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Chapter Seven

Training and Development

General

Training and education is a vital element of the National Service Program. It will be an on-going process during the entire program. Approximately 20 percent of a members time should be spent in some type of training or educational activity. It does not have to be typical classroom training but should include significant "experiential education." You can be creative in devising methods, instructors, and sites for this training.

Projects will have to track service hours and will have to certify that not more than 20 percent of the 1700 hours were spent on training and education. The CNCS will monitor and periodically audit programs to ensure that activities are categorized correctly and that the hours were in fact served.

Training And Education versus Direct Service

A common question that has been asked is, "What should be considered training and education versus what should be considered direct service?" The following paragraphs will attempt to answer this question.

1. The CNCS does not differentiate between education and training; they both count toward the 20 percent limit. Therefore, the most direct way of keeping track of education and training hours is by backing into it: any eligible activity that is not direct service must be education or training.
2. Certain types of training and education are easily categorized as such for the Corporation's purposes. If members spend a half-day each week away from the service site, learning computer skills that relate indirectly to their service experience, but which may help them in the future, that is clearly education. If a corps that will be working in public safety goes on a week-long retreat on alternative conflict resolution and mediation, that is clearly training.
3. Other activities are not quite so straightforward. Consider, for example, a program that takes its members on a mountain retreat for four days. The first three days are spent in the classroom and in the field learning environmental techniques, and on the fourth day the members perform a project cleaning up a portion of a polluted river. In this case, the first three days would count as training and education, whereas the last day would count as direct service.



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4. Training and education activities should be counted as such if they are planned and structured. To the extent that learning opportunities occur incidentally to direct service, or that training occurs “on the job,” those activities should not count toward the 20 percent limit.

Member Orientation/Training

Members should be provided with an orientation briefing at the beginning of the project. This should include:

1. Welcome and introduction of appropriate personnel.
2. A reinforcement of the “ethic of service. Use this opportunity to discuss the meaning of citizenship and to encourage eligible members to register to vote.
3. An overview of the project(s), introduction to the community and natural resources, cross-cultural sensitivity, and other project specific training.
4. Give specific information about your program rules. You must cover member rights and responsibilities, including the programs’s code of conduct and safety protocol, prohibited activities, requirements under the Drug Free Workplace Act, sexual harassment and other nondiscrimination issues, suspension and release from service, and grievance procedures. This is also the time to provide information about AmeriCorps benefits, payroll information, time and attendance, travel, expense reimbursement and similar operation policies.
5. Other training that should be considered in this phase is safety training, CPR, First Aid, etc.

You are required to provide members with the training, skills, and knowledge they need to perform well in their assigned service project. For members who have not completed high school, you must provide support services to help them get a high school diploma or GED certificate. Local area schools will be able to assist you with this program. You may also want to provide college readiness programs for members going on to higher education. Both high school/GED programs and college readiness programs can be effectively integrated with service learning curricula. You should use service experiences to help members improve their skills, internalize project goals, and increase their insight.

A training plan shall be developed for each member based on their individual training needs. This would include their GED or college readiness training. Also training directly related to the job they will be expected to perform on the project. For example, if the person is working on recycling wood waste at landfills, that person should attend workshops or training in this subject or be trained by an agency specialist on this subject.

Project Manager Training

Project manager training will be held prior to start-date after approval notification. States/Regions will be notified of time and location for this training. Special training on personnel management, administration, safety, special needs awareness, conflict resolution, team building, etc. will be included.



Region X

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Member Development—Anti-Hunger and Public Lands and Environment Team

Since both the Anti-Hunger Team and the Public Lands and Environment Team will be corps with similar mixes of members, they will both have the same three member development objectives, which are

1. To enable members to develop motivation, educational skills, vocational goals, and financial resources so that, out of the members who started the program with no desire to continue their education, at least 50 percent will change their mind and decide to further their education. This change will be determined by member interviews before the start of the service year and at the end of the service year.
2. To spur 65 percent of the members who entered the program without a high school degree to earn GED's within a year.
3. To educate members about hunger, nutrition, and poverty issues—or about public lands and the environment issues—so that at least 25 percent of the members express a desire at the end of the service year to enter careers in the field in which they provided service, and at least 50 percent express their desire to volunteer for service in that field in the future. This will be determined by member interviews at the end of the service year.

Member Development—Rural Development Team

The following are the top three member development objectives of the Rural Development Team, which will be measured through member interview conducted before the start of and after the completion of the first year of service.

1. To increase by 20 percent the number of members expressing a desire to obtain a job in rural development or rural environmental protection in the region in which they served or a region with similar characteristics.
2. To increase by 25 percent the number of members who plan to obtain further graduate school or professional school training in their discipline of service.
3. To obtain a written commitment from 65 percent of the members who graduate from the program to volunteer to mentor members in the following year's program or to engage in another specific volunteer activity related to rural development or environmental protection.

On-Going Training

Each state will need to determine what type of training will be most appropriate for their members during the year. For those members that do not have a high school diploma, they will need GED training. Teams may need team building and problem solving training. Career Counseling should be available for members. Mentoring should be considered for each person. There is a wide range of training that can be provided to members. States or regions should be creative and try to meet their needs and the needs of the members.



Chapter Eight

Project Monitoring and Evaluation

RESERVED

The Department is currently working with Agencies and the Corporation to develop a comprehensive monitoring and evaluation plan. This plan should be written and provided to project managers before the September 12 kickoff.



Chapter Nine

Health, Safety, And Accident Control

Purpose

This chapter provides guidance on the Health, Safety and Accident Control Program. This program is directed toward reducing errors and risks, and protecting the physical and mental health of members and staff while participating in all project activities. The CNCS requires that projects institute safeguards as necessary and appropriate to ensure the safety of participants.

Basic Direction

Each residential and nonresidential project must have a complete safety and health plan. This plan shall be integrated with and comply with the overall health, safety, and accident control policies of the administering agency. Policies now in effect in each employing agency are adequate for the development of each plan. The AmeriCorps/USDA project/program shall use existing USDA and agency forms for injury, illness, and accident reporting. Work supervisors will need to maintain close and continuous supervision of work crews.

Minimum Requirements

Rescue and emergency medical aid plans shall be set up for each project to cover injuries or illness occurring at camp or on the job. The plan must detail each step to be taken from onset of the injury or illness to professional treatment.

Specific safety and health plans and/or a job hazard analysis covering all areas of members activity including trips, recreation, and work are required. No member may be ordered or allowed to perform work of a hazardous nature without authorization and certification.

Environmental Team project managers may wish to develop some type of physical fitness program. Most youth corps do have a program of this type.

Safety Awareness Training. Training should provide clear guidelines for member safety as well as specific procedures to help ensure safety. Training should occur in pre-service settings as well as during service. The training should include sessions on

- avoiding dangerous situations,
- procedures for obtaining immediate assistance in the event of an emergency, including explicit guidelines for reacting to dangerous or threatening situations,
- becoming familiar with the community,
- interaction with supervisors and other AmeriCorps members, and
- prevention of occupational hazards.



Safety Precautions—projects must take all appropriate precautions to help ensure the safety of members. Recommended precautionary measures include

- assignment during daylight hours and enhanced security for carefully planned activities during evening hours;
- service activities which are appropriate for the members' age and abilities;
- safe passage, safe areas, and escorts, if necessary, to and from the service site;
- assignment of members in pairs or groups;
- coordination of safety plan with local law enforcement agency and possible increase in police surveillance in service sites;
- provision of communications equipment, if available;
- issuance of distinctive clothing; and
- close monitoring of member activities by immediate supervisors and project coordinator.

Caution must be exercised in permitting members under 18 years of age to work on projects which consist of work described as hazardous by Federal laws and regulations. Certain tasks will require a clearance before these youths can be authorized undertake them. Hazardous work is defined in the child labor bulletins. Examples are:

1. Members under 18 may not operate power-driven circular saws, bandsaws, or chain saws.
2. Members under 18 may not operate Government vehicles.

Members shall be required to have a tetanus booster shot or a current shot record. Any serious scratch or puncture wound requires immediate treatment by a physician, regardless of recency of tetanus inoculation.

Each project must develop a system to facilitate locating any member whenever necessary. Residential projects carry a 24-hour-per-day responsibility for safety, health, and well-being of the member. This responsibility requires some form of staff coverage which must be exercised on an assigned basis.



Accidents must be reported on Form AD-278, Supervisor's Report of Accident (Appendix). Any accident, illness, or other incident of a serious nature shall also be communicated by telephone to the next supervisory level, and then reported to NHQ.

During the beginning weeks of the project, members and "when needed staff" will receive training in

- defensive driving,
- vehicle handling,
- tool use,
- fire suppression,
- CPR,
- first aid, and
- sanitary food handling.

Swimming tests should also be given to members as appropriate. There will be additional tool training at the beginning of each work project. "Tail-gate safety sessions" should be used to re-emphasize the safe use of tools and increase awareness of other potential hazards.

Member Acknowledgment Form

On the next page is a form which should be used by projects and completed by all members. It serves as an acknowledgment by each AmeriCorps member (in the case of members under 18 years of age, by their parents or guardians) that the USDA AmeriCorps Program projects—despite appropriate training—policy guidelines and other reasonable precautions, may involve some safety risk.

Reporting An Emergency

In the event that an AmeriCorps member is seriously injured or otherwise involved in an emergency, the project director must immediately contact USDA NHQ.



USDA/AmeriCorps Program

I, _____, as a Member of the USDA AmeriCorps Program, make my personal commitment to help strengthen the ability of communities to respond to problems of hunger, rural development and the environment.

I understand my assignments may include, among other things, *(Programs to fill in. Examples: planting trees, cleaning streambeds, performing water quality assessments, providing food assistance to the needy, and providing assistance to Native Americans.)* It is further understood and acknowledged that although training and reasonable precautions will be taken to protect my safety, my assignments may involve some risk.

Signature

Date

Date of Birth

If you have not reached your eighteenth birthday by the date of the signing of this acknowledgment, a parent or legal guardian must also sign below.

Parent or Legal Guardian

Date



Chapter Ten

Project Close Out

General

At the close of each project, project managers and directors will be required to perform certain close out tasks. It is the responsibility to ensure that these tasks are completed in timely manner.

Project Close Out

The following items must be accomplished.

1. Members must complete a Member Exit form.
2. Project Managers must complete an "End-of-Term-of-Service form"—to be provided.
3. Project managers must complete the Annual Accomplishment Survey—to be provided.
4. USDA Office of National Service will notify the Corporation three months prior to end of term of service for member's receiving child care benefits.



Glossary Of Terms

AmeriCorps Program

A coordinated group of activities linked by common elements such as recruitment, selection and training of participants and staff, regular group activities and assignment of projects organized for the purpose of achieving the mission and goals of national service.

GED

General Equivalency Diploma. A degree obtained by examination which may substitute for a high school diploma. An individual must agree to obtain a GED or high school diploma before using the AmeriCorps education award.

Member

Individual serving in the AmeriCorps program who is eligible to receive an education award or alternative post-service benefit is called an "AmeriCorps Member."

National Headquarters (NHQ)

Refers to Agency Washington Headquarters.

National Identity

The sense of purpose and membership in a common program that all AmeriCorps Members share. National identity can be strengthened by everything from buttons and t-shirts to reflection activities, common national service projects, and civic education.

National Service Trust Fund

Also "Trust Fund" or "Trust." A trust fund in the United States Treasury Department established by the National and Community Service Trust Act of 1993 to finance AmeriCorps education awards.

Nondisplacement

AmeriCorps members cannot perform any services that would result in a paid employee losing a job.

Program

Applies to the entire USDA AmeriCorps Program.

Project

Applies to individual site locations.

