Aid for Displaced Students
5. 84.938C
6. U.S. Department of Education
Washington, DC 20202

7. **Grant Period:** From: 9/1/2005 To: 7/31/2006

8. **Purpose of Grant:** (attach additional sheets if needed)
The Emergency Impact Aid for Displaced Students Program provides funds for Local Education Agencies (LEAs) to assist with the cost of education students displaced by hurricanes Katrina and Rita during the school year 2005-2006; funds may also be used to assist with the cost of displaced students enrolled in non-public schools.

9. **Impact on Existing Programs if Grant is not Accepted:**
Vermont public and non public schools will be required to absorb the costs of providing services to displaced students enrolled during the 2005-2006 school year.

10. **Budget Information:**

	(1st State FY) FY 2007	(2nd State FY) FY 2008	(3rd State FY) FY 2009
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EXPENDITURES:

Personal Services	\$	\$	\$
Operating Expenses	\$	\$	\$
Other	\$ 50,000	\$	\$
TOTAL	\$ 50,000	\$ -	\$ -

REVENUES:

<u>State Funds:</u>			
Cash	\$	\$	\$
In-Kind	\$	\$	\$
<u>Federal Funds:</u>			
(Direct Costs)	\$ 50,000	\$	\$
(Department Indirect)	\$ -	\$ -	\$ -
<u>Other Funds:</u>			
(source) Grant	\$	\$	\$
TOTAL	\$ 50,000	\$ 0	\$ 0

Federal funds will be allocated to these appropriation expenditure accounts: in SFY06	<u>Fund</u> 22005	<u>DeptID</u> 5100030000	<u>Amounts</u> \$ 50,000
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-over-

REC'D JUL 06 2006

11. Will grant monies be spent by one or more personal service contracts?

YES NO

If YES, signature of appointing authority here indicates intent to follow current guidelines on bidding.

X _____

12a. Please list any requested Limited Service positions:


Titles	Number of Positions
TOTAL Positions	0

12b. Equipment and space for these positions: NA

Is presently available.
 Can be obtained with available funds.

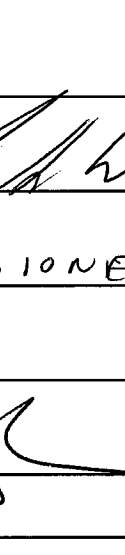
13. Signature of Appointing Authority

I certify that no funds have been expended or committed in anticipation of Joint Fiscal Committee approval of this grant.

 7/5/06
 (Signature) (Date)
COMMISSIONER
 (Title)


14. Action by Governor:

Approved
 Rejected

 7/10/06
 (Signature) (Date)

15. Secretary of Administration:

Request to JFO
 Information to JFO

 7.7.06
 (Signature) (Date)

16. Action by Joint Fiscal Committee:

(Dates)

- Request to be placed on JFC agenda
- Approved (not placed on agenda in 30 days)
- Approved by JFC
- Rejected by JFC
- Approved by Legislature

 (Signature) (Date)

100



STATE OF VERMONT
DEPARTMENT OF EDUCATION
120 State Street
Montpelier, VT 05620-2501

MEMORANDUM

To: Joint Fiscal Office thru
Aaron Brodeur, Finance & Management

From: Richard H. Cate, Commissioner
Department of Education

Date: July 6, 2006

Subject: AA-1 Request – Emergency Impact Aid

A handwritten signature in black ink, appearing to read "Richard H. Cate", written over a horizontal line.

Attached please find a completed AA-1 requesting permission to accept federal grant entitled Elementary and Secondary Education Hurricane Relief-Temporary Emergency Impact Aid for Displaced Students. Also attached is a copy of the Federal Register describing this new federal program, as well as copies of Frequently Asked Questions that provide good background information.

It is important to understand the timing of the receipt of this federal authorization in relation to Vermont's acceptance and use of the funds. The reaction and resulting response to Hurricanes Katrina and Rita caused the federal government to move fairly quickly to provide educational funding to displaced students.

Vermont's DOE was contacted in late January and asked to provide information relative to the numbers of displaced students being served in Vermont. VT DOE surveyed every school in the State and has been providing statistical information to the federal government since late spring. We were first notified that funding would be forthcoming in late March, although they were unable to provide us with the level of funding we might expect. To this date, we know that we have been approved for \$32,850, but additional funding has been allocated at the federal level that will result in Vermont receiving funds beyond our current \$32,850, thus our AA-1 submission indicating \$50,000.

The funds awarded to Vermont are allocated on a formula basis, to partially reimburse LEAs for educational costs for displaced students. Based on the data collected from the schools, it was determined that there are enough students in Vermont to justify our continued conversations with the federal government for funding allocations for our

JFO
July 6, 2006
Page 2

LEAs. We learned only two weeks ago what our funding level would be under the first set of statistics supplied. Concurrent with that notification came the information that additional funds at the federal level would be allocated to us – we expect to use that additional funding to increase the reimbursement rate to LEAs and to extend their spending period to September 30 (instead of July 31).

Although it is normally a requirement that the State not obligate funds before formal receipt of grants through the JFO process, the nature of this allocation process required that we collect and provide data to the federal Education Department who then apportioned the funds on a reimbursement basis to States. We needed to provide our “obligation” before funds could be awarded. It is this Department’s intent to reimburse Vermont LEAs, based on a formula calculation, for a small portion of the actual cost of providing educational services to Katrina and Rita displaced students.

Please let me know if you have any questions.

RHC:klf
Attachments



**U.S. Department of Education
Washington, D.C. 20202**

GRANT AWARD NOTIFICATION

1	RECIPIENT NAME: Vermont Department of Education 120 State Street Montpelier, VT 05620 - 2501	5	AWARD INFORMATION PR/AWARD NUMBER S938C060044D ACTION NUMBER 04 ACTION TYPE Revision AWARD TYPE Formula																	
	2 PROJECT DESCRIPTION 84.938C ELEMENTARY AND SECONDARY EDUCATION HURRICANE RELIEF - TEMPORARY EMERGENCY IMPACT AID FOR DISPLACED STUDENTS		6	AWARD PERIODS FEDERAL FUNDING PERIOD 09/01/2005 - 07/31/2006																
3	EDUCATION STAFF RECIPIENT STATE DIRECTOR Wendy Ross (802) 879 - 4825 EDUCATION PROGRAM CONTACT Catherine Schagh (202) 260 - 3858 EDUCATION PAYMENT CONTACT GAPS PAYEE HOTLINE (888) 336 - 8930	7		AUTHORIZED FUNDING <table style="width: 100%; border: none;"> <tr> <td style="text-align: right;">CURRENT AWARD AMOUNT</td> <td style="text-align: right;">\$850.00</td> </tr> <tr> <td style="text-align: right;">PREVIOUS CUMULATIVE AMOUNT</td> <td style="text-align: right;">\$32,000.00</td> </tr> <tr> <td style="text-align: right;">CUMULATIVE AMOUNT</td> <td style="text-align: right;">\$32,850.00</td> </tr> </table>	CURRENT AWARD AMOUNT	\$850.00	PREVIOUS CUMULATIVE AMOUNT	\$32,000.00	CUMULATIVE AMOUNT	\$32,850.00										
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			9 LEGISLATIVE AND FISCAL DATA AUTHORITY: PL P.L. 109-148 SUBTITLE A--ELEMENTARY AND SECONDARY EDUCATION HURRICANE RELIEF PROGRAM TITLE: KATRINA FY 2006 (DOD) CFDA/SUBPROGRAM NO: 84.938C <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">FUND CODE</th> <th style="text-align: left;">FUNDING YEAR</th> <th style="text-align: left;">AWARD YEAR</th> <th style="text-align: left;">ORG. CODE</th> <th style="text-align: left;">CATEGORY</th> <th style="text-align: left;">LIMITATION</th> <th style="text-align: left;">ACTIVITY</th> <th style="text-align: left;">CFDA</th> <th style="text-align: left;">OBJECT CLASS</th> <th style="text-align: left;">AMOUNT</th> </tr> </thead> <tbody> <tr> <td>0013A</td> <td>2006</td> <td>2006</td> <td>ES000000</td> <td>B</td> <td>DK9</td> <td>000</td> <td>938</td> <td>4101A</td> <td>\$850.00</td> </tr> </tbody> </table>	FUND CODE	FUNDING YEAR	AWARD YEAR	ORG. CODE	CATEGORY	LIMITATION	ACTIVITY	CFDA	OBJECT CLASS	AMOUNT	0013A	2006	2006	ES000000	B	DK9	000
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0013A	2006	2006	ES000000	B	DK9	000	938	4101A	\$850.00											

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JUN 23 2006

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U.S. Department of Education
Washington, D.C. 20202

GRANT AWARD NOTIFICATION

10

PR/AWARD NUMBER: S938C060044-06D

RECIPIENT NAME: Vermont Department of Education

TERMS AND CONDITIONS

- (1) THIS ACTION IS TO INCREASE THE GRANT AWARD IN THE AMOUNT SHOWN IN BLOCK 7.

