Q&A

Indian Education Discretionary Grant Programs – CFDA 84.299A Demonstration Grants for Indian Children and Youth Program: Accessing Choices in Education (ACE) Grant Competition for 2020

Questions and Answers from the Pre-Application Webinars held on July 23 and 30, 2020.

Section 1: General Information

Question 1:	Where is the application package?
Answer:	The application package is posted on grants.gov at the link below and is available from July 17, 2020 to August 31, 2020. https://www.grants.gov/web/grants/view-opportunity.html?oppId=328156
Question 2:	Where can we access the PowerPoint slides?
Answer:	A copy of the presentation is posted on OIE's website at the link below: https://oese.ed.gov/offices/office-of-indian-education/demonstration-grants-for-indian-children/resources/
Question 3:	What is the page limit for the project narrative?
Answer:	The recommended page limit for the project narrative is 30 pages, but this is just a suggestion. An application will not be disqualified if it exceeds the recommended page limit.
Question 4:	Does my project need to be evidence-based?
Answer:	Yes. One of the statutory requirements for this program is that each application must include "information demonstrating that the proposed project is evidence-based, where applicable, or is based on an existing evidence-based program that has been modified to be culturally appropriate for Indian students." In addition, one of the selection criteria for this year's competition is "the quality of the plan to ensure that the services to be offered are evidence-based, where applicable, or are based on existing evidence-based programs that have been modified to be culturally appropriate for Indian students." Both the requirement and the selection criterion refer to using evidence-based programs where applicable and allow for modification to be culturally appropriate for Indian students.
Question 5:	What is the definition of "evidence-based" that applies to this program?
	The definition of "evidenced-based" in 34 C.F.R. 77.1 applies to this grant. The definition of evidence-based is quoted below. This definition as well as the definitions of "strong evidence," "moderate evidence," "promising evidence," and "demonstrates a rationale" can be found at www.eCFR.gov.

"Evidence-based means the proposed project component is supported by one or more of strong evidence, moderate evidence, promising evidence, or evidence that demonstrates a rationale."

For this competition, we will accept a project that meets any of the four levels of evidence-based, including the lowest level, which is "demonstrates a rationale."

Question 6:	The Notice Inviting Applications includes 8 GPRA measures we have to collect. Do we also need to develop our own project-specific objectives?
Answer:	Yes. The GPRA measures are in addition to individual project objectives.

Section 2: Eligible Applicants & Partnership Requirements

Question 7:	What if the applicant is a Tribe but doesn't have a school on the reservation?
Answer:	A Tribe can apply for the ACE grant even if it does not have a school on the reservation. Unlike the Native Youth Community Projects (NYCP) priority, there is no requirement for a partnership with schools, although such a partnership could be a benefit to an ACE project.

Question 8:	In the NIA, there is an application requirement that some applicants must have a partnership with a Tribe or Indian organization. If an applicant is required to have a partnership, does that mean we need to form a "consortium" to meet this application requirement? Can you provide more information about the difference between a partnership and a consortium?
Answer:	It is helpful to distinguish between the question of how to show compliance with the requirement to form a partnership with a Tribe or Indian organization, and the issue of which entities are eligible applicants.
	The application requirements for the ACE grant competition require certain types of applicants to submit documentation of a partnership with a Tribe or Indian organization (in the NIA, see Application Requirement 2, "Requirements for Non-Tribal Applicants"). This documentation can be a letter of support, memorandum of understanding, or similar document that describes how the partner will be involved in the proposed project. It does not have to be a consortium agreement. A partnership means coordination or collaboration between the applicant and another entity, through an agreement to work with that applicant to support the grant project. A partner is not necessarily a co-applicant.
	A consortium of eligible applicants, on the other hand, is itself eligible to apply for a grant. Each member of a consortium must be one of the entities eligible to apply for the ACE grant program. A consortium must meet the legal requirements listed in 34 CFR 75.127 through 75.129. Although a consortium of eligible applicants can apply for this program, a consortium is not required.
	.