State Commission

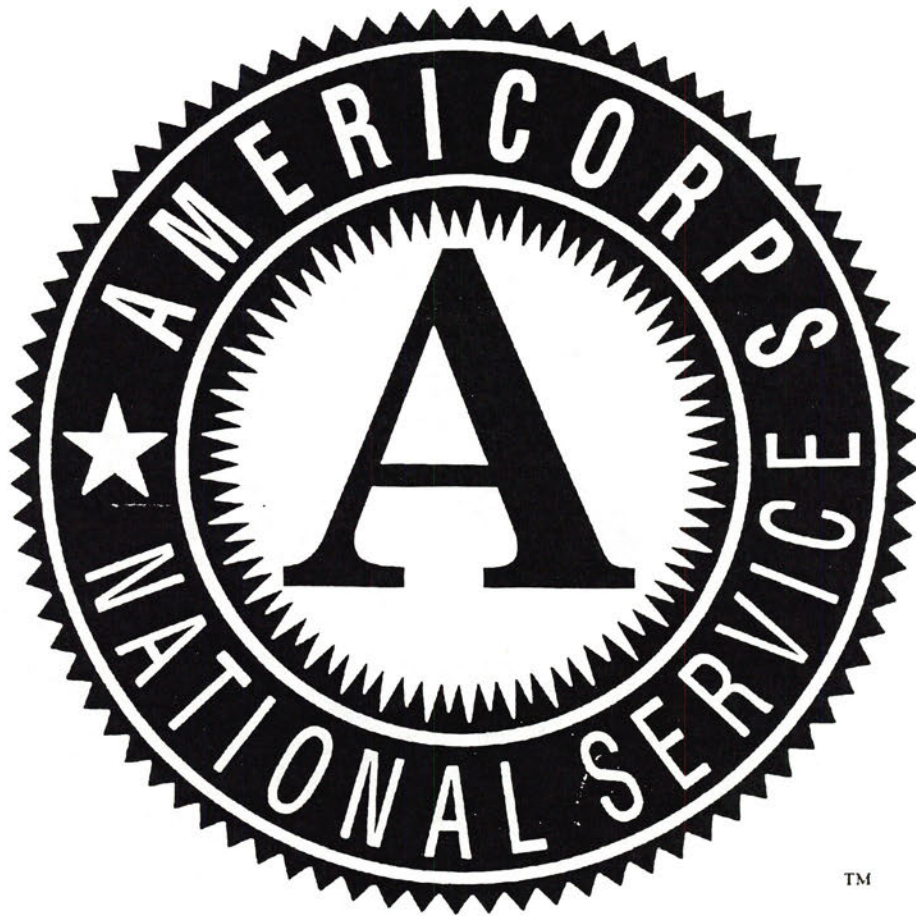
A 15-25 member, independent, bipartisan commission appointed by a governor to implement service programs in the State. Each State Commission receives funding from the Corporation and is overseen by an executive director. The State Commission's duties include developing a State plan, submitting the State application to the Corporation, and overseeing funded AmeriCorps programs.

USDA AmeriCorps Program

Refers to the AmeriCorps Program sponsored and run by the U.S. Department of Agriculture.



Appendix



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***AmeriCorps/USDA
Application***

Application Instructions:

AmeriCorps is the new national service initiative signed into law by President Clinton. Through AmeriCorps, individuals of all ages and backgrounds will address the nation's education, public safety, human, and environmental needs through service. In return, AmeriCorps Members may receive education awards to help finance their college education or vocational training, or to pay back their student loans after successful completion of service.

While there is no typical AmeriCorps Member, all people selected for AmeriCorps will demonstrate a commitment to service, a willingness to use their time and abilities to improve the lives of others, and an interest in learning new skills. Through their service, they will bring to life the AmeriCorps ethic of community and responsibility.

This application asks you to describe the skills and experience you offer to AmeriCorps, as well as the reasons why you hope to be selected. Consider each section carefully and respond to the best of your ability. Think about your role in service activities, membership in community organizations, academic experiences, and personal talents. Take into account everything from your past and present. Your application and personal references help create a full picture of you and what you bring to national service. Make sure that this application accurately reflects all the qualities that make you a good candidate for AmeriCorps.

I. Member Profile

1. Name:

2. Social Security Number: _ _ _ - _ _ - _ _ _ _ *

3. Date of Birth (Month/Day/Year):

4. Current Address:

Street:

Apt.#:

City:

State:

Zip Code:

5. Permanent Address:

Street:

Apt.#:

City:

State:

Zip Code:

6. Telephone Number:

Daytime: ()

Evening: ()

7. Are you a U.S. Citizen, a National or a lawful Permanent Resident Alien? ☐ Yes ☐ No

8. Date of Availability: ____/____
 month/year

Privacy Act Notice

*The Corporation is asking for your Social Security Number because nearly all AmeriCorps participants receive living allowances. Your Social Security Number will be used by the IRS for tax purposes and by the Corporation for National Service for internal tracking purposes. It will also be used by the National Service Trust to track educational awards. Your Social Security Number will not be released outside the Federal Government without your specific written consent.

II. Personal Statement

Please answer the following questions on an attached sheet.

1. Why do you want to join AmeriCorps?
2. What are your most important skills or experiences that will help you contribute to AmeriCorps?

III. Community Activities

List and describe your organizational memberships and community-based service experience. Include social, school, professional, and neighborhood projects and programs. Attach additional sheets if necessary.

DATES OF PARTICIPATION	NAME OF GROUP	DESCRIPTION OF ACTIVITIES/POSITION

IV. Skills

Indicate those areas in which you have had significant training or experience, including volunteer or community service experience.

- | | | |
|---|--|--|
| ☒ Architecture/Design | ☐ Counseling | ☐ Social Services |
| ☐ Business/Managing/Accounting | ☐ Health | ☐ Teaching/Tutoring |
| ☐ Child Care/Development | ☐ Landscaping/Agriculture | ☐ Victim Assistance |
| ☐ Communication/Journalism | ☐ Mediation/Conflict Resolution | ☐ Youth Work/Coaching |
| ☐ Community Outreach | ☐ Public Speaking | ☐ Foreign Language(specify): |
| ☐ Construction | ☐ Research | |
| | | <hr/> |
| | | ☐ Other Skills not listed above (describe): |

V. Educational Background

Check only highest level

- | | | |
|---|--|--|
| 1. ☐ Graduate/Professional degree | 4. ☐ Some college | 7. ☐ High school graduate |
| 2. ☐ Graduate/Professional study | 5. ☐ Technical school/Apprenticeship | 8. ☐ GED |
| 3. ☐ College graduate | 6. ☐ Associate degree | 9. ☐ Less than high school completed |
| ☐ Other (specify) _____ | | |

Beginning with the most recent, list all schools attended, including high school, any trade or technical schools, Job Corps, etc. Attach additional sheets if necessary.

Name of School	Location of School (City/State)	Dates Attended		Area of Study Major/Minor	Type of Degree/ Certificate and Date Received (expected)
		From Mo./Yr.	To Mo./Yr.		

VI. References

Please list two individuals whom we may contact as references. We encourage you to list people who know you well such as teachers, employers, guidance counselors, or community members.

1. Name: Address: _____ Apt. #: _____ City: _____ State: _____ Zip Code: _____ Telephone Number: _____ Relation to you: _____		2. Name: Address: _____ Apt. #: _____ City: _____ State: _____ Zip Code: _____ Telephone Number: _____ Relation to you: _____	
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VII. Employment Record

Please include any self-employment, home management, military service - active duty/ Reserve / National Guard, salaried employment. Start with your current or most recent experience. Photocopy this page if additional sheets are necessary.

A. Employer:
Your Title:
Name of Supervisor:
City/State:

Your Duties & responsibilities:

From: (mo./yr)
To: (mo./yr)
Hours per week:
Phone Number:
Reason for Leaving:

C. Employer:
Your Title:
Name of Supervisor:
City/State:

Your Duties & responsibilities:

From: (mo./yr)
To: (mo./yr)
Hours per week:
Phone Number:
Reason for Leaving:

B. Employer:
Your Title:
Name of Supervisor:
City/State:

Your Duties & responsibilities:

From: (mo./yr)
To: (mo./yr)
Hours per week:
Phone Number:
Reason for Leaving:

D. Employer:
Your Title:
Name of Supervisor:
City/State:

Your Duties & responsibilities:

From: (mo./yr)
To: (mo./yr)
Hours per week:
Phone Number:
Reason for Leaving:

VIII. Preferences

- A. Geographic
- ☐ only in or around my home town
 - ☐ in my home state or region of the country
 - ☐ anywhere in the country

- B. Program Areas
- ☐ Education
 - ☐ Public Safety
 - ☐ Human Needs
 - ☐ Environment

IX. Additional Information

Please attach additional information that you think will help us evaluate your application, including a description of any particular hardship or special circumstances you have faced.

X. Certification

All applications must be signed by the applicant. By signing this application, you are stating that all of the information provided is true to the best of your knowledge.

Signature

Date

NOTE: The collection of this information is authorized by the provisions of the National and Community Service Act, as amended by the National and Community Service Trust Act of 1993. Information will be used to determine qualifications for selection of persons in the AmeriCorps program. The information will not be disclosed outside the government without written permission.

The information in the section below is optional, will in no way affect your selection into the program, and will be processed separately. You have three options:

- (1) You may return the Optional Information with the application;
- (2) You may detach the Optional Information form and return it separately and anonymously; or
- (3) You may choose not to return the Optional Information form.

.....

Optional Information

I. Describe your ethnic background:

_____ Black (African American)	_____ Hispanic (Latino)	_____ American Indian/Alaskan Native
_____ White/non-Hispanic	_____ Asian or Pacific Islander	_____ Other _____

II. Do you have any special needs that require accommodation? ☐ Yes ☐ No
(specify) _____

III. Does your family receive public assistance (e.g., AFDC, Food Stamps): ☐ Yes ☐ No
If yes, please specify _____
Total annual household income from all sources \$ _____
How many people (parents\siblings, children) live with you? _____

.....

SAMPLE LOCAL RECRUITMENT PLAN OUTLINE

Tuesday, July 5: Send press release to all area media outlets, including minority newspapers and radio stations; follow-up with phone calls to each outlet (see attached sample) -- Releases must be approved by USDA national office

By Friday, July 8: Have met with all financial aids counselors, community service coordinators, student deans, job placement coordinators, student activities coordinators at all universities, colleges, and vocational schools in the area -- including historically African-American, Hispanic, and American Indian institutions

By Friday, July 15: Have met with all Principals, Vice-Principals, guidance counselors, coaches, and student activities coordinators from all local public and private high schools

By Wednesday, July 13: Receive package of 500 recruitment brochures and 15 recruitment posters from national office; immediately place labels listing local contact number on all brochures and posters

Tuesday, July 19: Hold meeting with key community leaders, FFA coordinators, clergymen, business leaders, and 4-H coordinators

By Wednesday, July 20: Have hand-delivered or mail brochures to all recruitment contacts previously located

Thursday, July 21: Speak at Chamber of Commerce lunch

By Friday, July 22: Have personally placed all fifteen posters at key sites in the area where young people congregate; hold brochure distributing blitz to distribute brochures at local swimming, pools, parks, Summer feeding sites, public assistance offices, college campuses, and recreation centers

Monday, July 25: Speak at monthly meeting of local urban league chapter

Tuesday, July 26: Meet with local leaders from organization representing the disabled

Wednesday, July 27: Spanish-speaking member of staff appears on call-in show on local Hispanic radio station

Thursday, July 28: Make presentation at local FFA chapter meeting

Friday, July 29: Speak at local rotary club

By Monday August 1: Obtain lists of local residents interested in program who have called into the USDA and the Corporation for National and Community Service 800 lines

Friday, August 5th: Last day to receive applications; select finalists for interviews; will interview twice as many applicants as there are slots in the program

Monday, August 8: Bring xerox copies of all finalists' applications to USDA AmeriCorps staff training in Washington, D.C.

By Friday, August 12: Obtain approval of finalist list from national office

Monday, August 15: Begin interviewing finalists

By Thursday, August 18: Send list of final selections to national office for approval

Monday, August 22: Selections are finalized; local office calls all of those selected and as many of those not selected as possible; national office sends letters from Secretary Espy to all those who were and were not selected

Sample press release should be sent out by all pilot locations by Friday, July 15.

SAMPLE RECRUITMENT PRESS RELEASE

(UNDERLINED SECTIONS SHOULD BE INDIVIDUALIZED AND PLACED ON USDA STATIONARY -- YOU SHOULD APPROVE YOUR VERSION WITH THE NATIONAL OFFICE BEFORE DISTRIBUTION)

Contact:

Joel Berg, (202) 720-6350

USDA Director of National Service

Jane Doesmith, (313) 555-1212

Illinois Public Affairs Officer

EAST ST. LOUIS AMERICORPS NATIONAL SERVICE PROGRAM BEGINS RECRUITMENT

EAST ST. LOUIS, ILLINOIS -- The United States Department of Agriculture (USDA) announced today that it has begun recruitment for the AmeriCorps national service project that the Department will run in East St. Louis starting this September.