Mary L. Johnson

JUN 15 2006

AUTHORIZING OFFICIAL

DATE



**U.S. Department of Education
Washington, D.C. 20202**

GRANT AWARD NOTIFICATION

1	RECIPIENT NAME: Vermont Department of Education 120 State Street Montpelier, VT 05620 - 2501	5	AWARD INFORMATION PR/AWARD NUMBER S938C060044C ACTION NUMBER 03 ACTION TYPE Revision AWARD TYPE Formula																				
	2	PROJECT DESCRIPTION 84.938C ELEMENTARY AND SECONDARY EDUCATION HURRICANE RELIEF - TEMPORARY EMERGENCY IMPACT AID FOR DISPLACED STUDENTS	6	AWARD PERIODS FEDERAL FUNDING PERIOD 09/01/2005 - 07/31/2006																			
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APR 17 2006

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U.S. Department of Education
Washington, D.C. 20202

GRANT AWARD NOTIFICATION

10

PR/AWARD NUMBER: S938C060044-06C

RECIPIENT NAME: Vermont Department of Education

TERMS AND CONDITIONS

- (1) THIS ACTION IS TO INCREASE THE GRANT AWARD IN THE AMOUNT SHOWN IN BLOCK 7.
- (2) This supplemental award is the initial amount for Quarter 3 based upon: (1) numbers of students reported by the recipient in its original application as well as any amendments reported by the recipient as of March 28, 2006; and (2) \$1,000 per student for children without disabilities and \$1,250 for children with disabilities

Henry L. Johnson

AUTHORIZING OFFICIAL

MAR 30 2006

DATE



**U.S. Department of Education
Washington, D.C. 20202**

GRANT AWARD NOTIFICATION

1	RECIPIENT NAME: Vermont Department of Education 120 State Street Montpelier, VT 05620 - 2501	5	AWARD INFORMATION PR/AWARD NUMBER S938C060044B ACTION NUMBER 02 ACTION TYPE Revision AWARD TYPE Formula																				
	2		PROJECT DESCRIPTION 84.938C ELEMENTARY AND SECONDARY EDUCATION HURRICANE RELIEF - TEMPORARY EMERGENCY IMPACT AID FOR DISPLACED STUDENTS	6	AWARD PERIODS FEDERAL FUNDING PERIOD 09/01/2005 - 07/31/2006																		
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0013A	2006	2006	ES000000	B	DK9	000	938	4101A	\$10,000.00														



U.S. Department of Education
Washington, D.C. 20202

GRANT AWARD NOTIFICATION

10

PR/AWARD NUMBER: S938C060044-06B

RECIPIENT NAME: Vermont Department of Education

TERMS AND CONDITIONS

- (1) THIS ACTION IS TO INCREASE THE GRANT AWARD IN THE AMOUNT SHOWN IN BLOCK 7.
- (2) This supplemental award is the initial amount for Quarter 2 based upon: (1) numbers of students reported by the recipient in its original application as well as any amendments reported by the recipient as of March 28, 2006; and (2) \$1,000 per student for children without disabilities and \$1,250 for children with disabilities.

Henry L. Johnson

MAR 29 2006

AUTHORIZING OFFICIAL

DATE



**U.S. Department of Education
Washington, D.C. 20202**

GRANT AWARD NOTIFICATION

1	RECIPIENT NAME: Vermont Department of Education 120 State Street Montpelier, VT 05620 - 2501	5	AWARD INFORMATION PR/AWARD NUMBER S938C060044A ACTION NUMBER 01 ACTION TYPE Revision AWARD TYPE Formula																				
	2		PROJECT DESCRIPTION 84.938C ELEMENTARY AND SECONDARY EDUCATION HURRICANE RELIEF - TEMPORARY EMERGENCY IMPACT AID FOR DISPLACED STUDENTS	6	AWARD PERIODS FEDERAL FUNDING PERIOD 09/01/2005 - 07/31/2006																		
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U.S. Department of Education
Washington, D.C. 20202

GRANT AWARD NOTIFICATION

10

PR/AWARD NUMBER: S938C060044-06A

RECIPIENT NAME: Vermont Department of Education

TERMS AND CONDITIONS

- (1) THIS ACTION IS TO INCREASE THE GRANT AWARD IN THE AMOUNT SHOWN IN BLOCK 7.
- (2) This supplemental award adjusts the amount for Quarter 1 based upon: (1) any amendments to numbers of students reported by the recipient; and (2) the increase of the amount per student per quarter from \$750 to \$1,000 for children without disabilities and \$937.50 to \$1,250 for children with disabilities.

Henry L. Johnson

AUTHORIZING OFFICIAL

MAR 28 2006

DATE



**U.S. Department of Education
Washington, D.C. 20202**

GRANT AWARD NOTIFICATION

1 RECIPIENT NAME: Vermont Department of Education 120 State Street Montpelier, VT 05620 - 2501	5 AWARD INFORMATION PR/AWARD NUMBER S938C060044 ACTION NUMBER 01 ACTION TYPE New AWARD TYPE Formula																				
2 PROJECT DESCRIPTION 84.938C ELEMENTARY AND SECONDARY EDUCATION HURRICANE RELIEF - TEMPORARY EMERGENCY IMPACT AID FOR DISPLACED STUDENTS	6 AWARD PERIODS BUDGET PERIOD 09/01/2005 - 07/31/2006 FEDERAL FUNDING PERIOD 09/01/2005 - 07/31/2006																				
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4 KEY PERSONNEL N/A	8 ADMINISTRATIVE INFORMATION DUNS/SSN 884902701 REGULATIONS CFR PART n/a EDGAR AS APPLICABLE ATTACHMENTS T <div style="text-align: right; font-weight: bold; font-size: 1.2em;"> RECEIVED MAR 30 2006 DEPT. OF ED HURRICANE RELIEF OFFICE </div>																				
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U.S. Department of Education
Washington, D.C. 20202

GRANT AWARD NOTIFICATION

PR/AWARD NUMBER: S938C060044

RECIPIENT NAME: Vermont Department of Education

10

TERMS AND CONDITIONS.

- (1) This grant award is subject to the terms and conditions identified in Attachment T.

Henry L. Johnson MAR 2 2006
AUTHORIZING OFFICIAL DATE

EXPLANATION OF BLOCKS ON THE GRANT AWARD NOTIFICATION

For Discretionary, Formula, and Block Grants

(See Block 5 of the Notification)

1. **RECIPIENT NAME** - The legal name of the recipient, name of the primary organizational unit that will undertake the funded activity, and the complete address of the recipient. The recipient is commonly known as the "grantee."
2. **PROJECT TITLE AND CFDA NUMBER** - Identifies the Catalog of Federal Domestic Assistance (CFDA) subprogram title and the associated subprogram number.
3. **PROJECT STAFF** - This block contains the names and telephone numbers of the U.S. Department of Education and recipient staff who are responsible for project direction and oversight.
 - ***RECIPIENT PROJECT DIRECTOR** - The recipient staff person responsible for administering the project. This person represents the recipient to the U.S. Department of Education.
 - EDUCATION PROGRAM CONTACT** - The U.S. Department of Education staff person responsible for the programmatic, administrative and business-management concerns of the Department.
 - EDUCATION PAYMENT CONTACT** - The U.S. Department of Education staff person responsible for payments or questions concerning electronic drawdown and financial expenditure reporting.
- 4.* **KEY PERSONNEL** - Name, title and percentage (%) of effort the key personnel identified devotes to the project.
5. **AWARD INFORMATION** - Unique items of information that identify this notification.
 - PRAWARD NUMBER** - A unique, identifying number assigned by the Department to each application. On funded applications, this is commonly known as the "grant number" or "document number."
 - ACTION NUMBER** - A numeral that represents the cumulative number of steps taken by the Department to date to establish or modify the award through fiscal or administrative means. Action number "01" will always be "NEW AWARD"
 - ACTION TYPE** - The nature of this notification (e.g., NEW AWARD, CONTINUATION, REVISION, ADMINISTRATIVE)
 - AWARD TYPE** - The particular assistance category in which funding for this award is provided, i.e., DISCRETIONARY, FORMULA, or BLOCK.
6. **AWARD PERIODS** - Project activities and funding are approved with respect to three different time periods, described below:
 - BUDGET PERIOD** - A specific interval of time for which Federal funds are being provided from a particular fiscal year to fund a recipient's approved activities and budget. The start and end dates of the budget period are shown.
 - PERFORMANCE PERIOD** - The complete length of time the recipient is proposed to be funded to complete approved activities. A performance period may contain one or more budget periods.
 - ***FUTURE BUDGET PERIODS** - The estimated remaining budget periods for multi-year projects and estimated funds the Department proposes it will award the recipient provided substantial progress is made by the recipient in completing approved activities, the Department determines that continuing the project would be in the best interest of the Government, Congress appropriates sufficient funds under the program, and the recipient has submitted a performance report that provides the most current performance information and the status of budget expenditures.
7. **AUTHORIZED FUNDING** - The dollar figures in this block refer to the *Federal* funds provided to a recipient during the award periods.
 - ***THIS ACTION** - The amount of funds obligated (added) or de-obligated (subtracted) by this notification.
 - ***BUDGET PERIOD** - The total amount of funds available for use by the grantee during the stated budget period to this date.
 - ***PERFORMANCE PERIOD** - The amount of funds obligated from the start date of the first budget period to this date.
 - RECIPIENT COST-SHARE** - The funds, expressed as a percentage, that the recipient is required to contribute to the project, as defined by the program legislation or regulations and/or terms and conditions of the award.
 - RECIPIENT NON-FEDERAL AMOUNT** - The amount of non-federal funds the recipient must contribute to the project as identified in the recipient's application. When non-federal funds are identified by the recipient where a cost share is not a legislation requirement, the recipient will be **required** to provide the non-federal funds.
8. **ADMINISTRATIVE INFORMATION** - This information is provided to assist the recipient in completing the approved activities and managing the project in accordance with U.S. Department of Education procedures and regulations.
 - DUNS/SSN** - A unique, identifying number assigned to each recipient for payment purposes. The number is based on either the recipient's assigned number from Dun and Bradstreet or the individual's social security number.
 - ***REGULATIONS** - The parts of the Education Department General Administrative Regulations (EDGAR) and specific program regulations that govern the award and administration of this grant.
 - ***ATTACHMENTS** - Additional sections of the Grant Award Notification that discuss payment and reporting requirements, explain Department procedures, and add special terms and conditions in addition to those established, and shown as clauses, in Block 10 of the award. Any attachments provided with a notification continue in effect through the project period until modified or rescinded by the Authorizing Official.
9. **LEGISLATIVE AND FISCAL DATA** - The name of the authorizing legislation for this grant, the CFDA title of the program through which funding is provided, and U.S. Department of Education fiscal information.
 - FUND CODE, FUNDING YEAR, AWARD YEAR, ORG. CODE, PROJECT CODE, OBJECT CLASS** - The fiscal information recorded by the U.S. Department of Education's Grant Administration and Payment System to track obligations by award.
 - AMOUNT** - The amount of funds provided from a particular appropriation and project code. Some notifications authorize more than one amount from separate appropriations and/or project codes. The total of all amounts in this block equals the amount shown on the line, "THIS ACTION" (See "AUTHORIZED FUNDING" above (Block 7)).
10. **TERMS AND CONDITIONS OF AWARD** - Requirements of the award that are binding on the recipient.
 - ***AUTHORIZING OFFICIAL** - The U.S. Department of Education official authorized to award Federal funds to the recipient, establish or change the terms and conditions of the award, and authorize modifications to the award.