Question 9:	When you indicate that an applicant should partner with a Tribe, can you clarify how this would look?
Answer:	If the applicant is an LEA or SEA, the partner Tribe or Indian organization must, at a minimum, be involved in determining the project focus, the services to be provided, and the service providers. Other types of applicants that are required to partner with a Tribe have more flexibility to determine how their partnership will work. In general, the plan for your partnership should include how the partner will support the overall project over the life of the project period.
Question 10:	If we receive a grant and also want to be a service provider, can we hire staff to provide that service, and can that salary be part of the "direct services" 80%?
Answer:	Yes, the grantee can be one of the providers, and costs to provide services to students would be part of the direct service budget. Please note that the program requirements related to agreements with services providers will also apply to the grantee when the grantee is acting as a service provider. You will need to have careful records and separate budgets for the entity as the grantee overseeing the entire project and for the entity as the service provider.
Question 11:	Is an applicant allowed to create a partnership with a TCU or a local community college to offer online college courses to its Tribal members?
Answer:	TCUs are eligible applicants for the grant or can be a partner for an application submitted by another eligible applicant. A TCU could also be a service provider. Service providers are not limited to the list of entities that are eligible to apply for the ACE grant. High school students can receive services such as dual enrollment under this program, but the project cannot serve college students. In addition, the project should be designed to serve Native American students in the area, rather than only members of one Tribe; the grantee must ensure that each contract for services includes a provision by which the service provider commits to not discriminating based on affiliation with a particular Tribe.
Question 12:	Can a Tribe submit more than one grant application? Can a Tribe serve as the lead for multiple projects/grants?
Answer:	Any eligible applicant can submit more than one application, as long as there is no duplication of project focus or services to be offered. A Tribe may serve as a lead applicant for multiple grants as long as key personnel have the specific qualifications to hold the position, and their combined employment percentages do not go beyond 100% FTE. This must be clearly outlined in each proposed budget.
Question 13:	For the application requirement related to 50% or more of the students being members of one Tribe, what evidence is required to show whether we have 50%?
Answer	We do not require a specific type of evidence to show whether the student population to be served consists of 50% or more students that are members of one

	Tribe. You can use the ED 506 form count used for OIE formula grants, the data from a BIE-funded school's Indian School Equalization Program (ISEP) count, school district demographic data, the local Tribe's data, or other relevant evidence.
Question 14:	As a Tribe, do we have to partner with an LEA?
Answer:	No. Unlike NYCP, there is no requirement for a Tribal applicant to partner with an LEA under this priority.
Question 15:	Can a consultant submit an application on behalf of an eligible entity?
Answer:	No, a consultant could help draft and prepare an application, but it must be signed by the authorized representative of the lead applicant, which must be one of the eligible entities.
Question 16:	Can a private school apply? Can a private school be the LEA? What about a charter school?
Answer:	A private school does not meet the definition of "LEA." However, a private school could be a partner as long as the lead applicant is an eligible entity. Private schools can also be service providers. In addition, a private school serving Native students may meet the definition of "Indian organization" depending on the factual situation. A private school that meets the definition of an "Indian organization" can apply as that type of entity. Regarding charter schools, if the charter school is part of an LEA, then the LEA must be the applicant. If the charter school is an LEA under State law, then it is eligible to apply as an LEA.
Question 17:	Could a 501(c)(3) nonprofit education organization be considered a lead applicant if they partner with a Tribe?
Answer:	A nonprofit organization is not one of the entities eligible to apply for this grant program. If your organization meets the definition of Indian Organization, then your organization can apply as that type of entity. There is no prohibition against having a nonprofit organization as a partner for an application submitted by an eligible applicant. Any eligible applicant can apply as the lead applicant.
Question 18:	What is a "Tribal lead applicant"?
Answer:	The term "Tribal lead applicant" is used in connection with the Competitive Preference Priorities, in which points are awarded if the lead applicant (in the case of CPP1) or a partner (under CPP2) is an Indian Tribe, Indian organization, BIE-funded school, or Tribal college or university (TCU). See the definition of "Indian" at ESEA section 6151.
Question 19:	What is the definition of "Indian organization"?
Answer:	Indian organization means an organization that— (1) Is legally established— (i) By Tribal or inter-Tribal charter or in accordance with State or Tribal law; and (ii) With appropriate constitution, by-laws, or articles of incorporation; (2) Includes in its purposes the promotion of the education of Indians;

