

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 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:	<p>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.</p> <p>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.</p> <p>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.</p> <p>.</p>
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:	<p>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.</p> <p>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.</p>
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:	<p>Indian organization means an organization that—</p> <ol style="list-style-type: none"> (1) Is legally established— <ol style="list-style-type: none"> (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. <p>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.</p>

	<p>https://www.federalregister.gov/d/2020-15542/p-100</p>
Question 20:	Are current NYCP grantees eligible? If so, do we need to avoid an overlap of budgets?
Answer:	<p>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.</p> <p>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.</p>
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.