FOR FORMULA AND BLOCK GRANTS ONLY:

(See also Blocks 1, 2, 5, 6, 8, 9 and 10 above)

3. **EDUCATION STAFF** - The U.S. Department of Education staff persons to be contacted for programmatic and payment questions.
7. **AUTHORIZED FUNDING**
 - CURRENT AWARD AMOUNT** - The amount of funds that are obligated (added) or de-obligated (subtracted) by this action.
 - PREVIOUS CUMULATIVE AMOUNT** - The total amount of funds awarded under the grant before this action.
 - CUMULATIVE AMOUNT** - The total amount of funds awarded under the grant, this action included.

* This item differs or does not appear on formula and block grants.

Attachment T

Terms and Conditions of Emergency Impact Aid for Displaced Students Grants

- A. These funds must be expended in accordance with the requirements of section 107 of the Hurricane Education Recovery Act, as authorized under P.L. 109-148, and applicable regulations including 34 CFR Parts 76, 77, 80, 81, 82, 84, 85, 97, 98, and 99.
- B. This is the initial award under this program for the first quarterly student count. It is based on displaced students reported by your state in the application submitted for the February 2, 2006, deadline. Supplemental awards will be made based on final numbers for the first quarterly count and the numbers of students reported for the second, third, and fourth quarterly counts.
- C. Preaward costs, consistent with the requirements of section 107 of the Hurricane Education Recovery Act, as authorized under P.L. 109-148, are allowable under this grant.
- D. The State educational agency (SEA) will cooperate with the U.S. Department of Education (the Department) in providing information that the Department may request relative to this program, including information on the steps that the SEA is taking to ensure accountability for the use of funds by all entities.
- E. All funds provided on behalf of displaced students reported as students with disabilities must be spent on special education and related services as defined in section 602 of the Individuals with Disabilities Education Act.
- F. The total amount of a payment on behalf of a displaced student enrolled in a nonpublic school may not exceed the lesser of
 - a. \$6,000 for a student who is not reported as a child with a disability;
 - b. \$7,500 for a student who is reported as a child with a disability, or
 - c. The cost of tuition and fees (and transportation expenses, if any) at the nonpublic school for the 2005-2006 school year.

PLEASE NOTE: Payment amounts referenced above will be proportionately reduced on a per-pupil basis if the amount available to the Department is not sufficient to make these payments in full.

- G. These Federal funds may not be used for construction or major renovation. However, any laborers and mechanics employed by contractors or subcontractors on minor remodeling (as defined in 34 CFR 77.1) projects over \$2,000 assisted with these funds must be paid in accordance with prevailing wage requirements in the Davis-Bacon Act.

H. All funds received under this program must be obligated by the SEA and local educational agencies (LEAs) by July 31, 2006. A 90-day liquidation period will follow that date. Any funds that are not obligated by the July 31 deadline must be returned to the Department.

OESE 02/13/2006

DEPARTMENT OF EDUCATION**Submission for OMB Review;
Comment Request**

AGENCY: Department of Education.

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before February 13, 2006.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Rachel Potter, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503 or faxed to (202) 395-6974.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: January 4, 2006.

Angela C. Arrington,
IC Clearance Official, Regulatory Information Management Services, Office of the Chief Information Officer.

Federal Student Aid

Type of Review: Extension.
Title: Lender's Application Process (LAP).

Frequency: On Occasion.

Affected Public: State, local, or tribal gov't, SEAs or LEAs; Businesses or other for-profit.

Reporting and Recordkeeping Hour Burden:

Responses: 58.

Burden Hours: 9.

Abstract: The Lender's Application Process is submitted by lenders who are eligible for reimbursement of interest and special allowance, as well as Federal Insured Student Loan (FISL) claims payment, under the Federal Family Education Loan Program. The information will be used by ED to update Lender Identification Numbers (LID's) lenders names, addresses with 9 digit zip codes and other pertinent information.

Requests for copies of the information collection submission for OMB review may be accessed from <http://edicsweb.ed.gov>, by selecting the "Browse Pending Collections" link and by clicking on link number 2916. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202-4700. Requests may also be electronically mailed to IC_DocketMgr@ed.gov or faxed to 202-245-6623. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to IC_DocketMgr@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

[FR Doc. E6-192 Filed 1-11-06; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

[CFDA Nos. 84.938B and 84.938C]

**Grants and Cooperative Agreements;
Availability**

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

ACTION: Notice announcing availability of funds and application deadline for the Assistance for Homeless Youth program and the Emergency Impact Aid for Displaced Students program under sections 106 and 107 of the Hurricane Education Recovery Act, Division B, Title IV of Public Law 109-148.

SUMMARY: Under the Emergency Impact Aid for Displaced Students (Emergency Impact Aid) program (section 107 of the Hurricane Education Recovery Act, Division B, Title IV of Pub. L. 109-148 (the Act)), we will award grants to eligible State educational agencies (SEAs) to enable them to make emergency impact aid payments to eligible local educational agencies (LEAs) and eligible BIA-funded schools for the cost of educating public and nonpublic school students displaced by Hurricanes Katrina or Rita during school year 2005-2006. Under the Assistance for Homeless Youth program (section 106 of the Act), we will award grants to eligible SEAs to enable them to provide financial assistance to LEAs serving homeless children and youth displaced by Hurricanes Katrina or Rita in order to address the educational and related needs of these students in a manner consistent with section 723 of the McKinney-Vento Homeless Assistance Act.

An SEA will not apply separately for funding under the Emergency Impact Aid and Assistance for Homeless Youth programs. Rather, an SEA will submit a single application that covers both programs. The data that the SEA provides in its application will be used to determine allocations under both the Emergency Impact Aid program and the Assistance for Homeless Youth program. In this notice, we announce the availability of funds under the two programs and establish the deadline for submission of the single SEA grant application.

SEA Application Deadline: February 2, 2006.

SUPPLEMENTARY INFORMATION: There is available to SEAs under the Emergency Impact Aid program a total of \$645 million and under the Assistance for Homeless Youth program a total of \$5 million. We will use the data on the numbers of displaced public and nonpublic students that the Department is collecting under this application to determine the amount of funding that an SEA receives under the Emergency Impact Aid program.

Under the Assistance for Homeless Youth program, the Department is authorized to disburse funding to SEAs based on demonstrated need, as determined by the Secretary. The Secretary believes that the data that we are collecting under this application provides a reasonable and appropriate basis not only for allocating funds under the Emergency Impact Aid program, but also for determining the relative needs of SEAs for funding for public school students under the Assistance for

Homeless Youth program. Therefore, in order to minimize the burden on SEAs, we will use data on the numbers of displaced public school students that the Department is collecting under this application to make allocations under the Assistance for Homeless Youth program.

Available Funds under the Emergency Impact Aid program: \$645,000,000.

Available Funds under the Assistance for Homeless Youth program: \$5,000,000.

Period of Fund Availability under the Emergency Impact Aid program: SEAs, LEAs, and BIA-funded schools must obligate funds received under section 107 of the Act by July 31, 2006. The SEA must return to the Department any funds that are not obligated by SEAs, LEAs, or BIA-funded schools by this deadline.

Period of Fund Availability under the Assistance for Homeless Youth program: LEAs have until September 30, 2007 to obligate funds received under section 106 of the Act. We strongly encourage SEAs to make these funds available to LEAs at the earliest possible date. Furthermore, we strongly encourage LEAs that receive assistance under this program to obligate the funds in a timely fashion to address the immediate needs of homeless students displaced by Hurricanes Katrina or Rita.

LEA Application Deadline under the Emergency Impact Aid program: For the Emergency Impact Aid program, the Act requires LEAs to apply to their SEAs for funds no later than 14 days after the date of publication of this notice (*i.e.*, no later than January 26, 2006).

LEA Application Deadline under the Assistance for Homeless Youth program: There is no statutory deadline for LEA applications under this program. Rather, each SEA that receives funding under the Assistance for Homeless Youth program will set a reasonable deadline for the submission of LEA applications. The SEA will distribute funds to LEAs based on demonstrated need, for the purposes of carrying out section 723 of the McKinney-Vento Homeless Assistance Act.

Student Enrollment Data: In the application for SEA funding, we request quarterly data on the numbers of displaced students enrolled in public, nonpublic, and BIA-funded schools as of four different count dates. SEAs will report separate counts of students without disabilities and students with disabilities. SEAs are required to submit data for the first quarterly count in the initial applications. The Department encourages SEAs to provide enrollment data for the first two quarters of the

2005–2006 school year (*i.e.*, the two quarters that will have passed as of the date the SEA applications are due) in the initial applications. SEAs and LEAs that meet the initial deadlines may provide enrollment data for the subsequent quarters of the 2005–2006 school year at later dates.

We will use the enrollment data that are included in the SEA application to make initial payments under the Emergency Impact Aid program. In addition, we intend to use a portion of this data to make allocations under the Assistance for Homeless Youth program. Specifically, we intend to use the data on displaced public school students during the first two quarters, as reported in the SEA applications, to make final allocations under the Assistance for Homeless Youth program.