(3) Is controlled by a governing board, the majority of which is Indian;
(4) If located on an Indian reservation, operates with the sanction or by charter of the governing body of that reservation;
(5) Is neither an organization or subdivision of, nor under the direct control of, any institution of higher education or TCU; and
(6) Is not an agency of State or local government.
Indian organization is defined in the regulations at 34 CFR 263.20 and this definition is also listed in the NIA. The definition can be found in the NIA at the link below.

https://www.federalregister.gov/d/2020-15542/p-100

Question 20:	Are current NYCP grantees eligible? If so, do we need to avoid an overlap of budgets?
Answer:	Current Indian Education Discretionary Gant Programs – CFDA 84.299A Demonstration Grants for Indian Children and Youth Program grantees that were awarded grants under the previous absolute priority for NYCP are eligible; however, this new ACE priority is very different. Please make sure you read the NIA for this year's competition carefully. We would expect that an entity with a current NYCP grant that also applies for ACE may need to use a different structure and must meet all of the requirements for this year's ACE competition. If you intend to have the same key personnel on the ACE grant that you have on the NYCP grant, the combined budgets must reflect no more than a 100% FTE for that employee.
Question 21:	Are we required to have an evaluation plan as a component of the project narrative? Are there points associated with having an evaluation plan?
Answer:	There is no requirement for an evaluation plan, however grantees will be required to collect data to report on GPRA measures. Points will not be awarded to an application for including an evaluation plan, but a grantee can always use continuous improvement principles in implementing a grant.

Section 3: Competitive Preference Points

Question 22:	Must a Tribe be the applicant in order to receive the 11 points under Competitive reference Priority 1?
Answer:	As stated in the NIA, to meet this priority, an application must be submitted by an Indian Tribe, Indian organization, BIE-funded school, or Tribal college or university (TCU).
Question 23:	For the Competitive Preference Priorities, can a Tribe get the rural points also?
Answer:	A Tribe that is lead applicant could also get the rural points if its project includes an LEA that is eligible under the Small Rural School Achievement (SRSA) or Rural Low-Income School (RLIS) programs, or if the project includes a BIE-funded school that has NCES locale code 41, 42 or 43.

Question 24:	For the rural CPPs, where can we find out whether an LEA is eligible under SRSA or RLIS?
Answer:	The SRSA and RLIS programs publish a list of all LEAs that are eligible for SRSA or RLIS grants. Note that the ACE competition gives CPP points for LEAs that are eligible for SRSA and RLIS, regardless of whether the district actually received a grant through one of those programs. The list is a spreadsheet that can be downloaded from the SRSA program website via the link below. The spreadsheet posted on the SRSA website lists eligibility under both SRSA and RLIS. https://oese.ed.gov/offices/office-of-formula-grants/rural-insular-native-achievement-programs/rural-education-achievement-program/small-rural-school-achievement-program/
Question 25:	How many Native students in an LEA need to be served for the application to be deemed "competitive"?
Answer:	There is no advantage for an applicant serving a higher number of Native students. The applications will be judged on the basis of the selection criteria set forth in the NIA.
Question 26:	Please clarify the difference between Competitive Preference Priorities 1 and 2. Specifically, since a TCU is eligible to apply under CPP 1, would they still receive 11 points under the Tribal Lead Applicant category?
Answer:	Under Competitive Preference Priority 1, a Tribal entity (Indian Tribe, Indian organization, BIE-funded school, or TCU) will receive the full 11 points if it applies alone or if it is the lead applicant in an application submitted by a consortium. Competitive Preference Priority 2 awards points for an application in which the Tribal entity is not the lead applicant. Note that an application cannot receive points for both Priorities 1 and 2.

