

ALABAMA COMMISSION ON HIGHER EDUCATION

**Elementary and Secondary Education Act (ESEA)
as amended by
No Child Left Behind Act (NCLB)
{P. L. 107-110, Title II, Part A/Subpart 3}
(Continuation Awards)**

OPERATIONAL GUIDELINES

September 1, 2016

**Office of Institutional Effectiveness & Planning
Alabama Commission on Higher Education
P.O. 302000
Montgomery, AL 36130-2000**

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**ALABAMA COMMISSION ON HIGHER EDUCATION
ADMINISTRATIVE CODE**

INSTITUTIONAL EFFECTIVENESS AND PLANNING

**CHAPTER 300-2-6
FEDERAL PROGRAMS**

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300-2-6-.01 Goal. Title II, Part A of the Elementary and Secondary Education Act of 1965 (ESEA) (the Act), amended in the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary Improvement Amendments of 1988 (P.L. 100-297) and reauthorized in No Child Left Behind Act of 2001 (P.L. 107-110) as the professional development program. Title II, Part A of the No Child Left Behind Act of 2001 (Teacher and Principal Training and Recruiting Fund, Subpart 3) revises several of the provisions of the predecessor statutes (Title II of the Education for Economic Security Act and the Dwight D. Eisenhower Mathematics and Science Education Act, and the Dwight D. Eisenhower Professional Development Program). The purpose of the program is to (1) increase student academic achievement through strategies such as improving teacher and principal quality and increasing the number of highly qualified teachers in the classroom and highly qualified principals and assistant principals in schools; and (2) hold local educational agencies and schools accountable for improvements in student academic achievement (107-110, Title II, Part A, Section 2101).

Author: Elizabeth French

Statutory Authority: Code of Ala. 1975, §§16-5-1, et seq.

History: Filed December 2, 1988. **Amended:** Filed April 10, 1989. **Amended:** Filed May 12, 1995; effective June 16, 1995. **Amended:** Filed August 27, 2002; effective October 1, 2002. **Amended:** Filed May 9, 2016; effective June 23, 2016.

300-2-6-.02 Administration. The Commission on Higher Education is designated the State Agency for Higher Education (SAHE) responsible for administering Alabama's higher education programs and activities (P.L. 107-110, Section 2132). The Executive Director of the Commission is designated the certifying representative for these programs and activities. Administration of the higher education programs and activities under the No Child Left Behind Act of 2001 (Teacher and Principal Training and Recruiting Fund, Subpart 3) program will be in accord with the terms and conditions of federal regulations and an approved plan filed with the U.S. Department of Education.

Author: Elizabeth French

Statutory Authority: Code of Ala. 1975, §§16-5-1, et seq.

History: Filed December 2, 1988. **Amended:** Filed April 10, 1989. **Amended:** Filed June 22, 1995; effective July 27, 1995. **Amended:** Filed August 27, 2002; effective October 1, 2002. **Amended:** Filed May 9, 2016; effective June 23, 2016.

300-2-6-.03 Appeals. Any person or institution aggrieved by the actions of the Commission in its administration of these rules may, by written petition filed with the Commission within (30) days after notice of the action complained of, request a rehearing by the Commission. The Commission shall schedule the requested rehearing to be held no less than twenty (20) days, nor more than thirty (30) days after receipt of the petition. The aggrieved party may present written and oral evidence supporting its petition and may be represented by counsel, if desired. The decision of the Commission following the rehearing shall be final.

Author: Elizabeth French

Statutory Authority: Code of Ala. 1975, §§16-5-1, et seq.

History: Filed December 2, 1988. **Amended:** Filed May 9, 2016; effective June 23, 2016

LIQUIDATION OF OBLIGATIONS/DISBURSEMENT OF FUNDS TO SUBGRANTEES

Liquidation of obligations: A grantee may use grant funds only for obligations it makes during the grant period. (CFR EDGAR, Section 75.703)

The grantee, in awarding subgrants . . . must –

- (1) Ensure that subgrants are awarded on the basis of an approved budget that is consistent with the grantee's approved application and all applicable Federal statutory, regulatory, and other requirements;
- (2) Ensure that every subgrant includes any conditions required by Federal statute and executive orders and their implementing regulations; and
- (3) Ensure that subgrantees are aware of requirements imposed upon them by Federal statute and regulation, including the Federal anti-discrimination laws enforced by the Department. (CFR EDGAR, Section (d))