We also are aware that it may take some time for SEAs and LEAs to count, retroactively for the first and second quarters of the 2005–2006 school year, all students who may have now moved to other States or districts. Therefore, SEAs and LEAs that meet these specified timelines may make upward or downward revisions to their initial child counts in the event that they collect more satisfactory data that were not available at the time of their initial application submission. If the Secretary determines that an SEA has received an initial payment that is less than or in excess of what it should have received under the Emergency Impact Aid program for any quarter, the Secretary will make appropriate upward or downward revisions to subsequent payments that the SEA is eligible to receive this year. If the SEA is not eligible for subsequent payments, the SEA must promptly refund the amount of any overpayment to the Secretary. SEAs must submit any application amendments affecting allocations under the Emergency Impact Aid program to the Department no later than April 30, 2006.

Given the much lower funding level under the Assistance for Homeless Youth program, however, we do not intend to make multiple payments under that program or to use revised data to make adjustments to allocations under the program.

Other Requirements: LEAs must make Emergency Impact Aid payments to accounts on behalf of displaced nonpublic school students within 14 calendar days of receiving payments from the SEAs.

The Secretary may solicit from any applicant at any time during the respective periods of availability additional information needed to process an application for either

program. In addition, all displaced public school students included in the counts in the SEA application must participate in State accountability systems consistent with the guidance letter to States from Secretary Margaret Spellings on September 29, 2005.

(<http://www.ed.gov/policy/elsec/guid/secletter/050929.html>)

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (APA) (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on proposed program requirements. Section 437(d)(2) of the General Education Provisions Act (20 U.S.C. 1232(d)(2)), however, allows the Secretary to exempt from rulemaking requirements regulations where the Secretary determines that conducting rulemaking will cause extreme hardship to the intended beneficiaries of the program or programs affected by the regulations.

The Secretary has determined that conducting rulemaking for the Assistance for Homeless Youth and Emergency Impact Aid programs, including the procedures permitting SEAs and LEAs to amend their applications to submit revised student count data and allowing for upward or downward adjustment of subsequent payments under the Emergency Impact Aid program and the procedures for awarding funds under the Assistance for Homeless Youth program, would cause extreme hardship to the beneficiaries of these programs for several significant reasons. The Act was signed into law on December 30, 2005, and specifies very tight timelines that SEAs and LEAs must meet to receive assistance under the Emergency Impact Aid program. Specifically, the Act requires the collection and submission of extremely time-critical student data and related information in applications from SEAs that will reflect data from LEAs, BIA-funded schools, and parents of displaced nonpublic school children. The Emergency Impact Aid program's purpose is to provide immediate aid for the costs related to the education of these displaced students for the 2005–2006 school year, and the Act further requires that the recipients obligate all funds by the end of 2005–2006 school year.

Furthermore, SEAs and LEAs throughout the country have tremendous needs and expenses related to educating homeless students displaced by Hurricanes Katrina and Rita. It is essential, therefore, that the Department also award funding under the Assistance for Homeless Youth program at the earliest possible date. Therefore, in order to avoid further

harm and hardship to applicants under either program and make timely grant awards, the Secretary is waiving rulemaking for these one-time programs under the Act.

Electronic Submission of Applications: An eligible SEA that seeks funding under the Assistance for Homeless Youth program and the Emergency Impact Aid program, as authorized under sections 106 and 107 of the Act, must submit its application to the Department on or before February 2, 2006, no later than 4:30 p.m., Washington, DC time. You must submit your initial application electronically using the Department's Electronic Grant Application System (e-Application) available through the Department's e-Grants system. You may not e-mail an electronic copy of a grant application to us.

You can access the electronic application for the Assistance for Homeless Youth and Emergency Impact Aid programs at: <http://e-grants.ed.gov>.

Once you access this site, you will receive specific instructions regarding the information to include in your application. The regular hours of operation of the e-Application Web site are 6 a.m. Monday until 7 p.m. Wednesday; and 6 a.m. Thursday until midnight, Saturday (Washington, DC time). Please note that the system is unavailable on Sundays.

FOR FURTHER INFORMATION CONTACT: For the Emergency Impact Aid program: Ms. Catherine Schagh, Director, Impact Aid Program, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202-6244. Telephone: (202) 260-3858 or via the Internet: Impact.Aid@ed.gov. For the Assistance for Homeless Youth program: Mr. Gary Rutkin, Program Officer, Homeless Children and Youth Program, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202-6244. Telephone: (202) 260-4412 or via the Internet: gary.rutkin@ed.gov.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1-800-877-8339. Individuals with disabilities may obtain the application package in an alternative format (e.g., Braille, large print, audiotope, or computer diskette) on request to one of the contact persons listed in this section.

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

at the following site: <http://www.ed.gov/news/fedregister>.

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

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: <http://www.gpoaccess.gov/nara/index.html>.

Program Authority: Division B, Title IV of Pub. L. 109-148.

Dated: January 10, 2006.

Henry L. Johnson,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 06-327 Filed 1-10-06; 12:50 pm]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

A National Dialogue: The Secretary of Education's Commission on the Future of Higher Education

AGENCY: A National Dialogue: The Secretary of Education's Commission on the Future of Higher Education, U.S. Department of Education.

ACTION: Notice of public hearing.

SUMMARY: This notice sets forth the schedule and proposed agenda of an upcoming public hearing with members of A National Dialogue: The Secretary of Education's Commission on the Future of Higher Education (Commission). Notice of this meeting is required by section 10(a)(2) of the Federal Advisory Committee Act and is intended to notify the public of their opportunity to attend.

DATE: Tuesday, February 7, 2006.

TIME: Tuesday, February 7, 2006: 9 a.m. to 4 p.m.

ADDRESSES: The public hearing will be held in Seattle, WA, at the Seattle Crowne Plaza, 1113 Sixth Avenue, Seattle, WA.

FOR FURTHER INFORMATION CONTACT: Cheryl Oldham, Executive Director, A National Dialogue: The Secretary of Education's Commission on the Future of Higher Education, 400 Maryland Avenue, SW., Washington, DC 20202-3510; telephone: (202) 205-8741.

SUPPLEMENTARY INFORMATION: The Commission is established by the Secretary of Education to begin a national dialogue about the future of higher education in this country. The purpose of this Commission is to

consider how best to improve our system of higher education to ensure that our graduates are well prepared to meet our future workforce needs and are able to participate fully in the changing economy. The Commission shall consider federal, state, local and institutional roles in higher education and analyze whether the current goals of higher education are appropriate and achievable. The Commission will also focus on the increasing tuition costs and the perception of many families, particularly low-income families, that higher education is inaccessible.

The agenda for this public hearing will begin with presentations from panels of invited speakers addressing the four areas of focus for the Commission: access, accountability, affordability, and quality. After the presentations by invited speakers, there will be time reserved for comments from the public.

If you are interested in participating in the public comment period to present comments to the Commission, you are requested to reserve time on the agenda of the meeting by email or phone. Please include your name, the organization you represent if appropriate, and a brief description of the issue you would like to present. Participants will be allowed approximately three to five minutes to present their comments, depending on the number of individuals who reserve time on the agenda. At the meeting, participants are also encouraged to submit four written copies of their comments. Persons interested in making comments are encouraged to address the following issues and questions:

(1) How accessible is higher education today? Is this changing?

(2) Do students have access to the institutions best suited to their needs and abilities?

(3) What is the real cost of educating college students? How fast is it rising?

(4) What is the true price of a college education?

(5) What is the quality of higher education in America?

(6) How well are universities meeting specific national needs?

Given the expected number of individuals interested in providing comments at the meeting, reservations for presenting comments should be made as soon as possible. Persons who are unable to obtain reservations to speak during the meetings are encouraged to submit written comments. Written comments will be accepted at the meeting site or may be mailed to the Commission at the address listed above.

Individuals who will need accommodations for a disability in order

Volume I
Frequently Asked Questions
Emergency Impact Aid for Displaced Students
January 12, 2006

GENERAL QUESTIONS

1. What is the purpose of the Emergency Impact Aid for Displaced Students program?

The Emergency Impact Aid for Displaced Students program provides funds for local educational agencies (LEAs) to assist with the cost of educating students displaced by Hurricanes Katrina and Rita during school year 2005-2006, for nonpublic schools serving displaced students, and for Bureau of Indian Affairs (BIA)-funded schools serving displaced students.

2. Who may be counted as displaced students?

“Displaced students,” that is, the students for whom LEAs may receive payments, are those students who:

- a. on August 22, 2005, resided in, and were enrolled or were eligible to be enrolled in a school in, an area for which the Federal Government later declared a major disaster related to Hurricane Katrina or Hurricane Rita; and
- b. as a result of their displacement by the storm, are enrolled in different schools on a date on which an enrollment count is taken for the purpose of this program.

Note that the definition includes students who, on the date a count is taken, are enrolled in a school in their original LEA but, because of the impact of one of the hurricanes, are not in their original school.

3. May pre-kindergarten students be included in the count of displaced students?

Displaced preschool students may be counted if preschool education is included as a part of elementary education by State law. If State law defines elementary education as beginning with kindergarten, preschool students may not be included for any child counts from that State.

4. For the purpose of the “displaced students” definition, which are the counties that the Federal Emergency Management Agency (FEMA) designated in the Federal

Register as eligible for individual or public assistance, as a result of a Presidential declaration of a major disaster related to Hurricane Katrina or Rita?

These counties include the following:

In Alabama: Baldwin, Bibb, Choctaw, Clarke, Colbert, Culliman, Greene, Hale, Jefferson, Lamar, Lauderdale, Marengo, Marion, Mobile, Monroe, Perry, Pickens, Sumter, Tuscaloosa, Washington, Wilcox, and Winston Counties.

In Florida: Bay, Broward, Collier, Escambia, Franklin, Gulf, Miami-Dade, Monroe, Okaloosa, Santa Rosa, and Walton Counties.

In Louisiana: all parishes.