AmeriCorps is President Clinton's national service initiative that allows diverse groups of young people to earn college or vocational school scholarships while performing critical service to meet human, environmental, public safety, and educational needs. Participants in the program will work for a year earning a stipend of at least \$7,500, and then receive an educational award worth \$4,725.

The 20 participants in the East St. Louis program will restore neglected and abandoned lots in residential neighborhoods, clean up and beautify State Community College, renovate the greenhouse at East St. Louis Service High School, and renovate local parks.

Any citizens age 17 or older from the St. Louis Metropolitan Area are eligible to apply for the program. There is no maximum or minimum family income required to apply. Applications will be accepted until August 5th.

To apply for the program or obtain more information, call Jon Jones at (333) 777-2222 or the toll-free national USDA AmeriCorps hot line at 1-800-880-4183.

Secretary of Agriculture Mike Espy urged all interested Americans to apply. Said Espy, "AmeriCorps is grounded in the mainstream values of community, responsibility, and opportunity. It is good for the participants, who benefit from their increased ability to attend college or vocational school --- good for communities, which benefit from their service --- and good for the country, which benefits from a renewed civic spirit."

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PARTICIPANT EXIT FORM

To be filled out by participant. In cases where the participant has gone and can not be reached, program staff should complete top portion and questions 1,2,5 and 8.

WORKING COPY

Identification

For Local Program Staff Use:

Grantee: _____

Subgrantee/Program: _____ Subgrantee ID Number _____

Date Form Completed: _____ / _____ / _____
month day year

Participant Information

1. Date you left this community service program:

_____ / _____ 19 _____
MONTH DAY YEAR

2. What was the reason you ended your service participation?
(check a or b)

- ☐ (a) Completed program
- ☐ (b) Left Program Early (check primary reason)
- ☐ Got a job/ expanded working hours
 - ☐ Enrolled in a job program
 - ☐ Enrolled in another service program
 - ☐ Enlisted in military
 - ☐ Enrolled in school
 - ☐ Moved away
 - ☐ Pregnancy
 - ☐ Other health issues
 - ☐ Left at parents' request
 - ☐ Left program for other personal reasons
 - ☐ Quit program because dissatisfied
 - ☐ Have been asked to leave program
 - ☐ Did not like the program or type of service
 - ☐ Other (specify:)

3. How satisfied were you with the program?

Not at all ☐ ☐ ☐ ☐ Greatly
1 2 3 4

4. a. Do you plan to continue your education?

☐ Yes ☐ No

b. Did your service experience influence this decision?

Not at all ☐ ☐ ☐ ☐ Greatly
1 2 3 4

c. Have you enrolled in an educational program?

☐ Yes (specify:) _____
☐ No

5. Did you receive academic credit or a GED as part of your participation? (check if applicable)

- ☐ GED (Graduate Equivalency Diploma)
☐ other academic credit

6. Did you benefit from participating in this service program?

- ☐ (a) No
- ☐ (b) Yes (Please select two most important benefits)
- ☐ Learned about or worked with different ethnic/ cultural groups
 - ☐ Explored future job/educational interests
 - ☐ Learned about health issues
 - ☐ Learned about public safety issues
 - ☐ Got to make new friends
 - ☐ Learned about education issues
 - ☐ Learned about environmental issues
 - ☐ Served my community
 - ☐ Developed leadership skills
 - ☐ Got an educational scholarship
 - ☐ Helped others
 - ☐ Gained communication skills
 - ☐ Learned how to get along on the job (job skills)
 - ☐ Accomplished a specific task/completed task
 - ☐ Made money
 - ☐ Was part of a national movement

7. a. Do you plan to continue to engage in some form of community service?

☐ Yes (specify how if you know:) _____

☐ No

b. Did your experience in this program influence this decision?

Not at all ☐ ☐ ☐ ☐ Greatly
1 2 3 4

8. Who completed this form?

☐ Participant ☐ Staff



**Health Insurance Plan
for
AmeriCorps Participants
PLAN BENEFITS**

ELIGIBILITY... All AmeriCorps participants are eligible *unless* they already have health care coverage through an alternate source.

COVERAGE BEGINS... Immediately, provided that the participant is active in the AmeriCorps program.

POLICY YEAR... Each agency has a 12 month Policy Year that begins on that agency's date of implementation of the plan.

DEDUCTIBLE... The plan has a deductible of \$100 per Policy Year.

BENEFITS...

Level I

Each Policy Year, the plan pays **80%** until the participant has paid \$1,000 in out-of-pocket expenses (including the deductible).

Level II

After \$1,000 in out-of-pocket expenses has been paid, the plan pays **100%** for the rest of the Policy Year up to a lifetime maximum of \$50,000 for each cause.

PRE-EXISTING CONDITIONS...

Benefits are limited for eligible expenses incurred during the first 12 months of coverage if they are due to pre-existing conditions; the plan will pay only up to \$5,000.

Full coverage is provided once the participant has been covered for 12 consecutive months.

OTHER LIMITATIONS...

In addition to excluded expenses, there are several categories of expenses for which benefits are limited. A few examples follow:

<u>Expense</u>	<u>Benefit Limitation</u>
Hospital Room & Board	\$600 per day
Intensive Care	\$1,200 per day
Motor Vehicle Accident Injuries	\$10,000 per cause
Sports-Related Injuries	\$5,000 per cause

CONTINUATION AFTER PARTICIPATION...

When participation in the AmeriCorps program ends, a participant may elect to continue coverage. The premium rate for continuation is higher than the agency-paid rate per participant.

**Health Insurance Plan
for
AmeriCorps Participants**

IMPORTANT FACTS...

- Immediate Coverage for Participants (September 1 first possible effective date)
 - Monthly Premium is \$101.00 per Participant
 - Administrative Kits will be Mailed in approximately Two Weeks
 - Administrative Kit Contains:
 - Participant Brochures
 - Plan Information Summary
 - Administrative Manual
 - Form Types
 - Spanish Materials Available
 - Customer Service Staff 8 am to 8 pm Eastern Time (M-F) 1-800-788-6557
-

Plan Underwritten by Allianz Life Insurance Company of North America
Administered by Strategic Resource Company (SRC)

**If you have questions on the administration of the program,
please call Allianz Life at
1-800-788-6557.**

AmeriCorps®Care

How Participants Access Child Care Benefits

Once grantees determine that a full-time AmeriCorps participant is eligible for child care benefits and give participants their child care packet, participants simply contact *AmeriCorps®Care* at (202) 393-1135 from 8:30 am to 5:00 pm ET, Monday through Friday. *AmeriCorps®Care* staff will walk the participant through the contents of the packet, the search process, and the payment process. Those participants who have already identified a child care option will have the payment process explained.

Participants who require assistance in searching for child care will then receive local information regarding child care options. Included will be a select list of three to five child care providers developed to respond to the participant's unique needs. The child care providers will have confirmed vacancies so that participants simply visit and interview the caregivers in order to make a final selection.

Materials for Grantees

AmeriCorps®Care has developed and will supply each grantee with the following materials.

Eligibility Determination Manual containing detailed instructions on determining eligibility, documentation on state median income, review of the referral and payment benefits administered by *AmeriCorps®Care*, and information on how participants access services at each step of the process.

Child Care Benefits Eligibility & Redetermination Application

Child Care Packet for each participant containing information on child care needs assessment form, how to choose child care, how to assess quality in child care, parent/provider relationships, setting up backup child care, three-party child care agreements, child care coupons, parent handbook on payment process, and provider handbook on payment process.

Grantees may also directly access *AmeriCorps®Care* staff throughout the project year to receive supportive assistance as participants complete their year of service. *AmeriCorps®Care* staff will assist grantees with questions regarding eligibility determination, child care benefits, unique participant needs, and other issues relating to AmeriCorps child care benefits.

Because grantees must keep *AmeriCorps®Care* informed of the ongoing child care needs and changes during the course of the project year, an 800 telephone number is available to grantees for this type of follow-up assistance. *AmeriCorps®Care* staff are available from 9:30 am to 5:30 pm ET Monday through Friday at (800) 570-4543.

AmeriCorps®Care

Overview of Child Care Benefits for AmeriCorps Participants

AmeriCorps child care benefits include assistance in: 1) identifying child care and 2) payment of child care costs based on a regional allowance. Benefits are designed to support both the participant and the child(ren) so that the participant can successfully complete her/his term of service and the child(ren) receive developmentally appropriate care.

Grantees are responsible for determining a participant's eligibility for child care benefits. *AmeriCorps®Care* will administer payments and provide assistance in searching for child care to those participants who require such support. The process consists of the following steps which are essential to the successful placement of the child in a quality child care program

Orientation <i>(grantee)</i>	to provide the participant with the information needed to successfully choose a child care provider
	to gather essential information to determine the participant's eligibility for child care benefits
Verification/Certification <i>(grantee)</i>	to review all eligibility information for completeness and accuracy
	to review documentation and certify participant's eligibility based on current CCDBG requirements
Obligation/Authorization <i>(grantee)</i>	to provide each eligible participant with an <i>AmeriCorps®Care</i> parent packet and authorize payment to selected, qualified child care providers
Compensation <i>(AmeriCorps®Care)</i>	<i>AmeriCorps®Care</i> will administer a payment system, forwarding child care payments directly to child care providers on a monthly basis.

AmeriCorps®Care will provide grantees with an operations manual which details the steps involved in each of these five procedures, and an 800 technical assistance telephone number (1-800-570-4543 9:00 am to 5:30pm, EST, Monday through Friday) to answer any questions or to provide instructional guidance regarding the *AmeriCorps®Care* program.

**AmeriCorps®Care* will make available all such materials to grantees.

Federal Register

Wednesday
March 23, 1994

Part II

Corporation for National and Community Service

45 CFR Parts 2510, 2513, et al.
Corporation Grant Programs and Support
and Investment Activities; Final Rule

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

45 CFR Parts 2510, 2513, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2530, 2531, 2532, 2533, and 2540

Corporation Grant Programs and Support and Investment Activities

AGENCY: Corporation for National and Community Service.

ACTION: Final rule.

SUMMARY: The Corporation for National and Community Service (the Corporation) is issuing this final rule concerning the Corporation's grantmaking programs and various support and investment activities as authorized by the National and Community Service Act of 1990, as amended by the National and Community Service Trust Act of 1993 (the Act). The activities and grants described in this rule are designed to help address the Nations education, public safety, human, and environmental needs through national and community service. This rule describes the different types of national and community service programs the Corporation may support, the funding available for those programs, the processes by which grants will be awarded, the training and technical support services available for program development and applications, and the Corporation's plans to invest in service infrastructure.

EFFECTIVE DATE: March 23, 1994.

FOR FURTHER INFORMATION CONTACT:

Terry Russell, (202) 606-4949 (Voice) or (202) 606-5256 TDD, between the hours of 9 a.m. and 6 p.m. Eastern Standard Time. For individuals with disabilities, information will be made available in alternative formats upon request.

SUPPLEMENTARY INFORMATION:**Background Information***The Corporation's Mission*

The Corporation's mission is to engage Americans of all ages and backgrounds in community-based National service. This service will address the Nations education, public safety, human, and environmental needs to achieve direct and demonstrable results. In doing so, the Corporation will foster civic responsibility, strengthen the ties that bind us together as a people, and provide educational opportunity for those who make a substantial commitment to service.

The Purpose of This Rule

The purpose of this rule is to establish policies and procedures for the activities that the Corporation will undertake to achieve the goals described above. This rule should serve as a guide to explain the eligibility requirements, application processes, selection criteria, program requirements, and other relevant information for individuals, programs, public and private nonprofits, institutions of higher education, States, Indian tribes, and other entities wishing to participate.

Impact of Programs

All programs under the National and Community Service Act have in common the goal of achieving three types of impact: "getting things done" through direct and demonstrable service, strengthening communities, and developing the leadership and other skills of participants. All programs, whether they involve elementary school children or senior citizens, are equally able to achieve the goal of strengthening communities "by involving people of different backgrounds together in a common effort, by promoting civic responsibility so that every member of a community feels responsibility for its stewardship, and by breaking down barriers of mistrust and misunderstanding. The other two impacts are weighted differently for different program types based on the age and experience of the participants.