Section 4: Budget

Question 27:	What is the funding ceiling per year and for the total five-year period?
Answer:	There is no maximum amount for a project. Estimates for the total available funds for this year's grant competition, range of awards, average size of awards, and estimated number of awards are included in the NIA. Please note the "Estimated Average Size of Awards" number is per year and that none of these estimates is binding.
Question 28:	Considering the state of affairs due to the novel coronavirus pandemic, how much flexibility will be allowed to service changes based on ever-fluctuating circumstances within districts, e.g. distance/hybrid learning plans?

Answer:	Grantees have some flexibility to move cost items within budget categories without needing Department approval, subject to certain limits and items that require advance approval by OIE. See the cost principles at 2 CFR 200.308(c), 200.407. Prior approval items include changing a cost item from a grantee expense to a contracted expense or the reverse; equipment; and travel costs. For example, if the budget submitted with an application for a $1,000,000 grant includes $800,000 in contracted direct services for year 2, and the service plan includes several providers that will provide services remotely to students due to physical school closures, and then halfway through the school year students are back physically at school, if the grantee and its providers want to change services to a physical location, which necessitates an increase in the total budgeted amount for contracts, the grantee would submit a revised budget and request approval from OIE. Grantees should propose a project that is likely to be sustainable given current uncertainties.
Question 29:	Is the funding based on the number of students served and the per- pupil amount? Are ranges of funding published?
Answer:	The applicant should propose what it thinks will best meet the needs of the community. Please note there are selection criteria regarding the extent to which the per pupil amounts are transparent to the public and the extent to which the per-pupil cost is reasonable in relation to the project objectives. The NIA includes an estimated range of awards.
Question 30:	Regarding the budget, can we use our indirect cost (IDC) rate? Is there a cap or can we use the Tribe's IDC negotiated rate? I was under the impression that the indirect cost rate did not need to be part of the administrative cap.
Answer:	The indirect cost rate of the lead applicant can be used to the extent that the indirect cost rate, direct administrative expenses, the service selection method and anything else needed to oversee the project combined together do not exceed 20% of the total annual award. The administrative cost cap is set at 5% by statute. For FY 2020, the administrative cap applies only to direct administrative costs, so the indirect costs do NOT need to part of the 5% administrative cap. However, this competition requires that 80% of grant funds go to direct services for students. As a result, no more than 20% of grant funds may be used for other purposes, including all direct administrative costs, indirect costs, any structural costs (such as the service selection method and parent feedback method) and may not be more than 15% of the total grant.
Question 31:	If an applicant anticipates using its planning period to identify service providers, how should it develop the budget request for subsequent years?
Answer:	An applicant should propose the budget that it anticipates being appropriate to meet the goals of the program. An applicant can estimate per-pupil costs for each service and each provider without knowing who the actual providers will be.
Question 32:	May a grantee make annual budget modifications?
Answer:	Yes, as long as they do not change the scope and objectives of the grant. A grantee can make changes among budget categories, subject to needing prior approval from OIE for certain items such as changing to/from the contracting category; purchase of equipment; and travel costs.