In Mississippi: Adams, Alcorn, Amite, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Claiborne, Clarke, Clay, Coahoma, Copiah, Covington, DeSoto, Forrest, Franklin, George, Grenada, Greene, Hancock, Harrison, Hinds, Holmes, Humphreys, Issequena, Itawamba, Jackson, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lafayette, Lamar, Lauderdale, Lawrence, Leake, Lee, Leflore, Lincoln, Lowndes, Madison, Marion, Marshall, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Panola, Pearl River, Perry, Pike, Pontotoc, Prentiss, Quitman, Rankin, Scott, Sharkey, Simpson, Smith, Stone, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Walthall, Warren, Washington, Wayne, Webster, Wilkinson, Winston, Yalobusha, and Yazoo Counties.

In Texas: all counties.

5. What timelines apply to the Emergency Impact Aid Program for Displaced Students?

Under the statute, LEAs are required to apply to their State educational agency (SEA) for funds under the program no later than 14 calendar days after the date of publication of the U.S. Department of Education's (the Department's) Federal Register notice announcing the availability of funds. The law further specifies that SEAs must submit their initial applications to the Department no later than 21 days after the publication of this notice. LEAs must make payments to accounts on behalf of nonpublic students within 14 calendar days of receiving payments from their SEAs. When students enroll in different nonpublic schools on different quarterly count dates, LEAs need to ensure that payments for these students are directed to the correct accounts on their behalf.

We strongly encourage SEAs and LEAs to submit full and final student count data for the first and second quarters within these specified deadlines. We are also aware that it may take some time for SEAs and LEAs to count retroactively for those quarters all students who may have now moved to other States or districts. Therefore, SEAs and LEAs that meet these specified timelines may make upward or downward revisions to their initial child counts if they collect more satisfactory data that were not available at the time of their initial application submission. Any application amendments must be submitted to the Department no later than April 30, 2006.

The Secretary may solicit from any applicant at any time additional information needed to process an application. If the Secretary determines that an SEA has received a payment that is larger or smaller than it should have received under this program for any quarter, the Secretary will make appropriate upward or downward revisions to subsequent payments that the SEA is eligible to receive this year. If the SEA is not eligible for subsequent payments, the SEA must promptly refund the amount of any overpayment to the Secretary.

STATE AND LOCAL APPLICATION REQUIREMENTS

6. What must an SEA include in its application to the Department?

An SEA's application must include the following, along with identifying information and assurances:

- a. Numbers of public, nonpublic, and BIA school students displaced by Hurricane Katrina or Rita, with separate counts for numbers of students without disabilities and numbers of students with disabilities, and the date of each quarterly count;
- b. A description of procedures the SEA will establish for LEAs to use in receiving applications for assistance from the parents or guardians of nonpublic school students;
- c. A description of procedures that the SEA will establish for LEAs to use in providing payments to accounts for nonpublic school students;
- d. A description of procedures the SEA will establish for LEAs to use in obtaining:
 - i. Certifications of attendance from nonpublic schools for displaced students; and
 - ii. Certifications from nonpublic schools that payments for displaced nonpublic school students will be used only for allowable purposes; and
- e. The criteria that the SEA will use to determine eligibility for displaced nonpublic school students and the information, including family income, that will be used to determine the amount of assistance provided for those students.

7. What must an LEA include in its application to the SEA?

An LEA's application must include the following, along with identifying information and certifications:

- a. The procedures that the LEA will use to receive applications for assistance from the parents or guardians of nonpublic school students;
- b. The procedures that the LEA will use to make payments to accounts for nonpublic school students;
- c. The procedures that the LEA will use to obtain:
 - i. Certifications of attendance from nonpublic schools for displaced students; and
 - ii. Certifications from nonpublic schools that payments for displaced nonpublic school students will be used only for allowable purposes;
- d. Numbers of students displaced by Hurricane Katrina or Rita, including separate counts of numbers of students without disabilities and numbers of students with disabilities, who are enrolled in public schools;
- e. Numbers of students displaced by Hurricane Katrina or Rita, including separate counts of numbers of students without disabilities and numbers of students with disabilities, who are enrolled in nonpublic schools; and
- f. An assurance that the LEA will make payments to all accounts established for displaced students enrolled in nonpublic schools within 14 days of receiving its allocation.

8. What must be included in a BIA-funded school's application?

A BIA-funded school's application must include separate counts of numbers of students without disabilities and with disabilities, who were displaced by Hurricane Katrina or Rita, as of the specified count dates, along with identifying information and certifications.

9. What must be included in the application of a parent of a nonpublic school student?

Parents or guardians must provide verification and evidence that the students on whose behalf they are applying meet the definition of displaced students. (See Question 2.) They must also supply evidence, such as a registration form, that they enrolled displaced students in an eligible, nonpublic school for the quarter(s) claimed and prior to December 30, 2005.

Parents of nonpublic school displaced students should cooperate with LEAs in meeting all applicable program requirements and promptly provide the required data and supporting documentation to their appropriate LEAs.

10. When must an LEA count displaced students?

The Department has identified four suggested quarterly count dates for identifying numbers of eligible displaced students: October 1, 2005; December 1, 2005; February 1, 2006; and April 1, 2006. States may use these dates or select count dates that fall within a 21-day range for each of the quarters, that is, within 10 calendar days before or after these dates. Each State must select four specific dates for the quarterly counts and use those dates consistently for all applicants within the State.

11. How may an LEA identify eligible displaced students?

An LEA must take a count of the displaced students it has enrolled on each of the count dates, based on the definition of a "displaced student" above. (See Question 2.) In doing so, it must document that, on August 22, 2005, each such student was enrolled, or eligible to be enrolled, in a public or nonpublic school within the disaster areas covered by the declarations for Hurricanes Katrina and Rita and resided in that area on that date.

Similarly, for students enrolled in nonpublic schools, the LEA must take a count of the number of students whose parents have applied for assistance under the program. It must document that, on August 22, 2005, each such student was enrolled, or eligible to be enrolled, in a public or nonpublic school within the disaster areas covered by the declarations for Hurricanes Katrina and Rita and resided in that area on that date.

Examples of documentation include, but are not limited to, a transcript from the student's former school, a student registration form with a former address within the disaster areas, verification of enrollment from an SEA, a utility bill, or a copy of a parent's driver's license.

12. How may an LEA identify eligible displaced students with disabilities?

An LEA with an eligible displaced student may identify that student as a student with a disability by determining the student's eligibility for services under the Individuals with Disabilities Act (IDEA). This could be done either by the LEA conducting its own evaluation and determining the student eligible or obtaining evidence, such as the most recent IDEA eligibility determination for the student or the student's last individualized education program (IEP) as defined in Section 614(d)(2) of the IDEA, that the former school or LEA had determined the student to be eligible under the IDEA. Any funds received by an LEA on behalf of a displaced student with a disability must be used for special education and related services consistent with the IDEA.

ELIGIBLE LOCAL EDUCATIONAL AGENCIES AND SCHOOLS

13. For the purposes of this program, what is a “local educational agency”? What other definitions apply to this program?

The same definition of LEA applies to the Emergency Impact Aid program as applies to programs authorized by the Elementary and Secondary Education Act (ESEA). Briefly, an LEA is a public board of education legally constituted within a State for administrative control or direction of, or to perform a service function for, public elementary and secondary schools (including public, nonprofit charter schools). In general, all the definitions in section 9101 of the ESEA apply to this program, including “child with a disability.”

14. Which LEAs are eligible to receive funds under this program?

An LEA is eligible to receive funds if it:

- a. enrolls or enrolled at least one displaced student on a date on which a child count is taken under this program; or
- b. serves an area in which at least one displaced nonpublic school child is enrolled on a date on which a count is taken.

15. May educational service agencies apply for funds on behalf of LEAs?

An educational service agency may apply for funds only if one or more LEAs elect to have it apply for funds and carry out program activities on their behalf. Under the ESEA definition of “local educational agency,” an educational service agency is considered an LEA and, thus, such an agency is eligible to apply for and receive funds under the program. However, an SEA may not make payments on behalf of the same child to two different agencies for the same quarter.

16. May charter schools receive program funds?

A public, nonprofit charter school that enrolls one or more displaced students is eligible for funds under the program. Depending on State law, a charter school is generally considered either an LEA (and thus would receive a payment directly from the State) or a school within an LEA (and thus would receive funds from the payment to the LEA under which it is established). LEAs that have within their jurisdictions charter schools that enroll displaced students must ensure that those charter schools receive their full, proportional share of an LEA’s formula grant.

The parent of a displaced student who is enrolled in a nonpublic, nonprofit charter school may apply for funds on behalf of that student in the same manner as parents of displaced students enrolled in other nonpublic schools.

17. Must a charter school meet the requirements of the Federal Charter Schools Program in order to receive funding?

Section 5210(1) of the ESEA includes requirements that a charter school must meet if it is to receive assistance from the Department's Charter Schools program. These requirements do not apply to participation in the Emergency Impact Aid program.

18. What is an eligible BIA-funded school? Are tribal schools included?

A school is eligible if it enrolls or enrolled at least one displaced child on the date on which a child count is taken and if it is:

- a. operated by the BIA; or
- b. operated by a tribe or an organization controlled or sanctioned by an Indian tribal government, for the children of that tribe, under a contract with or grant from the Department of the Interior.

PAYMENTS

19. How does the Secretary calculate a State's payment?

For each quarter, the Secretary will provide each State with a payment equal to:

- a. the number of displaced students who are not reported as children with disabilities determined by the State to be enrolled in public and nonpublic schools for that quarter, multiplied by \$1,500, plus
- b. the number of displaced students who are reported as children with disabilities determined by the State to be enrolled in public and nonpublic schools for that quarter, multiplied by \$1,875.

However, if the amount available to the Secretary is not sufficient to make these payments in full, the Secretary will proportionately reduce the payments to fit within the amount available.

In any case, the total amount of a payment on behalf of a displaced student enrolled in a nonpublic school may not exceed the lesser of—

- a. \$6,000 for a student who is not reported as a child with a disability;
- b. \$7,500 for a student who is reported as a child with a disability, or
- c. the cost of tuition and fees (and transportation expenses, if any) at the nonpublic school for the 2005-2006 school year.