Unallowable Costs: Costs of entertainment, including amusement, diversion, and social activities and any associated costs are unallowable, except where specific costs that might otherwise be considered entertainment have a programmatic purpose and are authorized either in the approved budget for the Federal award or with prior written approval of the Federal awarding agency. (OMB C.F.R. Part 200, Section 200.438)

Costs of alcoholic beverages are unallowable. (OMB 2 C.F.R. Part 200, Section 200.423)

Tuition charges are not eligible for direct funding. No state or subgrantee may count tuition and fees collected from students toward meeting matching, cost sharing, or maintenance of effort requirements of a program. (CFR EDGAR, Section 76.534)

Indirect Costs: Indirect cost reimbursement on a training grant is limited to the recipient's actual indirect costs, as determined by its negotiated indirect cost rate agreement, or eight percent of a modified total direct cost base, whichever amount is less. (EDGAR, Section 75.562(c)(1)). Accordingly, the maximum amount allowed for ACHE Title II sub-grant projects is eight percent of the direct costs excluding equipment purchases.

Reporting Requirements: State reporting requirements. This section applies to a State's reports required under 2 CFR 200.327 (Financial reporting) and 2 CFR 200.328 (Monitoring and reporting program performance), and other reports required by the Secretary and approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501-3520. (CFR EDGAR, Section 76.720 (a))

A State may require a subgrantee to submit reports in a manner and format that assists the State in complying with the requirements under 34 CFR [EDGAR] 76.720 and in carrying out other responsibilities under the program. (CFR EDGAR, Section 76.722)

Recipient Responsibility: Each State shall have procedures for reviewing and approving applications for subgrants and amendments to those applications, for providing technical assistance, for evaluating projects, and for performing other administrative responsibilities the State has determined are necessary to ensure compliance with applicable statutes and regulations. (CFR EDGAR, Section 76.770)

Project Monitoring: To comply with the above requirements, all subgrantee projects are monitored by staff and/or external evaluators. Reports of these evaluations become part of the institutional final report file. Final reports submitted by project directors include expenditure reports that are reviewed in terms of compliance with the approved proposal. In the event that expenditures reported are inconsistent with the budget as approved, a staff member conducts site visits to the institution and meets with the project director and staff in the accounting/grants divisions as well as other appropriate personnel to achieve resolution.

Enforcement:

(a) Remedies for noncompliance. If a grantee or subgrantee materially fails to comply with any term of an award, whether stated in a Federal statute or regulation, an assurance, in a State plan or application, a notice of award, or elsewhere, the awarding agency may take one or more of the following actions, as appropriate in the circumstances:

- (1) Temporarily withhold cash payments pending correction of the deficiency by the grantee or subgrantee or more severe enforcement action by the awarding agency,
- (2) Disallow (that is, deny both use of funds and matching credit for) all or part of the cost of the activity or action not in compliance,
- (3) Wholly or partly suspend or terminate the current award for the grantee's or subgrantee's program,
- (4) Withhold further awards for the program, or
- (5) Take other remedies that may be legally available.

(b) Hearings, appeals. In taking an enforcement action, the awarding agency will provide the grantee or subgrantee an opportunity for such hearing, appeal, or other administrative proceeding to which the grantee or subgrantee is entitled under any statute or regulation applicable to the action involved.

(c) Effects of suspension and termination. Costs of grantee or subgrantee resulting from obligations incurred by the grantee or subgrantee during a suspension or after termination of an award are not allowable unless the awarding agency expressly authorizes them in the notice of suspension or termination or subsequently. Other grantee or subgrantee costs during suspension or after termination which are necessary and not reasonably avoidable are allowable if:

(1) The costs result from obligations which were properly incurred by the grantee or subgrantee before the effective date of suspension or termination, are not in anticipation of it, and, in the case of a termination, are noncancellable, and,

(2) The costs would be allowable if the award were not suspended or expired normally at the end of the funding period in which the termination takes effect.

(d) Relationship to debarment and suspension. The enforcement remedies identified in this section, including suspension and termination, do not preclude grantee or subgrantee from being subject to “Debarment and Suspension” under E.O. 12549. (CFR EDGAR, Section 80.43)

Disbursement of Funds to Subgrantees: Grants are awarded for each project on a cost reimbursement or fixed cost basis. Seventy-five percent of grant award is paid at the beginning of the contract period. When the project is completed in compliance with all requirements of the RFP and contract, the remaining balance of the grant award is available for approved expenses up to the remaining twenty-five percent. Non-compliance with the RFP or contract results in forfeiture of any remaining grant balance. If total approved expenses for a cost reimbursement grant are less than seventy-five percent of the grant award, the balance is refunded to ACHE. Grants awarded on a fixed cost basis will receive the remaining twenty-five percent balance.