Question 33:	If the applicant is one of the service providers, can the applicant use grant funds to plan the project during the planning period?
Answer:	The planning period can include the costs of planning and developing the service selection method and the parent involvement and feedback system. However, an applicant cannot include costs of building capacity of its own entity or another entity to be able to provide the services.
Question 34:	Will grantees be allowed to purchase food for the program?
Answer:	Please note that the grantee will be contracting for services with various service providers. Whether or not food is an allowable cost, for example if one provider wanted to offer snacks during an after-school program, is very fact-specific and depends on whether it is reasonable and necessary for the project objective. A grantee will review each provider's cost plan and approve costs accordingly and should contact its OIE program officer with any specific questions.
Question 35:	Will the planning staff be considered Administrative or Project Supervision?
Answer:	Since the requirement that 80% of grant funds be used for direct services does not apply to the planning period, you don't need to designate the planning staff as direct versus non-direct service costs as you must in subsequent project years. The planning of the ACE structural system during the planning period does not need to come under the 5% direct admin cap.
Question 36:	Does the 5% administrative cap also include the match or is it only for the federal funds?
Answer:	There is no required match for this competition. If an applicant wants to use non-Federal funds to increase the funds available for administration, it is free to do so.
Question 37:	Is evaluation and reporting included under the 20%?
Answer:	Evaluation of the project, reporting to the Department, and the project director's travel to DC for any Directors' meetings, are not direct services to students and thus must be part of the 20%. Reporting to the Department is an example of an administrative cost that would be included in the 5% cap on direct administrative costs. There is no requirement for a formal project evaluation in this program, but a grantee should include any continuous improvement efforts in the 20%.
Question 38:	How do we account for the parent liaison salary in the budget?
Answer:	Up to 15% of the grant can be used for the selection method and the parent involvement and feedback structure, which can include a parent liaison, so that person's salary would fall under this 15% cap. A grantee could use outside funding to support that salary as well.
Question 39:	Can we buy a bus or van with these funds?
Answer:	A bus or van would constitute "equipment," which requires approval of the Department program official; it would depend on whether the cost is necessary and reasonable for the project, meets all of the other requirements of the federal cost principles, and is supplemental to what is already provided by the schools attended

by the students to be served. <u>For example, transportation costs to and from school for the regular school day is not permitted</u>. For a service that parents could select for their child at an after-school location or summer program, however, transportation may be a reasonable and necessary cost.

Under the ACE priority, services are provided by service providers that the grantee contracts with, not by the grantee itself (although the grantee can be one of the service providers). It is possible that a service provider could include transportation to and from the service location, if it is supplemental, and include the cost of that transportation as part of the per-pupil cost of the services.

Question 40:	How should we document the 5% cap during the project period? Timesheets?
Answer:	The 5% cap should first be totaled in the budget narrative of your application. During the grant period, a grantee would document the expenses as it would any other grant expense (e.g., timesheets for salaries of employees, expense documentation for other expenses).
Question 41:	There doesn't appear to be a place on the budget form to put the amount that is for direct administrative costs, the ACE structural costs, and the direct student services. Where do we document that we are in compliance with the limits on those categories? Also, there is a selection criterion on the per-pupil funding amount but no place for that on the budget form; where should we include that?
Answer:	The budget (ED524) form in the application package is an agency-wide form and it is true that there is not a place to document the breakdowns for direct administrative costs (limited to 5% of the grant), the ACE structural costs, which consist of the service selection method and parent involvement/feedback process (limited to 15% of the grant in years other than the planning period), the direct student services (minimum of 80% in years other than the planning period), and the total for non-direct student services (maximum 20% in years other than the planning period). All applicants should document those amounts in the Budget Narrative section of the application. You can include a chart in the Budget Narrative that adds the amounts from the budget form from the categories of personnel, contractual, etc. into the categories of direct admin, structural, student services, and non-student services. For the proposed per-pupil amount, there are selection criteria regarding the extent to which the per pupil amounts are transparent to the public and the extent to which the per-pupil cost is reasonable in relation to the project objectives. An applicant should address those selection criteria in the project narrative along with all other selection criteria; it would also be helpful to include the per-pupil amount in the budget narrative.
Question 42:	If we are the grantee and also want to provide direct services, can we use grant funds to pay someone on our staff or do we need to contract with an outside person to provide the services?
Answer:	If the grantee is also one of the service providers, it may pay a staff member as a service provider. Please note, it is important to keep careful records for the budget to account separately for the provision of direct services and the project oversight

activities. In addition, all requirements applicable to other service providers would also apply to a grantee that provides services (e.g., non-discrimination, etc.).