At the one extreme, the service-learning programs for school-age youth may indeed help to solve the pressing problems of communities, but their primary impact will be, and should be, on the lives of the participants. They should improve their educational motivation and achievement, citizenship skills, teamwork, and problem solving abilities. At the other extreme, for a professional corps of adults who are highly educated and highly skilled, the primary impact must be on getting things done in communities. Given the higher costs of these programs and the advanced education level of the participants, it is imperative that the work they do be highly valued by communities and the Nation. Programs like youth corps, which lie somewhere in the middle in terms of age and education level of participants, should achieve a balance of impacts by getting things done and meeting the educational or training needs of participants. By keeping this calculus in mind, potential applicants can gauge the appropriate amount of program resources that should be dedicated to participant education, life

skills training, and other types of participant support.

Proposed Regulations

On January 7, 1994, the Corporation for National and Community Service published in the *Federal Register* (59 FR 1194) a proposed rule implementing the National and Community Service Act of 1990, as amended. In response to the proposed rule, the Corporation received over 280 comments from, among others, States, Indian tribes, schools, institutions of higher education, community-based organizations, public and private nonprofit organizations, volunteer organizations, and individuals.

Summary and Analysis of Public Comment

Many comments suggested changes to Corporation policies that were discussed in the preamble to the Notice of Proposed Rulemaking but that were not addressed by the rule itself. Although the Corporation is not required to discuss these comments here, they have been considered carefully and some changes have been made. The most salient of these issues, along with updates to other non-regulatory Corporation policies, are discussed separately in the section on Preamble Issues.

The Regulations Issues section summarizes substantive comments received on the regulatory provisions of the Corporation's proposed rule. Each issue that was raised in the comments is identified and discussed, and, where appropriate, any changes to the regulations are noted with regulatory citations.

Finally, the Corporation received a significant number of comments that suggested changes to regulatory provisions that reflect statutory requirements. None of these is discussed here. Also not discussed are any technical, non-policy changes that were made either in response to comments or as a result of internal review.

I. Preamble Issues: Comments on and Updates to Non-Regulatory Corporation Policies*(A) Comments on Non-Regulatory Corporation Policies***Application Deadlines and Availability**

A number of commenters requested that the Corporation move back the deadlines for its various applications. The Corporation has done so. The new deadlines for the announced competitions are as follows (please note that the applications must be received

by the Corporation by 6 p.m. Eastern time of the announced due dates):

Program	Application due dates
Summer of Safety	March 14, March 21
Learn & Serve K-12, School-based.	April 22
Learn & Serve, Higher Education.	April 25
AmeriCorps National Direct.	April 29
Innovative and Demonstration.	May 16
Learn and Serve K-12, Community-based.	May 27
AmeriCorps State	June 22

Applications may be obtained by writing the Corporation at 1100 Vermont Avenue, NW., Washington, DC 20525; by sending a facsimile request to (202) 606-4871; or by calling (202) 606-4949. Applications are also available on Internet. To retrieve applications via Internet, please send a blank electronic message to: cnccs@ace.esusda.gov. There should be no text in the body of the message. An automatic response will be sent back with information on how to retrieve the applications through electronic mail, gopher and anonymous file transfer protocol (ftp).

Since most local AmeriCorps applicants (other than professional corps) will be applying through their respective States, they should contact their State Commissions to obtain applications.

National Priorities

The statute and regulations give the Corporation the authority to establish priorities governing the competitive distribution of funds—both directly and through the States. The Corporation received a number of comments suggesting changes to and clarifications of both the applicability and content of the national priorities. (Programs included in the State formula application are not governed by these priorities but rather by priorities established by the State consistent with part 2513 of this rule.) The national priorities, which have been slightly revised, are as follows:

Education. School Readiness: Furthering early childhood development; and

School Success: Improving the educational achievement of school-age youth and adults who lack basic academic skills.

Public safety. Crime Prevention: Reducing the incidence of violence; and

Crime Control: Improving criminal justice services, law enforcement, and victim services.

Human needs. Health. Providing independent living assistance and home- and community-based health care; and

Home: Rebuilding neighborhoods and helping people who are homeless or hungry

Environment. Neighborhood Environment: Reducing community environmental hazards; and

Natural Environment: Conserving, restoring, and sustaining natural habitats.

Two changes were made to the priorities. Within the education priority, the former priority, "School success: improving the educational achievement of school-age children," was changed to "School success: improving the educational achievement of school-age youth and adults who lack basic academic skills." Within the human needs priority, "Home: Rebuilding neighborhoods and helping people who are homeless," was changed to "Home: Rebuilding neighborhoods and helping people who are homeless or hungry." This amendment was made to clarify that, as commenters suggested, programs designed to provide basic academic skills to adults and hunger programs are included.

There were many suggestions for further changes to the priorities, including the following: within Education, add priorities for English as a Second Language, school-to-work transition, and programs targeting out-of-school youth; within Public Safety, add programs that include as participants former gang members and other troubled youth, as well as fire-safety programs; within Environment, there were suggestions for specific language changes. Similarly, there were suggestions for additional priority categories: One commenter suggested adding programs that target individuals with disabilities, and another suggested making economic development a national priority.

After careful consideration, the Corporation did not make additional changes to the national priorities. Most suggested changes would have narrowed the priorities by delineating subcategories of programs that already fit under the priorities as drafted. For example, programs that include gang members as participants might apply under the education priority as programs that prepare youth for school success, under the public safety priority as programs that reduce violence, or, depending on the activities of the participants, under the human needs or environmental priorities. Indeed, quality programs often involve an holistic approach to meeting local needs

and thus often address more than one national priority. The priorities are designed to allow programs maximum flexibility to respond to unique local needs but, concomitantly, to focus the investment of limited Corporation funds to achieve demonstrable impact. To further narrow the priorities would undermine these objectives. Programs should be aware that the priorities are intended to provide parameters within which to focus their efforts; more specific activities within these parameters are allowable.

Several commenters expressed concern about whether every participant or every project in a given program had to address one or more of the priority areas in order for the program as a whole to qualify. Every project and every participant in a program do not have to be working in a priority area in order for the program to be considered to meet a national priority; rather, the program as a whole must substantially address one or more priority areas. The Corporation intentionally has not attempted to quantify the definition of "substantially address." Instead, the Corporation will make this judgment on a case-by-case basis to allow for flexibility.

AmeriCorps State Applications

The Corporation has changed the State AmeriCorps application process. The Corporation's previous plan considered the formula and competitive components of a State's application to be discrete. Programs had to be placed in one component or the other, and States did not have the flexibility to rearrange the components of their applications once submitted.

There were a number of reasons behind this policy. First, it is the Corporation's policy to distribute competitive funds only to States that receive their formula allocations; this suggests evaluating the formula component of the applications prior to the competitive component. Second, programs should know up front which component of the State application they are in to be able to estimate accurately their chances of receiving funding. Third, because State priorities may differ from national priorities, some programs may not be eligible for both formula and competitive funding. Fourth, it gives autonomy to the States, allowing them to decide where to place programs. Finally, from a logistical standpoint, the review process is kept relatively simple by keeping the two components of the State application separate; therefore, the Corporation would be able to finish the reviews quickly and meet its goal of distributing

funds to programs in the field on a timely basis.

The major drawback of this policy is that it unnecessarily would require States to make difficult decisions that, ultimately, may not lead to the best programs being funded. Specifically, a State would have to decide—for every program for which it wants to seek funding—whether that program should go into the formula or competitive component of its application. A State would have to decide whether to take a risk and put its best programs into the competitive pool, or to play it safe and place those programs in the formula portion of its application. If the State gambled, put its best programs in the competition, and those programs did not receive funding, then the best programs in that State would go unfunded. That is not a desirable outcome either for the States or for the Corporation.

For the above reasons, the Corporation has revised the application process so that States will have the opportunity to replace programs included in the formula portion of their application with programs that were unsuccessful in obtaining competitive funding. The application and simultaneous review processes will be as follows: (a) States will submit applications consisting of the State Plan, formula programs, and, at the State's discretion, competitive programs and a request for program development assistance;

(b) If the State Plan is approved, and if a State's formula programs meet a minimum quality threshold, that State's competitive programs will be entered into the State competition;¹

(c) Through a peer and staff review process, the competitive programs will be selected;

(d) States will be notified of which programs were selected in the competition and given an opportunity to revise their formula applications to include programs that were not selected in the competition. (The Corporation will be neutral here—neither encouraging nor discouraging States to put rejected competitive programs into the revised formula list. This is the States' choice completely, although at the request of the States the Corporation may provide review forms, etc. which

may aid States in assessing the quality of those programs); and

(e) The formula portions of the State applications will receive final approval from the Corporation.

It is the Corporation's view that this revision to the State application process will leave most decisions in the hands of the States, allow for the best programs to be funded, and still get programs up and running quickly.

Eligibility of U.S. Territories for State Competitive Funds

At the request of one commenter, the regulations (§ 2521.30) have been amended to clarify that U.S. Territories are eligible to apply for State Competitive funds and educational awards if they receive their formula allotments. Each eligible Territory may include up to three programs in its application for State competitive funds.

Timeline

One commenter objected to the timelines established for the completion of the State Plan and State applications. In particular, the commenter stated that the tight timelines would make it difficult to coordinate State grant applications with the State Plan. Several commenters noted that the timing of notification of funding will make it difficult to hire staff, which usually happens in the spring.

The Corporation agrees that the timeline is very tight and regrets any inconveniences it will cause. In future years, programs will have significantly longer to prepare applications. However, in fiscal year 1994, the current timeline is necessary in order for Corporation-funded programs to be up and running by the Fall.

Starting Dates and Attrition Policies

One commenter suggested that all participants should not be required to start at the same time and that vacancies be filled on a rolling basis. Another commenter suggested the option of a mid-year starting date to fill vacant positions.

The regulations allow for policies to change over time if experience demands a revision. The current policy allows programs to begin terms of service in June, September or January. All participants in a program need not start simultaneously—thus one class could serve September-September, another January-January, thereby allowing the option of a mid-year starting date to fill vacancies. In addition, if a program can demonstrate a compelling reason for alternative starting dates, including the need for rolling admissions, the

Corporation may waive this requirement.

Allocation of Educational Awards Within Programs

One commenter expressed concern that not treating all participants the same in terms of educational awards might be a disadvantage in the selection process. The commenter suggested that it should not be a selection criterion.

Because of the limited amount of funding available for program assistance, the Corporation anticipates that in some cases programs (especially existing programs) may not apply for or receive adequate support for all participants enrolled in the program, and the potential thus may arise for some participants (who are serving in approved AmeriCorps positions) to receive AmeriCorps educational awards while other similar participants do not. The Corporation is therefore requiring every applicant to describe the rationale for its distribution of educational awards to program participants in those cases where distinctions among participants are necessary. In general, this distribution should treat equally all participants doing the same or essentially similar work. This reflects a matter of principle as well as a pragmatic concern for the equal treatment of participants within a single program.

The Corporation recognizes that equal treatment may not be feasible or desirable in some instances. For example, an intergenerational program or a program with a specialized component or division assigned special projects may make distinctions among participants that justify the provision of educational awards to some but not to others. An example of the latter of these is a corps where team leaders receive AmeriCorps education awards whereas regular corps participants do not. Similarly, a program may choose to offer alternative post-service benefits to participants in lieu of the AmeriCorps educational awards provided by the Corporation. AmeriCorps programs are strongly encouraged to offer alternative post-service benefits from non-Corporation funds to participants who will not receive AmeriCorps educational awards. The Corporation will evaluate on a case-by-case basis the rationales of programs that do not plan to provide all participants with educational awards. However, the Corporation will not approve rationales based solely on a determination of economic need of participants.

The existence of a reasonable method of allocating educational awards will still be a selection criterion; however, in

¹ Those States that do not submit programs for competitive funding, as well as those States that notify the Corporation in advance that they will not want to revise their formula application regardless of whether any or all programs they have submitted for competitive funding receive funding, will have the formula components of their applications processed before other States.

cases where programs have legitimate reasons for not offering educational awards to all participants, those programs will not be disadvantaged in any way in the selection process.