20. When does the Secretary make payments to SEAs?

The Secretary will issue a quarterly payment to an SEA as soon as possible after receiving the State's application.

21. How does the SEA calculate an LEA's payment?

SEAs calculate LEA payments in the same manner that the Secretary calculates the State allocations. That is, for each quarter, the SEA will provide each LEA making an application for assistance with a payment equal to:

- a. the number of displaced students who are not reported as children with disabilities determined by the LEA to be enrolled in the schools of the LEA, or in nonpublic schools in the area served by the LEA, for that quarter, multiplied by \$1,500, plus
- b. the number of displaced students reported as children with disabilities determined by the LEA to be enrolled in the schools of the LEA, or in nonpublic schools in the area served by the LEA, for that quarter, multiplied by \$1,875.

However, if the amount available to the SEA for that quarter is insufficient to make those payments in full, the SEA will proportionately reduce each LEA's payment.

The aggregate amount of a payment on behalf of a displaced student enrolled in a nonpublic school may not exceed the lesser of—

- a. \$6,000 for a student who is not reported as a child with a disability;
- b. \$7,500 for a student who is reported as a child with a disability; or
- c. the cost of tuition and fees (and transportation expenses, if any) at the nonpublic school for the 2005-2006 school year.

22. When does the SEA make payments to LEAs?

The SEA should make every effort to issue quarterly payments to its applicant LEAs and BIA-funded schools within 14 days following receipt of a payment from the Secretary.

23. When must funds under this program be obligated and spent? What happens if an LEA or SEA has not obligated all funds by the end of the school year?

SEAs, LEAs, and BIA schools must obligate funds received under this program by July 31, 2006. The SEA must return any funds that are not obligated by any of

these entities by this deadline to the Department. Obligations must be liquidated within 90 days of this July 31 date.

24. May an SEA retain any of the funds it receives under this program for its own use?

An SEA may retain up to one percent of its allocation to pay the costs of administering the program. We encourage SEAs to distribute as much of these funds as possible to the LEAs.

Also, if, prior to the date the President signed into law the legislation creating this program (December 30, 2005), an SEA had made a payment to an LEA to cover the additional costs of educating displaced students, the SEA may retain a portion of the LEA's Emergency Impact Aid payment. This retained amount may not exceed the proportion of the total cost of education of a student represented by the earlier payment made by the SEA.

For example, a State has available \$1,500 per displaced child as its first-quarter allocation under the Emergency Impact Aid program and, prior to enactment, the SEA provided an LEA with \$3,000 per child for the costs of educating displaced students, and that amount constituted 40 percent of the full cost of education per child in the LEA (\$7,500). Then the State could retain up to \$600 (40 percent of \$1,500) of that LEA's allocation. If the State has available another \$1,500 per child for the second quarter, the SEA may retain an additional \$600. From the four quarterly payments in total, the SEA may retain up to \$2,400.

25. Are there any special requirements for SEAs in Louisiana and Mississippi?

The SEAs in Louisiana and Mississippi must carry out the activities of eligible LEAs that are unable to implement this program.

26. May States take aid under this program into consideration in determining the amounts of State aid that its LEAs may receive?

States may not consider Emergency Impact Aid payments received under this section in determining the eligibility of their LEAs for State aid, or the amount of State aid, with respect to free public education of children. In the example provided in Question 24, the State would be required to provide at least \$3,600 to the LEA and could not consider those funds in determining eligibility for or the amount of State aid that it provides.

USES OF FUNDS

27. For what activities and services may an LEA, BIA-funded school, or nonpublic school expend program funds?

These entities may use program funds to provide instructional opportunities for displaced students who enroll in their schools and for expenses the recipient incurs in serving displaced students. Examples of allowable expenses include:

- a. paying the compensation of personnel, including teacher aides, in schools enrolling displaced students;
- b. identifying and acquiring curricular material and classroom supplies;
- c. acquiring or leasing mobile educational units or leasing sites and spaces (to the extent that those costs are not met by FEMA);
- d. providing basic instructional services for displaced students, including tutoring, mentoring, or academic counseling;
- e. paying reasonable transportation costs;
- f. providing health and counseling services; and
- g. providing education and support services.

The recipients may use these funds for pre-award costs, including the reimbursement of expenditures incurred prior to the receipt of a grant. See also Question 31 regarding funding for displaced students with disabilities.

28. Must those activities and services be specifically related to serving displaced children?

While the activities and services must be related to serving displaced students, there is no requirement that they be provided only to those students. For instance, one of the allowable activities under the law is provision of basic instructional services. There is no requirement that program funds be used to provide those services only to displaced students; rather, LEAs may use the funds to support regular classroom programs in which both displaced and other students participate. Similarly, the law authorizes the use of funds for reasonable transportation costs. LEAs are under no obligation to provide separate transportation, using these funds, to displaced students. They may instead use the money to support their regular transportation budget, taking care to ensure that the transportation needs of displaced students are met.

29. How much of its grant may an LEA use for administration?

An LEA may use up to two percent of its allocation for administration of the program.

30. How is "administration" defined for the purposes of this program?

Administrative costs include costs (direct and indirect) involved in the proper and efficient performance and administration of this Federal grant. This use of funds, as well as indirect costs and rates, must comply with the Office of Management and Budget Circular A-87 (Cost Principles for State, Local, and Indian Tribal Governments) and the Department's administrative regulations. (See 34 CFR 76.560-76.569 on indirect costs.)

31. What restrictions or conditions apply to the funds that LEAs, BIA-funded schools, and nonpublic schools receive on behalf of displaced students with disabilities?

Recipients of funds under this program for students with disabilities may use those funds only to pay for special education and related services consistent with the IDEA. However, the law does not require that these funds be used to provide special education and related services only to students displaced by the hurricanes. They may become part of an LEA's or school's regular special education budget, and the LEA or school may use them to provide activities and services in which both displaced and other students with disabilities participate, taking care to ensure that the special education needs of displaced students are met.

32. What is the meaning of "special education and related services consistent with" the IDEA?

The requirements that apply to the use of funds provided for displaced students with disabilities are the same as those that apply to the use of funds provided under Part B of the IDEA. They include the requirement that the funds be used for the excess costs of providing special education and related services to students with disabilities, as well as maintenance-of-effort and supplement, not supplant, requirements. Since these provisions have special meaning under the IDEA, distinct from the way these terms are applied under the ESEA, we advise you to consult with your State and local staff who administer the IDEA if you need additional information on IDEA requirements. The applicable regulations regarding these requirements can be found at 34 CFR sections 300.152-300.155 and 300.230-300.235.

33. Are any uses of funds prohibited?

LEAs may not use program funds for construction or for major renovation of schools. If reasonable and necessary, these funds may be used for minor remodeling.

34. What is minor remodeling?

Minor remodeling refers to minor alterations in a previously completed building. The term also includes the extension of utility lines, such as water or electricity, from points beyond the confines of the space in which the minor remodeling is undertaken but within the confines of the previously completed building. The term does not include building construction, structural alteration to buildings, building maintenance, or repairs.

RECORDKEEPING

35. What records must an LEA or BIA-funded school keep after submitting its application?

In general, all LEA and BIA recipients of Emergency Impact Aid must maintain adequate written records to support the amount of payments that are received and the allowable expenditures that are made under the program for this fiscal year. At a minimum, recipients must keep auditable records documenting the enrollments of the displaced children who they claimed as the basis for receiving payments and evidence that the children claimed met the definition of a displaced student. On request, any recipient must make its records available to the Department for the purpose of examination or audit. The full requirements regarding recordkeeping are in the Department's regulations at 34 CFR 80.42.

36. What records must a nonpublic school keep after receiving funds from accounts on behalf of displaced students?

At a minimum, a nonpublic school that receives Emergency Impact Aid funds from student accounts must maintain adequate written records to support the amount of funds that are received and the allowable expenditures that are made under the program for this fiscal year. Recipients must keep auditable records documenting the enrollments of the displaced children on whose behalf the nonpublic school received payments for displaced students.

37. What records must an SEA keep after submitting an application?

Similarly, all SEA recipients must maintain adequate written records to support the amount of payments that are received, spent, and disbursed under the program for this fiscal year. These records should include the LEA and BIA school applications received. The records must be made available to the Department, if requested, for the purpose of examination or audit. The full requirements regarding recordkeeping are in 34 CFR 80.42.

38. Will SEAs be responsible for ensuring that any BIA-funded schools receiving allocations in their States meet the requirements of the program?

Although SEAs typically do not have administrative control or jurisdiction over BIA-funded schools, they are responsible for ensuring that any such schools within their boundaries receiving Emergency Impact Aid grants meet the terms and conditions associated with those grants.

PAYMENTS ON BEHALF OF DISPLACED STUDENTS ENROLLED IN NONPUBLIC SCHOOLS

39. What is an eligible nonpublic school?

An eligible nonpublic school is one that is accredited or otherwise operates in accordance with State law, was in existence on August 22, 2005, and serves at least one student whose family has applied for assistance under the program. In addition, participating nonpublic schools, including nonpublic charter schools, must abide by certain civil rights requirements, described below. (See Question 51.) A nonpublic school must also waive tuition or reimburse tuition paid in order to receive funds under this program.

40. Who are eligible displaced students for nonpublic schools?

Displaced students attending a nonpublic school must meet certain additional criteria beyond the requirements in Question 2. They must have enrolled in an eligible nonpublic school prior to December 30, 2005, the date of enactment of the Hurricane Education Recovery Act. The students' parents must have chosen to enroll the students in a nonpublic school, and the students' parents must submit a timely application for funding under this program to the LEA.

41. Must a nonpublic school have waived tuition for an eligible displaced student at the time of the displaced student's enrollment in the nonpublic school?

A nonpublic school need not have waived tuition at the time of a displaced student's enrollment. If it has not previously waived or reimbursed tuition, the school must reimburse tuition that was paid for a displaced student in order to meet the requirement referenced in Question 39.