Section 5- Planning Period

Question 43:	Planning year for parent feedback: Do we need to get the feedback during this time in addition to the method?
Answer:	This question touches on two different requirements: First, the general application requirement for each applicant to include in its application "a description of how Indian Tribes and parents and families of Indian children and youth have been, and will be, involved in developing and implementing the proposed activities." This information is required as part of an application. Second, Program Requirement 4 for a "parent involvement and feedback process" that includes "a way for parents to request services or providers that are not currently offered and provide input on services provided through the project, and describes how the grantee will" respond and may include a parent liaison. If an application includes a planning period, this program requirement for a parent involvement and feedback process is something that can be developed during the planning period. It needs to be put into operation when the planning period ends, and the grantee begins providing direct services. If an application does not include a planning period, the program requirement for a parent involvement and feedback process needs to be included in the application and needs to be put into operation as soon as the project begins.
Question 44:	We were thinking of developing an app as a means of providing for parent & student feedback. Could the cost of that be part of the planning year budget?
Answer:	Yes, if the technology being developed is for either the service selection method or part of the parent involvement and feedback process, such an app could be part of your budget in the planning year.
Question 45:	Can an applicant have as little as a 3-month planning period if they already have some infrastructures set up?
Answer:	Yes. An applicant can propose a planning period of any length up to 12 months.
Question 46:	Is there a preference for applicants that do not propose a planning period?
Answer:	No, there is no preference for applicants based on whether or not they propose a planning period.
Question 47:	For selection criterion (b)(3), "the extent to which the services to be offered would meet the needs of the local population, as demonstrated by an analysis of community-level data, including direct input from parents and families of Indian children and youth," can this work be completed during the planning period?

Answer:	In order to receive points under this or any other selection criterion, you need to address it fully in the application. For your specific question regarding needs of the local population, you would have to have assessed the local needs, and planned which services to offer, prior to applying for the ACE grant.

Section 6: ACE Services

Question 48:	Can services be provided to pre-K students?
Answer:	Just as with NYCP, this priority under the Demo authority is for Indian children and youth and includes pre-K students.

Question 49:	Can we provide credit recovery to students who have dropped out?
Answer:	Yes, high school credit recovery for students who have dropped out can be one of the services offered for parent and student selection.

Question 50:	Could a virtual individualized learning curriculum be included for students living in remote locations? What about support for in-home learning?
Answer:	A project could include a choice for parents (or, as appropriate, students) to access remote learning opportunities that are not available from the student's school. Services funded by the grant must be supplemental to the education program provided by local schools attended by the students to be served. Support for in-home learning could be a service option for parents. Please note that "home education expenses" are one of the specific options listed under Program Requirement 2.

Question 51:	Can visits to local colleges be one of the services offered?
Answer:	Yes, college visits as part of students' college and career readiness are allowable as a service that parents, or students could choose.

Question 52:	The Tribe currently offers tutoring services and provides services to Tribally enrolled students but NOT to all Native Americans living in the service area. Can the grantee include tutoring services in the grant application for all Native American students?
Answer:	There is a requirement that a grantee not supplant existing services or existing funding sources. So, a grantee could allow more students to take advantage of an existing program if parents or students select that service but could not pay for services to the same students who are already funded. In addition, the grantee must ensure that each contract for services includes a provision by which the service provider commits to not discriminating based on affiliation with a particular Tribe.

Question 53:	Can we contract with a university or community college to provide services?
Answer:	Yes, as long as you are contracting to provide services for P-12 students. A grantee can contract with a college, a school district or school, a non-profit or for-profit organization, or with individuals to provide services. It is incumbent on the grantee

to ensure quality and reliability of providers and to enter into contracts with each provider that meet all requirements identified in the NIA.

Please note that the ACE grant cannot be used to provide services college students.

Question 54:	If there is a specific service to be offered and only one provider offers it, is it necessary to put out an RFP for bidders?
Answer:	Grantees should make sure that they follow local, Tribal, and State procurement law and regulations. For purposes of federal law, please refer to the provisions in the Uniform Guidance at 2 CFR 200.317-326.