AmeriCorps Priorities for Existing Grantees and for Programs Targeting Participants with College Experience

Some commenters suggested that programs involving college-educated participants should not be given priority for funding in the national direct competition.

Although current grantees of the Commission on National and Community Service—which have a high percentage of participants without college experience—are not guaranteed funding, they receive a priority for funding. The special consideration for programs involving individuals with college experience was provided in order to achieve the overall goal of diversity across programs based on many factors. An alternative would be to drop both the priority for existing grantees and the special consideration for programs involving individuals with college experience. However, given the need to include a base of experienced programs and the advisability of completing the third year of programs that received three-year grants from the Commission, the applications retain the first alternative.

Potential applicants should be aware that special consideration is not the same as an absolute preference. Nor does it mean that every participant must be college-educated in order for a program to receive special consideration, or that no programs involving youth who have not attended college will be funded in the national direct competition. Rather, the purpose of the special consideration is to ensure that participants with and without college experience are both represented in National service.

Small State Priority in the AmeriCorps State Competition

Several commenters requested that the regulations be revised to increase from 20 to 50 both the recommended minimum number of participants in a program and the priority for small states in the State competition.

After careful consideration, the Corporation has not changed these policies. Because there are many high-quality programs with between 20 and 50 participants, and because the Corporation does not want to send the message that these programs should consider expanding to 50 participants, the recommended minimum size of a program has not been raised to 50.

Similarly, the Corporation chose not to raise the small State priority to 50 participants because it would have resulted in approximately half the States receiving the priority. States with widely disparate populations thus would be treated equally. This is not only unfair to the larger of these States but undermines Congress' intent of distributing these AmeriCorps funds in proportion to population.

Relocation Expenses

In the preamble to the January 7 notice of proposed rulemaking, the Corporation stated that it would pay for the relocation expenses of participants who are recruited by the Corporation or the State Commissions and need to move in order to participate. One commenter argued that this is a poor use of scarce resources.

The Corporation has revised this policy such that the Corporation will only pay reasonable relocation expenses in instances where participants would not be able to participate without this support.

(B) New and Updated AmeriCorps Tables

Maximum Number of Programs in the AmeriCorps Competitive State Applications

One commenter suggested that the Corporation revisit whether any restrictions should be placed on how many AmeriCorps programs may be submitted in a State competitive application. The Corporation has limited the number of programs a State may include in its application for competitive funding to three plus an additional program for each full percentage point of the total State population (rounded to the nearest full percentage point) that State contains.

The Corporation is not changing this policy for a number of reasons. First, from a purely pragmatic standpoint, some sort of limitation must be placed on the overall number of applications. If the Corporation is inundated with applications it will be difficult to ensure that each application is properly reviewed. Second, the Corporation wants to encourage States to submit only their very best programs. Finally, it is likely that with the restriction now in place only about one in five programs submitted will actually be funded. It would be unfair to programs to allow a significantly larger number of submissions.

The table providing the number of programs that may be included in the competitive component of each State application has been updated as follows to incorporate the latest population

estimates (July 1, 1993) from the Bureau of the Census.

MAXIMUM NUMBER OF PROGRAMS THAT MAY BE INCLUDED IN STATES APPLICATIONS FOR COMPETITIVE FUNDING

State	Maximum number of programs
Alabama	5
Alaska	3
Arkansas	4
Arizona	5
California	15
Colorado	4
Connecticut	4
Delaware	3
D.C.	3
Florida	8
Georgia	6
Hawaii	3
Idaho	3
Illinois	7
Indiana	5
Iowa	4
Kansas	4
Kentucky	4
Louisiana	5
Maine	3
Maryland	5
Massachusetts	5
Michigan	7
Minnesota	5
Mississippi	4
Missouri	5
Montana	3
Nebraska	4
Nevada	3
New Hampshire	3
New Jersey	6
New Mexico	4
New York	10
North Carolina	6
North Dakota	3
Ohio	7
Oklahoma	4
Oregon	4
Pennsylvania	8
Puerto Rico	4
Rhode Island	3
South Carolina	4
South Dakota	3
Tennessee	5
Texas	10
Utah	4
Vermont	3
Virginia	5
Washington	5
West Virginia	4
Wisconsin	5
Wyoming	3
Totals	256

Formula Allocation of AmeriCorps Program Funds and Educational Awards to States

The following table has been updated based on the latest estimates (July 1, 1993) from the Bureau of the Census:

FORMULA ALLOCATION OF PROGRAM FUNDS AND AMERICORPS EDUCATIONAL AWARDS TO STATES

State	Program funds	Educational awards
Alabama	\$830,163	60
Alaska	118,765	9
Arkansas	480,610	35
Arizona	780,397	57
California	6,188,252	448
Colorado	707,036	51
Connecticut	649,736	47
Delaware	138,790	10
D.C.	114,601	8
Florida	2,712,156	197
Georgia	1,371,444	99
Hawaii	232,374	17
Idaho	217,900	16
Illinois	2,319,182	168
Indiana	1,132,725	82
Iowa	557,936	40
Kansas	501,825	36
Kentucky	751,251	54
Louisiana	851,576	62
Maine	245,658	18
Maryland	984,418	71
Massachusetts	1,192,008	86
Michigan	1,879,217	136
Minnesota	895,592	65
Mississippi	524,032	38
Missouri	1,037,753	75
Montana	166,350	12
Nebraska	318,622	23
Nevada	275,399	20
New Hampshire	223,055	16
New Jersey	1,562,181	113
New Mexico	320,407	23
New York	3,607,947	261
North Carolina	1,376,996	100
North Dakota	125,902	9
Ohio	2,199,029	159
Oklahoma	640,615	46
Oregon	601,159	44
Pennsylvania	2,388,775	173
Puerto Rico	698,320	51
Rhode Island	198,272	14
South Carolina	722,303	52
South Dakota	141,764	10
Tennessee	1,010,986	73
Texas	3,575,033	259
Utah	368,785	27
Vermont	114,204	8
Virginia	1,286,980	93
Washington	1,041,917	76
West Virginia	360,854	26
Wisconsin	998,892	72
Wyoming	93,188	7
Totals	51,833,333	3,756

Formula Allocation of AmeriCorps Program Funds and Educational Awards to Territories

In fiscal year 1994, the Corporation has set aside \$1,550,000 and up to 112 educational awards to be distributed to U.S. Territories on a formula basis. The

amount of a Territory's program funds allocation is determined by multiplying the total amount of money available by the ratio of that Territory's population to the population of all the Territories. (Population figures are taken from the 1990 Census, the most recent official

figures available.) The maximum number of educational awards for which a Territory may apply is determined by dividing that Territory's formula funds allocation by the expected average Federal share of program costs per participant (\$13,800).

FORMULA ALLOCATION OF AMERICORPS PROGRAM FUNDS AND EDUCATIONAL AWARDS TO TERRITORIES

Territory	Program funds	Educational awards
American Samoa	\$213,104	15
Commonwealth of the Northern Mariana Islands	197,485	14
Guam	606,685	44
Palau	68,898	5
Virgin Islands	463,855	34

Competitive Distribution of AmeriCorps Program Funds and Educational Awards to Indian Tribes

The Corporation has set aside \$1,550,000 and up to 112 educational awards for competitive distribution to Indian tribes.

II. Regulations Issues

General Comments

(1) *Multiple applications.* Several commenters asked for clarification of the multiple applications rule.

This rule states that the Corporation will reject any application for a project if an application requesting funding for that project is already pending before the Corporation. In other words, a program can only submit one application at a time for Corporation funds (either directly or indirectly) for a given project.

Confusion sometimes arises over the difference between a program and a project. For the Corporation's purposes, a program recruits and selects participants, trains them, and places them in projects; a project is a specific set of related activities carried out by a program. A program may conduct or undertake more than one project and receive Corporation funding from different pools for those projects. A program is allowed, for example, to propose one project in a national direct application and another project in a State formula application. However, an applicant may not propose the same project for funding in more than one application at the same time. Thus if a program submits an application for a project in the national direct competition, that project may not also be included in a State application. (Once an applicant is notified that a proposal has been rejected, however, the applicant is free, if time permits, to resubmit the proposal in a different Corporation grant competition.)

Change: §§ 2516.730, 2517.730, 2519.730 and 2522.320 have been revised.

(2) *Reinventing government.* One commenter urged the Corporation to include regulatory provisions that would encourage States to minimize

administrative burdens on grantees by streamlining reimbursement and contracting procedures, as well as by providing cash advances to grantees when possible.

The Corporation will issue separate administrative regulations that will require States and other grantmaking entities receiving grants from the Corporation to provide cash advances and prompt expense reimbursements to subgrantees. Contracting procedures for supplies and services are governed primarily by State regulations and OMB Circulars 102 and 110.

Part 2510—Overall Purposes and Definitions

Definition of administrative costs (§ 2510.20). A number of commenters requested clarification of and suggested changes for the definition of administrative costs. One commenter stated that insurance costs should not count as administrative costs in certain instances; another argued that costs such as rent, utilities, travel, supplies, etc. should be allocated through an approved joint cost allocation plan; another stated that indirect costs that directly support programs should not be treated as administrative costs.

The Corporation agrees that the definition of administrative costs was not sufficiently clear and it has been rewritten in response to these comments.

Change: § 2510.20 has been revised.

Part 2513—State Plan

(1) *Coordination.* Some commenters recommended including a requirement that States include in their State Plans a description of how their activities will be coordinated with those of the State agency responsible for administering the Community Service Block Grant Act and with other State agencies.

The Corporation encourages each State to develop a truly comprehensive and coordinated national and community service effort. However, the Corporation declines to require such coordination.

(2) *Consideration of State Plan.* One commenter requested that the Corporation state in the regulations

what weight the State Plan will have in the evaluation of State applications.

The Corporation agrees that this is an important piece of information for States as they put together applications. The applications will indicate the extent to which the State Plan will be considered. However, because the Corporation wishes to maintain flexibility on this issue, it has not been incorporated into the regulations.

(3) *Consolidation.* One commenter suggested consolidating the SEA and State Commission plans into one.

Again, the Corporation encourages coordination of efforts, and a consolidated plan perhaps would be a good means for a State to accomplish this. However, due to the separation between State Education Departments and other agencies in many States, this will not be established as a requirement.

Parts 2515–2517—K–12 Learn and Serve Programs

(1) *Training investment.* Several commenters recommended that the Corporation require 5–10% of a program's Learn and Serve grant to be spent on training.

The Corporation agrees that adequate training—for both staff and participants—is a critical component of any high-quality program. In general, States and Indian tribes that receive K–12 school-based grants must spend a total of between 10% and 15% of those funds on training and capacity building. Moreover, in order to receive a grant, a program will have to demonstrate the existence of an appropriate training program. Because the training and capacity-building needs of the various other entities eligible to apply for school and community-based Learn and Serve America grants vary widely, the Corporation is not setting regulatory guidelines on what percentage of those grants must be spent on training and capacity building. However, the Corporation reserves the right to set such guidelines in the applications.

(2) *Partnerships.* Several commenters suggested that the definition of "partnership" be revised to require that the written agreement specify the partnership's goals and activities, as

well as the responsibilities of each partner.

The Corporation has made this change.

Change: § 2510.20 has been revised.

(3) *Coordination*. Some commenters suggested that the meaning of coordination should be clarified so that nonprofits and grant-making entities are required to communicate with State Commissions, but not to receive their approval to go ahead with the program.

Coordination is not a program requirement for K-12 programs. Rather, programs must describe in their applications the extent to which they have coordinated with State Commissions. The regulations have been revised to indicate that while coordination should include meeting and consulting with State Commissions, it does not imply that those State Commissions have the power to approve or disapprove a program.

Change: §§ 2516.410(a)(1) and 2517.400(a)(3) have been revised.

(4) *Preselection of community-based programs*. One commenter objected to the regulatory requirements for preselection of programs (§ 2517.400). Some commenters noted that the competitive process is likely to be circumvented if the Corporation requires preselection because of the tightness of the timeline.

The regulations have been revised to not require preselection. Under the final regulations, State Commissions and grantmaking entities applying for Learn and Serve America community-based service-learning grants are not required to preselect their proposed subgrantees. However, State Commissions and grantmaking entities are expected to describe in detail the types of models that would be funded through grants to local partnerships.