SUBGRANTEE AUDITS

All subrecipients who are institutions of higher education, hospitals, or other non-profits, regardless of the type of organization making the subaward, shall follow the provisions of OMB Circular A-110, as implemented by the agency, when awarding or administering subgrants except under block grants authorized by the Omnibus Budget Reconciliation Act of 1981 and the Job Training Partnership Act where State rules apply instead. (OMB Circular A-133, “Audits of States, Local Governments, and Non-Profit Organizations” (Compliance Supplement, June 2012, p. 3-2))

To comply with this requirement:

- a. A-133 audit reports are a required component of all applications for competitive grants. The audit reports are reviewed for any citations of non-compliance with respect to expenditures of Federal funds.

- b. An inventory of audit reports for all institutions and organizations participating in the Federal program and to which grants have been awarded is on file and updated on a regular basis.

c. Should audit exceptions be noted in the A-133 reports, the Commission accepts the recommendation of the auditors and applicant's responsive action stated in the report as meeting the necessary requirements under this section.

**ACHE PROCEDURES
CONTINUATION AWARDS
FY2016-2017**

Step One: Statements of Intent (SOI) are recorded and filed. Institutions and organizations are notified of receipt of SOI.

Step Two: A staff analysis is conducted for completeness and compliance with FY2016-2017 federal funding to continue grant awards. If needed, additional data are requested from the grant awardees.

Step Three: Staff reviews institutional A-133 Audit Reports for compliance with federal regulations.

Step Four: Awards are announced.

Step Five: Invoices for awards are prepared, sent to the institutions, and processed upon receipt.

ALABAMA COMMISSION ON HIGHER EDUCATION
No Child Left Behind(NCLB)), Title II
(continuation awards)
STATEMENT OF INTENT (SOI)
CHECKLIST (STAFF)

Institution: _____ Project: _____

Notes, comments, observations (if any):

General

	Yes	No	N/A	Comment	Criteria
1.					Eligibility: 3 required partners
2.					Includes signed Statement of Assurances
3.					Includes A-133 report
4.					Excludes extraneous material not requested by ACHE

Application and Abstract

	Yes	No	N/A	Comment	Criteria
5.					Forms completed, signed; includes DUNS number
6.					Abstract: 200-word summary with--
7.					--program objectives continued
8.					--methods to be employed;
9.					--statement of significance and impact on improving teaching and learning

Narrative

	Yes	No	N/A	Comment	Criteria
10.					15 or fewer pages, numbered, double-spaced, at least 10 pitch, double-sided printing, and includes --
11.					--objectives addressed
12.					--explanation of relevance to the applicable Ala. Course of Study and SBE standards;
13.					--school districts to be served;

Narrative (cont'd)

	Yes	No	N/A	Comment	Criteria
14.					--approved high-need partner district(s);
15.					--special instructions followed
16.					--roles of partners: IHE, A&S, and high need school district(s);
17.					--methods, materials, plan, session dates, locations, participant requirements;
18.					--followup plan to provide year-long technical assistance for all teachers;
19.					--role of mentors, if any;
20.					--budget and personnel described.

Budget

	Yes	No	N/A	Comment	Criteria
21.					Form completed properly, with --
22.					--external support identified;
23.					--participant costs, tuition, <i>etc.</i> excluded except for independent study;
24.					--no partner w/ more than 50% of grant;
25.					-supplies, materials, equipment only for workshop/institute training
26.					--indirect costs for LEA(s) excluded.

Attachments/Appendices

	Yes	No	N/A	Comment	Criteria
27.					Budget Summary with breakout for categories
28.					Resumes not exceeding two pages;
29.					Documentation of the partnership showing participation of all partners;
30.					Schedule of activities with timeline;
31.					Written agreements for off-site coordination and copyright/license permission, if applicable.

Action

	Yes	No	N/A	Comment	Criteria
32.					Return to applicant to correct/revise any items above checked "no."
33.					Previously requested corrections <i>etc.</i> received on time.
34.					Accept SOI without further review.
35.					Reject SOI without further review.

Staff Reviewer

Date