Question 55:	Can direct services be provided during a planning year?
Answer:	The planning period can be less than a year. Once all of your planning period activities are complete, you can transition from planning to direct services, even if this is during the first project year. Be sure to include a detailed budget that explains the proposed length of the planning period and related costs in the budget and project narrative. Please note that a grantee cannot begin direct services until it has completed the planning period activities and submitted the following required documents to the Department: a description of the operational service selection process, a description of the operational parent involvement and feedback process, a sample written agreement and a list of service providers with which the grantee has signed written agreements, and a description of the process that will be used to choose students to be served. These processes are integral to each project and direct services cannot begin until they are developed and operational.

Question 56:	Can we serve out-of-state students?
Answer:	There is no prohibition against serving students in a different state from the location of the lead applicant. Note, however, that one of the selection criteria is the extent to which services would meet the needs of the local population, as demonstrated by an analysis of community-level data, including direct input from parents and families of Indian children and youth.

Question 57:	Do we need to offer more than one provider per service?
Answer:	There is no requirement that you have more than one provider per service offered. Projects must, however, include more than one "education option," i.e., more than one type of service, which may include those listed in Program Requirement 2 in the NIA.

Question 58:	Please explain counseling services as an available service option.
Answer:	Counseling cannot be in the form of psychiatric or medical services. Therapy or conversational sessions are allowed, but prescribing medicine is not. In the case of a provider who offers both medical and non-medical services, only the non-medical services may be part of the grant.

	Keep in mind there is a supplement-not-supplant requirement, so a grant may not use grant funds to pay the salary of an existing school counselor but could add an additional counseling service that parents or students could select.
Question 59:	What if we wish to hire an additional person, such as a counselor, with these funds? In other words, the position would become ours and not be considered a contractor. Is this acceptable?
Answer:	The project must include a project focus and service providers from which parents and students may select services. If the project focus in your application supports counseling as one of the services to be provided, then a counselor (or several counselors) could be among the service providers, assuming they are supplementary to what the school currently offers, but they would be paid based on parent or student demand. The grantee would enter a contract with each service provider and pay them for the services they provide to students. The service provider should be paid from the portion of the grantee's budget dedicated to paying for direct services for students. As noted in the responses to Questions 10 and 42, it is possible for the grantee to be one of the service providers but that involves careful and separate budgeting.
Question 60:	Are Tribal students residing outside the Tribe's service area eligible to receive services under this program?
Answer:	Yes, an applicant can choose the service area and any students in that area can be served. Note that all providers must agree to a nondiscrimination clause that prevents the provider from discriminating based on Tribal membership; in other words, services must be open to any students who meet the definition of "Indian" in ESEA Title VI.
Question 61:	Can there be only two choices for parents?
Answer:	Grantees must provide multiple options for services. A grantee must also be responsive to parent feedback as explained in the NIA.
Question 62:	Can we serve Native students from outside the United States (e.g., Canada or Mexico)?
Answer:	Students to be served by Demonstration grants are those students who meet the ESEA Title VI definition of "Indian," which generally includes members of federally-recognized Tribes and state-recognized Tribes, and Alaska Natives. Students who are from a Tribe that is Canadian or Mexican would not be eligible for services.

Section 7: Service Providers

Question 63:	Are service providers the same as subgrantees?
Answer:	This program does not authorize subgrants. Under the ACE priority, the grantee enters into contracts with service providers. These agreements must contain the required elements in Program Requirement 5.

Question 64:	Can a grantee add new service providers if we discover a new service provider that can offer quality services?
Answer:	Yes. As long as the services align with the scope and objectives of the project.

Question 65:	If we contract out tutoring services, but we are a service provider to train the providers on how to be culturally responsive, is that allowable?
Answer:	No. Training a service provider would not be part of direct services to students. There is a prohibition against using grant funds to develop the capacity of service providers. Other OIE grant funds, such as STEP or Title VI formula grant funds, might be available for training on culturally responsive methods.

Question 66:	Do you have a sample provider agreement?
Answer:	We do not have a sample provider agreement as much of that information will be specific to the arrangement between the grantee and service provider. Please note that the NIA, particularly in the application requirements and program requirements sections, lists several requirements for what must be included in all agreements with service providers.