Change: § 2517.400 has been revised.

(5) *Components of School-based application*. Several commenters recommended that the regulations be revised to more specifically identify the application requirements and selection criteria. For example, one commenter suggested that the application described in § 2516.400(a) include descriptions of the following items: The relationship between the program goals and strategic plans of the State Plan and SEA Plan; the relationship of the SEA Plan and the strategic goals of the SEA's systemic education reform efforts; the relationship of the SEA Plan and the program development plan of the State Commission's K-12 Community-based program; and the relationship of the SEA plan and specific systemic reform and school improvement efforts in the State or among targeted LEAs. The same

commenter suggested that under § 2516.410(c) applicants be required to ensure that a mechanism is provided by which school and community needs will guide the integration of service-learning into existing curriculum in order to meet those needs. Another commenter recommended a number of additions to § 2516.500.

Many of these recommendations are in fact incorporated into the applications; however, in order to maintain flexibility in the application and selection process, the Corporation has elected not to include them in the regulations.

(6) *Educational award eligibility*. One commenter recommended including a provision for the K-12 Learn and Serve programs analogous to the higher education provision in § 2519.310 which states that, in general, participants are not eligible to receive educational awards.

This recommendation has been adopted.

Change: a § 2516.320 has been added to the regulations.

(7) *Monitoring and evaluation*. Several commenters suggested additions to and requested clarification of the monitoring and evaluation §§ 2516.800-850.

In response, the Corporation has made three changes: First, because monitoring activities go beyond those included in the proposed sections on "monitoring and evaluation," the word monitoring has been removed from Subparts E and H. The Corporation now refers to monitoring functions that fall within the purview of evaluation as internal evaluation. Second, the Corporation has added the requirement for programs, States and grantmaking entities to cooperate fully with all Corporation evaluation activities. Third, the Corporation has added the requirement for the Corporation to "study the extent to which national service models enable participants to afford post-secondary education with fewer student loans" when evaluating the overall success of AmeriCorps.

Change: §§ 2516.800-850 have been revised.

Part 2519—Higher Education Learn and Serve Programs

(1) *Application review*. One commenter suggested that the review process in § 2519.500 be more specific and include peer review, rankings and reviewer comments, and that there be a written protocol for the CEO to cover situations where a highly ranked application is not funded.

These are good ideas, and many of them may in fact be included in the

review process. Specifically, in fiscal year 1994 programs will definitely be subject to peer review. However, since the Corporation may want to improve the review process from year to year, these provisions are not incorporated into the regulations.

(2) *Where can higher education programs operate?* One commenter expressed concern that the neighboring communities language in 2519.100 would not allow a program to operate across State lines.

The Corporation's intent was that higher education programs should address needs in the communities where the programs operate, regardless of where the institution of higher education is located. The regulations have been revised to make this clear.

Change: § 2519.100 has been revised.

Parts 2520-2524—AmeriCorps

(1) *Living Allowance Match*. Under the proposed regulations, programs receiving educational awards only grants were exempt from the living allowance requirement. One commenter suggested that they should not be, arguing that it would make it more difficult for low-income individuals to participate.

The Corporation has revised its regulations to not allow this exemption.

Change: § 2522.240 has been revised.

Another commenter requested that grantees be able to provide their 15% match for living allowances on an in-kind basis.

In general, the Corporation wants to ensure that every AmeriCorps participant receives a living allowance sufficient to meet reasonable expenses while participating. By definition, a living allowance match must be in cash. However, in certain instances where a program has received a waiver from providing the minimum living allowance, the Corporation will consider on a case-by-case basis waiving or reducing the matching requirement. For example, a program that houses its participants may not count that housing as an in-kind match, but it may be eligible to apply to have the 15% matching requirement waived or reduced.

Change: A section (5)(iii), allowing for waivers of the 15% matching requirement, has been added to § 2522.240(b).

(2) *Preselection of programs*. Commenters objected to the requirement that applicants for AmeriCorps preselect and specifically identify in their applications the subgrantees they will fund. Some commenters argued that because of the tightness of the timeline,

the competitive process is likely to be circumvented if preselection is required.

Although the Corporation appreciates the difficulties preselection raises in light of the timeline, for both legal and policy reasons this requirement has not been changed. The statute requires a State applicant to describe the "jobs or positions into which participants will be placed" (section 130(c)(1)). It is the Corporation's view that such a description would be inadequate without a corresponding description of the programs in which those jobs or positions would be located. Moreover, section 130(b)(2) of the statute requires "description of the process and criteria by which the programs were selected." From a policy standpoint, preselection is required in order to ensure that the Corporation funds only high-quality programs.

(3) *Diversity.* Several commenters recommended modifications to the participant diversity provisions contained in § 2522.100. One commenter stated that programs that are unable to achieve racial and gender diversity should not receive Federal funds. Conversely, other commenters expressed concern that the racial diversity requirement may exclude eligibility minority agencies that would have predominantly minority participants. A number of commenters suggested that the Corporation require diversity of program staff and include that as an evaluation criterion. One commenter suggested that the Corporation encourage programs to engage in joint activities with organizations involving participants of different backgrounds to enhance community-building.

The Corporation declines to make the achievement of diversity a requirement or to establish regulatory exceptions to the mandate that every program seek diversity. The Corporation, in establishing the requirement that every program actively seek to be diverse in a number of important areas, attempted to strike a balance between competing concerns. On the one hand, diverse programs will help strengthen communities. On the other hand, there are some very good programs that, for legitimate substantive reasons, will not be able to achieve diversity in one or more ways. The requirement, as written, will lead to diverse programs except in cases where diversity does not make sense or is not attainable (e.g., a professional corps program requiring specific skills or education should not be required to include as participants individuals who do not have such skills or education).

The Corporation agrees with the suggestion that programs also should seek actively to establish a diverse staff. In many cases where a program's staff is very small, it may not always be possible to have a staff that is diverse in all ways. Within these constraints, however, programs should seek to establish a staff that is as diverse as possible.

Finally, the Corporation agrees that—especially for programs that lack diversity in one or more ways—it is a good idea for programs to engage in joint activities with organizations involving participants of different backgrounds to help build communities; programs are encouraged to do so where possible.

Change: § 2522.100(f) has been modified to include staff diversity.

(4) *50% rule.* One commenter recommended that the Corporation drop the waiver provision from the requirement that at least 50% of funds going to each State go to high-need areas. (§ 2521.30(b)(3)(iii))

In principle, the Corporation believes strongly that each State should in fact do everything possible to comply with the 50% requirement. Thus in order to attain a waiver from this provision, a State will have to demonstrate in an extremely compelling manner not only that there are not enough viable high-quality programs operating in areas of need within the State to meet the 50% requirement, but that it has made a good-faith effort to locate such programs. Finally, no waivers will be granted to individual States if it would necessitate not complying with the 50% rule in the aggregate.

The Corporation is statutorily required to ensure that a minimum of 50% of the total funds going to States go to high-need areas. And although the Corporation is committed to meeting this requirement in the aggregate, it may not always be possible to meet the requirement on a State-by-State basis. For example, the Corporation's review process may result in the selection in a given State of a high-quality program that does not operate in an area of need. If there were not other high-quality programs within that State that did operate in high-need areas, without the waiver provision the Corporation would be unable to fund the high-quality program. For this reason, the waiver provision has been retained.

(5) *Participant eligibility.* (2522.200(b)) One commenter stated that the regulations state that a participant must have a high-school diploma to participate, whereas in fact a diploma is only required to receive the educational award.

This section has not been changed. The regulations state that in order to participate an individual must either have a high school diploma or its equivalent, commit to obtaining one, or be deemed unable to obtain one.

(6) *National Leadership Pool and Recruitment.* (2522.210(b)(1)(c)) The Corporation received a number of comments on the national leadership pool and recruitment requirements. One commenter suggested that the regulations allow anyone recruited to the national leadership pool to be placed back into his or her original program. The same commenter argued that programs should not be required to accept national leadership pool participants; instead, the Corporation should operate a pilot leadership program. Other commenters suggested that the § 2522.100 requirement that AmeriCorps programs agree to select a certain percentage of participants from the national and state recruiting pools be eliminated.

In order to maintain regulatory flexibility, these requirements have not been amended. To the extent that these comments are incorporated into Corporation policy it will not be done in regulations but rather in application materials and other guidelines. However, two items should be noted: (a) Although programs must agree to accept a certain percentage of nationally recruited participants, the Corporation may not require every program to do so, and will likely consider exceptions on a case-by-case basis; and (b) programs will not be required to accept leadership pool participants.

(7) *Child Care.* (2522.250(a)) One commenter argued that child care benefits should go to prospective participants who have undependable child care as well as to participants who don't have child care at all.

This regulation has not been changed; as written, it closely tracks the statute. Programs will provide child care assistance to participants who need it in order to participate; they will determine on a case-by-case basis whether individuals are eligible. A prospective participant with extremely undependable child care could certainly argue that he or she would not be able to participate without child care benefits.

(8) *Health Care.* (2522.250(b)) One commenter stated that the regulations should clarify that AmeriCorps participants should not be asked to pay premiums or deductibles, that the health care plan should include preventive and pregnancy care, as well as eye and dental care and workers compensation, and that there should be

a 1-2 month delay in eligibility, since attrition is highest during this period.

The Corporation will issue written guidelines setting forth the required specifications of the AmeriCorps health care package. These comments will be taken into consideration in the development of policies at that time. In addition, the health care section of the regulations has been rewritten to provide greater clarity.

Change: § 2522.250 has been revised.

(9) *State Priorities.* (2522.410(b)(1)(i)) One commenter argued that States should be encouraged to adopt priorities that fit within the national priorities. The commenter felt that this would facilitate a comprehensive, focused national service effort.

The Corporation agrees that requiring States to adopt national priorities might create a more focused national effort, but this change was not made because the Corporation strongly believes that it was Congress' intent to maintain a large degree of State autonomy with formula funds. States are in the best position to judge which needs are most pressing within a State and thus what the State priorities should be.

(10) *Program types.* One commenter recommended for inclusion in the regulations additional provisions relating to the needs of inner cities. Specifically, the commenter recommended adding an example to § 2522.110(b)(1) of a community service program in a high unemployment, high need urban area. The commenter also suggested that the provision describing a program for economically disadvantaged individuals (§ 2522.110(b)(3)) be expanded to add a requirement that it meet the employment needs of low income people and the business development needs of inner city neighborhoods.

These changes have not been made. The program types included in the regulations are all taken directly from the statute. More importantly, as discussed in the January 7 preamble, a program does not necessarily have to be listed as a program type in § 2522.110 in order to receive a grant. The Corporation has designated any program that meets the minimum program requirements listed in § 2522.100 as eligible to apply for a grant.

(11) *Higher education cap.* Several commenters argued that the regulations should restrict to 10% the percentage of a State's educational award formula allotment that institutions of higher education may receive.

The Corporation declines to regulate on this issue. Which programs are proposed for funding in the State formula allotment, and how any

available educational awards are distributed among them, is up to the States.

(12) *Ineligible service activities.* (§ 2520.30) A number of commenters suggested that the Corporation revise the treatment of provisions prohibiting lobbying by participants in the course of their service. A number of commenters argued that the list of prohibited activities was too large and went beyond the statute. Some commenters stated that the proposed regulations would have an overly restrictive impact on programs and participants.

The Corporation believes the service activity restrictions will not have a negative impact on programs or participants and that the list will keep programs focused on service that has direct and demonstrable results. However, the Corporation does not intend to limit the right of individuals to engage in any of the prohibited activities voluntarily and on their own time. Accordingly, the regulations have been amended.

Change: § 2520.30 has been revised.

(13) *Selection criteria.* One commenter suggested rewriting the AmeriCorps selection criteria so that replicability and sustainability are more closely linked with innovation, rather than listing innovation, replicability and sustainability as separate criteria. Another commenter suggested adding a selection criterion which would consider the extent to which programs promote diversity, community-building and citizenship.

The regulatory selection criteria have been drafted broadly to allow for flexibility from year to year and therefore are not being changed. The fiscal year 1994 selection criteria contained in the applications will stress the extent to which programs are likely to achieve the three desired impacts: "getting things done," improving the lives of participants, and strengthening the ties that bind communities together.