42. How and where does an LEA establish an "account" for displaced nonpublic school students?

These accounts may be established as part of the LEA's financial recording system, at the nonpublic schools the displaced students attend, or through some

other means such as an account at a financial institution. The LEA makes the funds in these accounts available to the nonpublic schools that these displaced students attend. The LEAs and nonpublic schools must record (such as in a ledger or spreadsheet) the names of the displaced students, the funds provided for each student, and the disbursement of those funds to a particular nonpublic school.

43. What type of notice must the SEA provide to parents of displaced students attending nonpublic schools?

An SEA must provide notice to each parent of a displaced student attending a nonpublic school informing the parent that:

- a. the parent or guardian has the option to enroll his or her child in a public school or a nonpublic school; and
- b. Emergency Impact Aid is a temporary program that will be available only for the 2005-2006 school year.

An SEA may work through its LEAs to meet this requirement.

44. Are SEAs required to limit the payment of assistance on behalf of nonpublic school students to students from families that fall below a certain income level?

As described above (Question 6), the SEA must include in its application to the Secretary a description of the criteria it will use, including family income, in determining eligibility for, and the amount of, assistance provided on behalf of a student attending a nonpublic school. However, SEAs have broad flexibility in determining the extent to which they establish family income or wealth criteria for the receipt of this assistance. For instance, an SEA may want to preclude wealthy families from applying for assistance or consider a family's post-hurricane income.

45. What goods and services may nonpublic schools purchase using program funds?

As noted in Question 27, nonpublic schools that receive payments from accounts on behalf of displaced students enrolled in their schools may use those funds for any of the following services and activities:

- a. paying the compensation of personnel, including teacher aides;
- b. identifying and acquiring curricular material and classroom supplies;
- c. acquiring or leasing mobile educational units or leasing sites and spaces (to the extent that those costs are not met by FEMA);
- d. providing basic instructional services for displaced students, including tutoring, mentoring, or academic counseling;
- e. paying reasonable transportation costs;
- f. providing health and counseling services; and

g. providing education and support services.

As with payments made on behalf of displaced students enrolled in public schools, there is no requirement that the nonpublic schools use these funds for activities and services that serve only displaced students. Also, nonpublic schools may not use the funds for construction or major renovations.

Additionally, LEAs, with appropriate assistance from their respective SEAs, are responsible for ensuring that all of the program requirements are met. In addition, consistent with the requirements of 34 CFR 80.40, all grantees and subgrantees for Department programs are responsible for monitoring grant and subgrant activities to ensure compliance with applicable Federal requirements, including that the funds received on behalf of nonpublic students are used only for allowable goods and services.

46. What requirements apply to payments made to accounts on behalf of displaced children with disabilities who are enrolled in nonpublic schools?

Recipients of funds under the program on behalf of students with disabilities may use those funds only to pay for special education and related services consistent with the IDEA. However, the law does not require that these funds be used to provide special education and related services only to students displaced by the hurricanes. They may become part of a school's regular special education budget, and the school may use them to provide activities and services in which both displaced and other students with disabilities participate, taking care to ensure that the special education needs of displaced students are met.

47. If an LEA provides special education and related services to a displaced student attending a nonpublic school, may the LEA retain a portion of the funding it would otherwise place in that student's account?

Under the IDEA, LEAs typically provide special education and related services to students enrolled in nonpublic schools. An LEA that provides such services to a displaced student enrolled in a nonpublic school may retain a portion of the money that it would otherwise place in the student's account in order to cover its cost of providing those services. Each SEA must establish guidelines (based on the customary cost of providing services under section 612(a)(10) of the IDEA) specifying the portion of funds that an LEA may retain for this purpose and must apply those guidelines consistently throughout the State.

48. Is there a deadline for when an LEA must make a quarterly payment to the account of a student attending a nonpublic school?

In its application to the SEA, an LEA must assure that it will make payments to the accounts of students enrolled in nonpublic schools within 14 calendar days of receiving those funds. Each LEA must abide by this deadline.

49. What actions must an LEA take to ensure that nonpublic schools use funds from student accounts only for allowable goods and services?

LEAs are responsible for ensuring that any such schools within their boundaries receiving Emergency Impact Aid grants meet the terms and conditions associated with those grants. They may wish to request that the nonpublic schools submit regular reports to them with listings of expenditures from the Emergency Impact Aid funds they have received from student accounts.

Participating nonpublic schools that access funds from student accounts should cooperate with LEAs and SEAs in meeting all applicable program requirements including those related to allowable uses of funds and promptly provide required data and supporting documentation to their appropriate LEA.

50. What happens if an SEA or LEA is unable to implement the nonpublic school provisions of the program? Who determines whether an SEA or LEA is unable to do so?

As noted above, in Question 25, if LEAs in Mississippi or Louisiana are unable to implement the provisions of this program, including those related to nonpublic schools, the SEAs are authorized to act on their behalf. If LEAs in other States are unable to implement the provisions, they should notify and consult immediately with their SEAs. If any SEAs are unable to implement the nonpublic school provisions, they should notify the Department as soon as possible and we will work with them in order to ensure that the provisions are appropriately implemented, including, if appropriate, through a "bypass" arrangement.

51. What civil rights requirements apply to nonpublic schools whose students receive assistance under the program? Who is responsible for ensuring that those requirements are met?

Nonpublic schools that receive funds on behalf of displaced students under this program must comply with the program statute's non-discrimination provision, which prohibits discrimination on the basis of race, color, national origin, religion, disability, or sex. Additionally, nonpublic schools receiving funds on behalf of

displaced students under this program are considered recipients of Federal financial assistance, and are subject for the grant period (from the time of the grant award through July 31, 2006) to the provisions of title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act, which are enforced by the Department's Office for Civil Rights.

In addition, any entity that employs 15 or more employees is subject to Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits discrimination in employment on the basis of race, color, national origin, religion, or sex, except that Title VII may not apply to the employment of individuals of a particular religion by a religious organization, such as a nonpublic religious school. Title VII is enforced by the Equal Employment Opportunity Commission.

52. May the parent of a nonpublic school student for whom assistance is provided under this program opt out of religious instruction?

A parent who has applied for assistance on behalf of a displaced student in a nonpublic school may have that student opt out of religious worship or classes offered by the nonpublic school.

OTHER ISSUES

53. What other requirements apply to schools that educate displaced students on whose behalf payments are made under this program?

Any school that enrolls displaced students who generate payments under this program must not discriminate against students on the basis of race, color, national origin, religion, disability, sex or age. However, the prohibition on religious discrimination is limited with respect to a nonpublic school that is controlled by a religious organization or organization that is operated on the basis of religious tenets in that it only applies to displaced students who generate payments under this program.

In addition, under Title IX of the Education Amendments of 1972 (Title IX) a nonpublic school that is controlled by a religious organization may seek an exemption from any Title IX provision, if that provision is inconsistent with the religious tenets of that religious organization. Moreover, to the extent that is consistent with Title IX, a parent or guardian is still free to choose and a nonpublic school may still offer a single sex, school, class, or activity.

54. May LEAs that receive regular Impact Aid payments include displaced students in their child counts for school year 2005-2006 applications?

In order to avoid duplicate Federal funding, an LEA may not claim any displaced student in its annual section 8003 Impact Aid application if the LEA receives an Emergency Impact Aid payment, for any quarter, for that student under this program. Displaced students also must not be counted in the total number of students reported on Table 6 of the LEA's section 8003 application.

55. Do Davis-Bacon prevailing wage requirements apply to this program?

Although subgrantees may not use these funds for construction or major renovation, any laborers and mechanics employed by contractors or subcontractors on minor remodeling projects assisted with these Federal education funds must be paid in accordance with prevailing wage requirements in the Davis-Bacon Act.

56. May any of these requirements be waived?

Because this is a stand-alone program and not a part of the ESEA, States (including ED-Flex States) and LEAs are not eligible to apply for waivers of any of these program requirements.

Volume II
Frequently Asked Questions
Emergency Impact Aid for Displaced Students
March 29, 2006

ELIGIBLE STUDENTS, LEAs, AND SCHOOLS

57. Are students considered displaced if they attend the same school in which they were initially enrolled when that school's physical location has changed as a result of one of the hurricanes?

Public or nonpublic school students who were enrolled in a school on August 22, 2005, in an area for which the Federal Government later declared a major disaster related to Hurricane Katrina or Rita, may be considered displaced students if the school in which they were initially enrolled had to operate (on one of the quarterly count dates) in different facilities after the hurricane(s). This would include schools that moved to other buildings, including other schools or non-school buildings, or were operating the entire school on the original site using portables or other temporary structures such as tents.

58. What if only a portion of the original school was damaged?

If the school in which students were enrolled on August 22 is still operating in the same facility, in whole or in part, the students attending it are considered to be attending the same school in which they were initially enrolled and would not be eligible displaced students for purposes of this program. It is possible, however, that a school in this situation in Alabama, Louisiana, Mississippi or Texas will qualify for Restart program funds. Local educational agencies (LEAs) in those States should consult with their State educational agency (SEA) regarding the eligibility criteria for Restart funding.

59. May an LEA that had displaced students in Quarter 1 but missed the January 26 deadline now submit data for that quarter? How about Quarter 2, 3 or 4?

An LEA that had displaced students in Quarter 1 and did not submit a timely initial application to the SEA by January 26, 2006, is not eligible now to submit data for public or nonpublic students for Quarter 1. However, LEAs may submit student count data for Quarters 2, 3, and 4, so long as they meet the application deadlines that their SEAs specify for those quarters.

60. May an LEA that had no displaced students in Quarter 1 submit an application to its SEA if it served displaced students on the SEA count dates for Quarter 2, 3 or 4?

This LEA may submit an application to the SEA for Quarter 2, 3 or 4. However, any nonpublic school displaced students reported by that LEA must have enrolled in an eligible nonpublic school before December 30, 2005.