(14) *Federal agency eligibility.* One commenter requested clarification in § 2523.20 on whether "cabinet-level department" would include an executive agency.

Executive agencies are eligible. The regulations have been revised, replacing "cabinet-level department" with "Executive Branch Agency or Department."

Change: § 2523.20 has been amended.

(15) *Approved partnerships.* One commenter asked for clarification of the term "approved partnership or consortium" as used in § 2523.60. Specifically, the commenter asked for an explanation of how a partnership or consortium is approved.

Partnerships will be approved by the Corporation as part of the application process.

Change: § 2523.60 has been amended.

(16) *Program requirements addition.* (§ 2522.100) One commenter suggested that the Corporation add a requirement that AmeriCorps programs provide career counseling to participants.

The Corporation did not add this as a program requirement because programs are already required under § 2522.100(k)(1) to provide support services to participants who are making the transition to careers.

(17) *National nonprofit eligibility.* One commenter requested clarification of the eligibility of national nonprofit organizations to apply for funding through subgrants, as well as directly from the Corporation.

Because national nonprofits are by definition nonprofit organizations, they are eligible to apply as subgrantees to States, Federal agencies, and other grantmaking organizations. In addition, in fiscal year 1994 they are eligible to apply for national direct funding.

(18) *Operating grant definition.* One commenter noted that the description of operating grants in § 2521.20 of the regulations refers only to new or expanded programs. The commenter suggested adding on-going support for existing high-quality programs.

The Corporation agrees that the statute authorizes on-going support to operate programs.

Change: § 2521.20 has been revised.

(19) *National direct coordination.* Several commenters were concerned that the requirement that programs coordinate with the State commissions places too much power in the State Commissions. One commenter suggested that the regulations be revised to require national program applicants to meet and consult with State Commissions and to encourage, but not require, coordination of their efforts.

The Corporation did not intend the coordination requirement to require State Commission approval. The regulations have been revised to clarify the extent of coordination that is required.

Change: § 2522.100 has been revised.

(20) *Dissemination of information.* (§ 2522.210) The regulations list a number of entities through which the Corporation will disseminate information regarding available AmeriCorps positions. Several commenters suggested adding community-based organizations to this list.

This change has been made.

Change: § 2522.210 has been revised.

(21) *Training investment.* One commenter suggested that the Corporation require the grantees to spend between 5 and 10% of any grant on staff and participant training activities.

The Corporation agrees that adequate training—for both staff and participants—is a critical component of any high-quality program. In order to receive a grant, a program will have to demonstrate the existence of an appropriate training program. But because the training and capacity-building needs of the various other entities eligible to apply for AmeriCorps grants vary widely, the Corporation is not setting regulatory guidelines on what percentage of those grants must be spent on training and capacity building. However, the Corporation reserves the right to set such guidelines in the applications.

(22) *Disaster Grants.* § 2524.50. One commenter suggested that we require disaster relief grants to go through the State Commissions. The commenter argued that this would better ensure the coordination of activities.

The Corporation wishes to maintain flexibility on this issue and thus is not changing the regulations. For a given disaster, disaster grants may in fact flow through a State Commission. However, there also may be instances during a disaster when the Corporation would wish to distribute disaster funds directly to programs.

(23) *Replication grants.* One commenter wondered why the term "replication" does not occur in the regulations although it occurred in the preamble.

Replication grants are allowable and they have been added to the regulations.

Change: § 2521.20 has been amended.

(24) *Matching requirements.* One commenter requested clarification as to whether the general 25% match was inclusive or exclusive of the 15% living allowance and health care match.

The corporation agrees that the matching guidelines require further clarification, and the regulations have been amended to provide clarification. For the purposes of calculating matching requirements, there are two broad budget categories: participant support costs and other costs.

Participant support costs are comprised of living allowances, health care benefits, and child care costs, each of which has a different matching requirement as specified below:

Health Care: Corporation funds may be used to pay for no more than 85% of total health care costs.

Child Care: Corporation funds may be used to pay for 100% of child care costs.

Living Allowances: Corporation and other Federal funds may be used to pay for no more than 85% of living allowance costs.

"Other Costs" are comprised of all costs attributable to the program exclusive of the participant support costs detailed above. Corporation funds may be used to pay for no more than 75% of the total of these other costs. In order to avoid confusion, readers should note that the requirement that Corporation funds not exceed 75% of the total other costs of a program is not synonymous with a 25% matching requirement on a grant. The 75% restriction applies to the total other costs of a program (including non-Corporation funds). Thus, if a program's total other costs were \$100,000, then the Corporation would provide a grant of no more than \$75,000 for those costs, and the program would have to provide for the remaining \$25,000.

Changes: § 2521.30 has been revised.

(25) *Ineligibility.* One commenter suggested that the Corporation further clarify that a person who committed a crime prior to a term of service is not automatically ineligible for service.

Individuals with criminal records are not, in fact, automatically ineligible to participate in programs. Programs are responsible for determining who shall participate. In selecting participants, programs providing service in particularly sensitive areas, such as working with young children, should consider whether the participation of individuals with certain criminal backgrounds would have a significant negative impact on the physical or psychological health of either other participants or individuals served.

(26) *Federal Agency matching requirements.* One commenter requested clarification of how Federal agencies are treated in terms of the matching requirements. The regulations have been revised to clarify that Federal agencies do not have to meet matching requirements if they operate programs directly, but that if they subgrant, the subgrantees do have to meet the matching requirements.

Change: § 2523.90 has been revised.

(27) *Education and Training.* One commenter asked how much of a term of service could be spent on education and training.

The proposed rule did not address this issue. Therefore, the terms of service section of the regulations has been revised to indicate that the Corporation may set a minimum or maximum number of hours in a given term of service that may be spent on training, education, or similar approved activities. Thus, the Corporation

reserves the right to establish such guidelines in the application materials.

Parts 2530-2533—Investment for Quality and Innovation

Clearinghouse eligibility. One commenter suggested that the regulations go too far in § 2532.20(n) by requiring that to be eligible to apply as a clearinghouse, an organization must have extensive experience in training, technical assistance, service and/or volunteer development, management, and evaluation. The commenter argued that the law only lists these as activities a clearinghouse could do, not as requirements for eligibility.

The regulations have been amended to conform to the statute.

Change: § 2532.20(n) has been revised.

Part 2540—Administrative Provisions

(1) *Nondisplacement* (§ 2540.100(f)(4)(i)). Once commenter suggested that we include examples of what constitutes displacement as described in this section. Several commenters urged that the proposed restriction not be interpreted too strictly. One commenter pointed out that it seems to contradict § 2522.110(3), which states that professional corps programs that recruit and place qualified participants in positions as teachers and nurses qualify as AmeriCorps programs. The commenter suggested that the regulations be revised to clarify that those programs qualify because the participants don't replace qualified and certified people.

The Corporation declines to put examples or further clarifications of this issue in the regulations. However, it will disseminate information clarifying these issues to all grantees.

(2) *Supplantation rule.* One commenter raised several concerns regarding the supplantation requirement in the AmeriCorps regulations. The commenter pointed out that the preamble specifically included private sector funds in the requirement and that the proposed regulations were unclear. The commenter suggested not extending the rule to the private sector. Not allowing the supplantation of private funds could create a disincentive for programs to raise private funds because, if they lose those funds in a subsequent year, they may not be able to maintain the same level of non-federal funds and would thus be ineligible for AmeriCorps assistance. The commenter was also concerned that a program could have difficulty meeting the requirement for maintaining aggregate non-federal funding if the size of the program is reduced. The commenter recommended

that the regulations be revised to add a sentence stating that the supplantation rule is satisfied if funding from private sources continues to exceed the matching requirements. The commenter also recommended that the required non-federal expenditures be measured per capita instead of on a lump-sum basis.

The statutory supplantation provision states that the level of State and local public funding for a given program cannot drop below the level of the previous year. The regulations stated this incorrectly and have been revised to indicate that the restriction applies only to public State and local funds. The Corporation does not have the regulatory authority to measure the level of State and local support on a per participant basis.

Change: § 2540.100 has been revised.

Part 2550—State Commission Regulations

One commenter suggested that the State Commission regulations (published in the November 17, 1993 Federal Register as an interim final rule) be amended to add individuals with expertise in the field of mental retardation/cognitive disabilities to the list of possible members of the State Commissions.

This addition will be incorporated into the final State Commission regulations when they are published.

Miscellaneous Requirements

Interested parties should be advised that because the assistance provided under the authority of this rule constitutes Federal financial assistance for the purposes of title VI of the Civil Rights Act of 1964 (which bars discrimination based on race, color, or national origin), title IX of the Education Amendments of 1972 (which bars discrimination on the basis of gender), the Rehabilitation Act of 1973 (which bars discrimination on the basis of disability), and the Age Discrimination Act of 1975 (which bars discrimination on the basis of age), grantees will be required to comply with the aforementioned provisions of Federal law.

Grant recipients will be expected to expend Corporation grants in a judicious and reasonable manner, consistent with pertinent provisions of Federal law and regulations. Grantees must keep records according to Corporation guidelines, including records that fully disclose the amount and disposition of the proceeds of a Corporation grant. The Inspector General of the Corporation (or other authorized official) shall have access,

for the purpose of audit and examination, to the books and records of grantees that may be related or pertinent to the Corporation grant.

Grantees should further be advised that Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, and Administrative Requirements for Grants and Cooperative Agreements to other than State and Local Governments, as well as regulations for the Privacy Act, Freedom of Information Act, Sunshine Act, Government-wide Debarment and Suspension, and Government-wide Requirements for Drug-Free Workplace will also be published.

As required by the Regulatory Flexibility Act, it is hereby certified that this rule will not have a significant impact on small business entities.

As required by the Paperwork Reduction Act of 1980, the Corporation will submit the information collection requirements contained in this rule to the Office of Management and Budget for its review (44 U.S.C. 3504(h)). The information collection requirements are needed in order to provide assistance to parties affected by these regulations, in accordance with statutory mandates.

(Catalog of Federal Domestic Assistance Numbers: 94.003 for State Commissions, Alternative Administrative Entities, and Transitional Entities; 94.004 for K-12 Service-Learning Programs; 94.005 for Higher Education Service-Learning Programs; 94.006 for AmeriCorps Programs; 94.007 for Investment for Quality and Innovation Programs.)

List of Subjects

45 CFR Part 2510

Grant programs-social programs, Volunteers.

45 CFR Part 2513

Grant programs-social programs, Reporting and recordkeeping requirements, Volunteers.

45 CFR Part 2515

Grant programs-social programs, Nonprofit organizations, Volunteers.

45 CFR Part 2516

Elementary and secondary education, Grant programs-social programs, Indians, Nonprofit organizations, Reporting and recordkeeping requirements, Volunteers.

45 CFR Part 2517

Community development, Grant programs-social programs, Nonprofit organizations, Reporting and recordkeeping requirements, Volunteers.

45 CFR Part 2518

Grant programs-social programs, Nonprofit organizations, Reporting and recordkeeping requirements, Volunteers.

45 CFR Part 2519

Colleges and universities, Grant programs-social programs, Nonprofit organizations, Reporting and recordkeeping requirements, Volunteers.

45 CFR Part 2520

AmeriCorps, Grant programs-social programs, Volunteers.

45 CFR Part 2521

AmeriCorps, Grant programs-social programs, Volunteers.

45 CFR Part 2522

AmeriCorps, Grant programs-social programs, Reporting and recordkeeping requirements, Volunteers.

45 CFR Part 2523

AmeriCorps, Grant programs-social programs, Volunteers.

45 CFR Part 2524

AmeriCorps, Grant programs-social programs, Technical assistance, Volunteers.

45 CFR Part 2530

Grant programs-social programs, Volunteers.

45 CFR Part 2531

Grant programs-social programs, Volunteers.

45 CFR Part 2532

Grant programs-social programs, Volunteers, Technical assistance.

45 CFR Part 2533

Decorations, medals, awards, Scholarships and fellowships, Volunteers.

45 CFR Part 2540

Administrative practice and procedure, Grant programs-social programs, Reporting and recordkeeping requirements, Volunteers.

Dated: March 16, 1994.

Catherine Milton,

Vice President and Director of National and Community Service Programs.