61. Must a parent of a nonpublic school child who was enrolled in one eligible nonpublic school in one LEA prior to December 30, 2005, and another eligible nonpublic school in another LEA after December 30 complete separate applications with each LEA?

The parent of such a nonpublic displaced student should file applications with each of the LEAs where the nonpublic schools are located for the quarters that the student was enrolled on the State count dates.

62. Are for-profit schools eligible to receive funding under this program?

For-profit schools are not eligible to receive funding under this program. The Emergency Impact Aid Program uses the definitions in section 9101 of the Elementary and Secondary Education Act (ESEA) that specify that elementary and secondary schools must be nonprofit.

PAYMENTS

PLEASE NOTE: Payment amounts referenced in many of the examples in both Volume I and II of the FAQs are based on the statutory maximum amounts of \$6,000 or \$7,500 per pupil. The actual payment amounts will be proportionately reduced on a per-pupil basis if the amount available to the Department is not sufficient to make these payments in full.

63. What should an LEA do with the "extra" funds for nonpublic school children when the amount of tuition, fees, and reasonable transportation costs is less than the per-student distribution it receives?

These excess amounts should be retained by or returned to the SEA. The Department will work with SEAs to consider these funds in making subsequent distributions for this program. These adjustments will keep the per-student payments to SEAs and LEAs at the appropriate level for each public and nonpublic student.

64. What will count as an obligation and liquidation for LEAs that make payments into accounts on behalf of nonpublic students?

The Department considers an LEA's funds to be obligated and liquidated on the date that the LEA transfers funds to an account that is available to an eligible nonpublic school.

65. May a State consider monthly payments attributable to displaced students transmitted after December 30, 2005, as eligible for State retention of assistance under Section 107(d)(1)(C) of the Hurricane Education Recovery Act?

The Department interprets section 107(d)(1)(C) together with the cross-referenced quarterly installment language in section 107(d)(2)(A)(ii) to mean that a State may keep its proportionate share of the quarterly Emergency Impact Aid payments for the whole year. The retained amount may not exceed the State's proportion of the total cost of education of a student. States must use last year's per-pupil expenditure (PPE) figure for each applicant LEA in the State to establish or approximate the quarterly proportions that the SEA may retain for this school year.

For example, if last year's PPE figure was \$8,000 for one district and the State aid for this year provided to that district for educating an "extra" or displaced child would comprise 75 percent of that PPE figure, the State could not keep the full amount of Emergency Impact Aid funds that it might receive on behalf of that child. Rather, the SEA could keep up to 75 percent of those funds so that it and the LEA would be reimbursed in proportion to the percentage of expenditures for the whole year that each entity has made on behalf of displaced students. A State could, however, choose to retain a lesser portion of the Emergency Impact Aid funds or none at all.

66. May a State retain funds for payments it is legally required to make to school districts for the attendance of displaced students during the 2005-2006 school year when those payments are not scheduled to be transmitted until the 2006-07 school year?

Some States make payments based on estimates of student enrollment at the time the State budget is adopted. At the end of a school year, to the extent a district has exceeded the original estimate, the district is entitled to State payments to make up the difference. This process pays districts for expenses incurred in the prior year due to the attendance of extra students. Thus, those districts will receive, during the 2006-07 school year, State payments for 2005-06 school year attendance of displaced students.

So long as the SEA can meet the obligation of funds deadline under section 107, and it pays its full share of costs to affected LEAs in the 2006-2007 school year, it would be permissible for the SEA to keep its proportionate share of the costs that it will bear in the 2006-2007 school year for these extra students who are educated during the 2005-2006 school year. The SEA and LEAs should both ensure that they obligate the Emergency Impact Aid funds by July 31, 2006, and liquidate the obligations within 90 days of that date. See 34 C.F.R. 76.707 for examples of when we consider funds to be obligated.

67. Is it permissible for a State to distribute more aid on a per-pupil basis to some districts?

Except for the partial retention provision related to State aid and referenced in Question 65, States cannot make payments at different rates. The Department provides funds on a per-student basis to each State, using the same dollar figures for all regular public and nonpublic students and for all public and nonpublic students reported with disabilities. In addition, the Department will ensure that, before the end of the school year, payments will provide same per-pupil amount for each quarter. In some cases, an LEA may have to return funds to the SEA if a nonpublic school for which it reported displaced students in its application to the SEA is eligible for an amount that is less than the regular per student allocation.

Under section 107(d)(1)(C), SEAs are able to retain a portion of Emergency Impact Aid funds based on payments they provide to LEAs for displaced students for the 2005-2006 school year. An SEA might not have provided extra State aid for all districts serving displaced students, which would explain why some districts might receive a different proportion of the federal amount than others would receive.

68. What per pupil expenditure figure must an SEA use to calculate the amount it may retain?

An SEA must calculate any amount that it is retaining on an LEA-by-LEA basis, using last year's per-pupil expenditure figure for each LEA.

USES OF FUNDS

69. Even though this program is not part of the ESEA, may an LEA's administrative funds be combined into its Consolidated Administrative Account under Title IX of the ESEA?

Consistent with sections 9201(a)(2) and 9203(a) of the ESEA, the Secretary designates Emergency Impact Aid as a program whose State and local

administrative funds may be consolidated, subject to the respective Emergency Impact Aid statutory caps of one and two percent. The other Federal administrative funds included in the Consolidated Administrative Account are available for obligation for a longer period of time than the Emergency Impact Aid administrative funds. Thus, if an LEA chooses to consolidate its Emergency Impact Aid administrative funds with other funds, the Emergency Impact Aid administrative funds are considered to be timely obligated if the LEA can document that, between the time those funds were consolidated and July 31, 2006, it obligated an amount of Consolidated Administrative funds that is at least as great as the amount of Emergency Impact Aid administrative funds that it consolidated.

70. May Emergency Impact Aid funds be combined in Title I, Part A, schoolwide program campuses to upgrade the entire educational program of the campus?

Emergency Impact Aid funds may be combined in a schoolwide program school that serves displaced students and used for any activities included in the schoolwide plan. *See* 69 FR 40360, 40361, July 2, 2004: "Except for [Reading First funds], the Secretary authorizes a schoolwide program school to consolidate funds that the school receives from any Federal education program, administered by the Secretary, whose funds can be used to carry out activities in a public elementary or secondary school. This authority also extends to services, materials, and equipment purchased with those funds and provided to a public elementary or secondary school."

Emergency Impact Aid funds provided for a displaced student reported as a child with a disability, however, may only be used for special education and related services.

71. What kinds of transportation expenses can be supported with Emergency Impact Aid funds?

Reasonable transportation costs can include--

- Supporting costs of transporting students to and from school, after-school programs, tutorials, remediation programs, extended-year programs, and enrichment programs;
- Providing funds for additional bus drivers for displaced students;
- Replacing buses and supporting repair costs to buses; and
- Replacing other LEA or school vehicles.

72. What are some examples of allowable "education and support services" expenses?

In addition to typical costs associated with education and support services, such as security, examples of other allowable expenses that could be considered in this category include:

- Supporting the minor repair of facilities;
- Providing meals for extended-day programs; and
- Purchasing uniforms for displaced students attending an eligible public or nonpublic school.

RECORDKEEPING

73. With respect to accounting requirements for SEAs and LEAs that receive Emergency Impact Aid funds, should they establish separate fund codes or other tracking devices for these grants?

All SEAs and LEAs should establish separate fund codes or other processes for tracking their Emergency Impact Aid grants in order to allow for appropriate accountability for these funds. If these funds are not kept in separate accounts at the SEA and LEA levels, it may be difficult to document that they have been obligated and liquidated by the statutory deadlines. For example, if an SEA or LEA deposited these funds in a general account, an auditor might assume that an end-of-year balance contains Emergency Impact Aid funds in the same proportion that those funds represented of the state's or district's revenues. This could result in audit findings and the required return of funds to the Department. If the specifics of an individual State's accounting system require it, States have the flexibility to issue their own additional accounting requirements or guidance, so long as they are consistent with these guidelines.

Also, Emergency Impact Aid funds provided for displaced students reported as having disabilities must be recorded and tracked separately from Emergency Impact Aid funds provided for non-disabled students.

74. What is the obligation and liquidation period for the administrative funds associated with this program?

The July 31, 2006, obligation deadline applies to all Emergency Impact Aid program funds, including the administrative portion, and it applies to SEAs, LEAs, and Bureau of Indian Affairs schools. In addition, the 90-day liquidation period following that obligation deadline also applies to all of the funds, including the administrative portions. (See Question 64 regarding when LEAs (or some SEAs) obligate and liquidate funds for payments on behalf of nonpublic school students.)

75. Does a nonpublic school have to waive all tuition in order to access an account on behalf of a nonpublic school student whose parents applied for these funds?

A nonpublic school would not have to waive all of its normal tuition charges in order to access the Emergency Impact Aid support, but the school must waive or reimburse at least the amount that it is allocated for a displaced student. If a nonpublic school's tuition was \$12,000, the school could access a maximum of \$6,000 from that student's account in the case of a non-disabled student and use that amount to reimburse the parents for the portion of the tuition that the parents paid.

76. When an LEA does not have documentation from a parent that the family was displaced or from a nonpublic school that an eligible displaced student was enrolled in on the count date, must it still make a payment to a nonpublic school on behalf of that student within 14 days of receiving funds from the SEA?

The parents of nonpublic school children are required to submit applications for this program on behalf of their children. In addition, the nonpublic schools they attend must verify their enrollment on the count dates identified by the state and certify that they will use program funds only for allowable costs. LEAs should not make a payment into an account on behalf of a nonpublic school student unless all of the appropriate paperwork has been received on behalf of that child. The LEA should release funds for all other eligible nonpublic students while waiting for the required documents for any students for whom the paperwork is incomplete.

77. What additional information is available about the various civil rights requirements that are referenced in Question 51, FAQs Volume I?

More details on these requirements can be found on OCR's website at <http://www.ed.gov/about/offices/list/ocr/index.html>.