Accordingly, the Corporation amends title 45, chapter XXV of the Code of Federal Regulations by adding parts 2510, 2513, 2515 through 2524, 2530 through 2533, and 2540 to read as follows:

PART 2510—OVERALL PURPOSES AND DEFINITIONS

Sec.

2510.10 What are the purposes of the programs and activities of the Corporation for National and Community Service?

2510.20 Definitions.

Authority: 42 U.S.C. 12501 *et seq.*

§ 2510.10 What are the purposes of the programs and activities of the Corporation for National and Community Service?

The National and Community Service Trust Act of 1993 established the Corporation for National and Community Service (the Corporation). The Corporation's mission is to engage Americans of all ages and backgrounds in community-based service. This service will address the Nations educational, public safety, human, and environmental needs to achieve direct and demonstrable results. In doing so, the Corporation will foster civic responsibility, strengthen the ties that bind us together as a people, and provide educational opportunity for those who make a substantial commitment to service. The Corporation will undertake activities and provide assistance to States and other eligible entities to support national and community service programs and to achieve other purposes consistent with its mission.

§ 2510.20 Definitions.

The following definitions apply to terms used in 45 CFR parts 2510 through 2550:

Act. The term *Act* means the National and Community Service Act of 1990, as amended (42 U.S.C. 12501 *et seq.*).

Administrative costs. The term *administrative costs* means expenses associated with the overall administration of a Corporation funded program. These costs relate to the support of a programs general operations and not to expenses identified with a specific program or project.

(1) Administrative costs include, but are not limited to, the following: (i) Indirect costs (i.e., costs identified with two or more cost objectives but not identified with a particular cost objective) as described in Office of Management and Budget Circulars A-21 (Cost Principles for Educational Institutions), A-87 (Cost Principles for State and local Governments), and A-122 (Cost Principles for Nonprofit Organizations) that provide guidance on indirect costs to Federal agencies. Copies of Office of Management and Budget Circulars are available from the Executive Office of the President

Publications, 725 17th Street, NW., room 2200, New Executive Office Building, Washington, DC 20503.

(ii) Costs for financial, accounting, auditing, internal evaluations (except as in paragraph (2)(iii) of this definition), and contracting functions.

(iii) Costs for insurance that protects the entity that operates the program.

(iv) The portion of the salaries and benefits of the director and any other program administrative staff equal to the portion of time that is not spent in support of specific project objectives. Specific project objectives means recruiting, training, placing, or supervising participants.

(2) Administrative costs do not include allowable costs directly related to program or project operations. These program costs include the following: (i) Costs for participants, including living allowances, insurance payments, and expense for training and travel.

(ii) Costs for staff who recruit, train, place, or supervise participants, including costs for staff salaries, benefits, training, and travel, if the purpose is for a specific program or project objective.

(iii) Costs for independent evaluations and internal evaluations—the latter to the extent that the evaluations cover only the funded program or project and are specifically related to creative methods of quality improvement. (Overall organizational management improvement costs are administrative costs.) (See § 2516.810 and § 2522.510 for definition of independent and internal evaluations.)

(3) Particular costs, such as those associated with staff who perform both administrative and program functions, may be prorated between administrative and program costs if included in the budget and approved by the Corporation grants officer.

Adult Volunteer. (1) The term *adult volunteer* means an individual, such as an older adult, an individual with disability, a parent, or an employee of a business of public or private nonprofit organization, who—

(i) Works without financial remuneration in an educational institution to assist students of out-of-school youth; and

(2) Is beyond the age of compulsory school attendance in the State in which the educational institution is located.

AmeriCorps. The term *AmeriCorps* means the combination of all AmeriCorps programs and participants.

AmeriCorps educational award. The term *AmeriCorps educational award* means a national service educational award described in section 147 of the Act.

AmeriCorps participant. The term *AmeriCorps participant* means any individual who is serving in—

(1) An AmeriCorps program;
(2) An approved AmeriCorps position;
or

(3) Both.

AmeriCorps program. The term *AmeriCorps program* means—

(1) Any program that receives approved AmeriCorps positions;
(2) Any program that receives Corporation funds under section 121 of the Act; or
(3) Both.

Approved AmeriCorps position. The term *approved AmeriCorps position* means an AmeriCorps position for which the Corporation has approved the provision of an AmeriCorps educational award as one of the benefits to be provided for successful service in the position.

Carry out. The term *carry out*, when used in connection with an AmeriCorps program described in section 122 of the Act, means the planning, establishment, operation, expansion, or replication of the program.

Chief Executive Officer. The term *Chief Executive Officer*, except when used to refer to the chief executive officer of a State, means the Chief Executive Officer of the Corporation appointed under section 193 of the Act.

Community-based agency. The term *community-based agency* means a private nonprofit organization (including a church or other religious entity) that—

(1) Is representative of a community or a significant segment of a community; and

(2) Is engaged in meeting educational, public safety, human, or environmental community needs.

Corporation. The term *Corporation* means the Corporation for National and Community Service established under section 191 of the Act.

Economically disadvantaged. The term *economically disadvantaged*, with respect to an individual, has the same meaning as such term as defined in the Job Training Partnership Act (29 U.S.C. 1503(8)).

Elementary school. The term *elementary school* has the same meaning given the term in section 1471(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(8)).

Empowerment zone. The term *empowerment zone* means an area designated as an empowerment zone by the Secretary of the Department of Housing and Urban Development or the Secretary of the Department of Agriculture.

Grantmaking entity. (1) For school-based programs, the term *grantmaking entity* means a public or private nonprofit organization experienced in service-learning that—

(i) Submits an application to make grants for school-based service-learning programs in two or more States; and

(ii) Was in existence at least one year before the date on which the organization submitted the application.

(2) For community-based programs, the term *grantmaking entity* means a qualified organization that—

(i) Submits an application to make grants to qualified organizations to implement, operate, expand, or replicate community-based service programs that provide for educational, public safety, human, or environmental service by school-age youth in two or more States; and

(ii) Was in existence at least one year before the date on which the organization submitted the application.

Higher Education partnerships. The term *higher education partnership* means one or more public or private nonprofit organizations, or public agencies, including States, and one or more institutions of higher education that have entered into a written agreement specifying the responsibilities of each partner.

Indian. The term *Indian* means a person who is a member of an Indian tribe, or is a "Native", as defined in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

Indian lands. The term *Indian lands* means any real property owned by an Indian tribe, any real property held in trust by the United States for an Indian or Indian tribe, and any real property held by an Indian or Indian tribe that is subject to restrictions on alienation imposed by the United States.

Indian tribe. The term *Indian tribe* means—

(1) An Indian tribe, band, nation, or other organized group or community that is recognized as eligible for the special programs and services provided by the United States under Federal law to Indians because of their status as Indians, including—

(i) Any Native village, as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c)), whether organized traditionally or pursuant to the Act of June 18, 1934 (commonly known as the "Indian Reorganization Act", 25 U.S.C. 461 *et seq.*); and

(ii) Any Regional Corporation or Village Corporation, as defined in subsection (g) or (j), respectively, of section 3 of the Alaska Native Claims

Settlement Act (43 U.S.C. 1602 (g) or (j)); and

(2) Any tribal organization controlled, sanctioned, or chartered by an entity described in paragraph (1) of this definition.

Individual with a disability. Except as provided in section 175(a) of the Act, the term *individual with a disability* has the meaning given the term in section 7(8)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 706(8)(B)), which includes individuals with cognitive and other mental impairments, as well as individuals with physical impairments, who meet the criteria in that definition.

Infrastructure-building activities. The term *infrastructure-building activities* refers to activities that increase the capacity of organizations, programs and individuals to provide high quality service to communities.

Institution of higher education. The term *institution of higher education* has the same meaning given the term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

Local educational agency (LEA). The term *local educational agency* has the same meaning given the term in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12)).

Local partnership. The term *local partnership* means a partnership, as defined in § 2510.20 of this chapter, that meets the eligibility requirements to apply for subgrants under § 2516.110 or § 2517.110 of this chapter.

National nonprofit. The term *national nonprofit* means any nonprofit organization whose mission, membership, activities, or constituencies are national in scope.

National service laws. The term *national service laws* means the Act and the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 *et seq.*).

Objective. The term *objective* means a desired accomplishment of a program.

Out-of-school youth. The term *out-of-school youth* means an individual who—

(1) Has not attained the age of 27;

(2) Has not completed college or its equivalent; and

(3) Is not enrolled in an elementary or secondary school or institution of higher education.

Participant. (1) The term *participant* means an individual enrolled in a program that receives assistance under the Act.

(2) A participant may not be considered to be an employee of the program in which the participant is enrolled.

Partnership. The term *partnership* means two or more entities that have

entered into a written agreement specifying the partnership's goals and activities as well as the responsibilities, goals, and activities of each partner.

Partnership program. The term *partnership program* means a program through which an adult volunteer, a public or private nonprofit organization, an institution of higher education, or a business assists a local educational agency.

Program. The term *program*, unless the context otherwise requires, and except when used as part of the term *academic program*, means a program described in section 111(a) (other than a program referred to in paragraph (3)(B) of that section), 117A(a), 119(b)(1), or 122(a) of the Act, or in paragraph (1) or (2) of section 152(b) of the Act, or an activity that could be funded under sections 198, 198C, or 198D of the Act.

Program sponsor. The term *program sponsor* means an entity responsible for recruiting, selecting, and training participants, providing them benefits and support services, engaging them in regular group activities, and placing them in projects.

Project. The term *project* means an activity, or a set of activities, carried out through a program that receives assistance under the Act, that results in a specific identifiable service or improvement that otherwise would not be done with existing funds, and that does not duplicate the routine services or functions of the employer to whom participants are assigned.

Project sponsor. The term *project sponsor* means an organization, or other entity, that has been selected to provide a placement for a participant.

Qualified individual with a disability. The term *qualified individual with a disability* has the meaning given the term in section 101(8) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(8)).

Qualified organization. The term *qualified organization* means a public or private nonprofit organization, other than a grantmaking entity, that—

(1) Has experience in working with school-age youth; and

(2) Was in existence at least one year before the date on which the organization submitted an application for a service-learning program.

School-age youth. The term *school-age youth* means—

(1) Individuals between the ages of 5 and 17, inclusive; and

(2) Children with disabilities, as defined in section 602(a)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(a)(1)), who receive services under part B of that Act.

Secondary school. The term *secondary school* has the same meaning given the term in section 1471(21) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(21)).

Service-learning. The term *service-learning* means a method under which students or participants learn and develop through active participation in thoughtfully organized service that—

- (1) Is conducted in and meets the needs of a community;
- (2) Is coordinated with an elementary school, secondary school, institution of higher education, or community service program, and with the community;
- (3) Helps foster civic responsibility;
- (4) Is integrated into and enhances the academic curriculum of the students or the educational components of the community service program in which the participants are enrolled; and
- (5) Includes structured time for the students and participants to reflect on the service experience.

Service-learning coordinator. The term *service-learning coordinator* means an individual trained in service-learning who identifies community partners for LEAs; assists in designing and implementing local partnerships service-learning programs; provides technical assistance and information to, and facilitates the training of, teachers; and provides other services for an LEA.

State. The term *State* means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. The term also includes Palau, until the Compact of Free Association is ratified.

State Commission. The term *State Commission* means a State Commission on National and Community Service maintained by a State pursuant to section 178 of the Act. Except when used in section 178, the term includes an alternative administrative entity for a State approved by the Corporation under that section to act in lieu of a State Commission.

State educational agency (SEA). The term *State educational agency* has the same meaning given that term in section 1471(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(23)).

Student. The term *student* means an individual who is enrolled in an elementary or secondary school or institution of higher education on a full-time or part-time basis.

Subdivision of a State. The term *subdivision of a State* means an governmental unit within a State other

than a unit with Statewide responsibilities.

U.S. Territory. The term *U.S. Territory* means the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Palau, until the Compact of Free Association with Palau is ratified.

PART 2513—STATE PLAN: PURPOSE, APPLICATION REQUIREMENTS AND SELECTION CRITERIA

Sec.

2513.10 Who must submit a State Plan?

2513.20 What are the purposes of a State Plan?

2513.30 What information must a State Plan contain?

2513.40 How will the State Plans be evaluated?

Authority: 42 U.S.C. 12501 *et seq.*

§ 2513.10 Who must submit a State Plan?

The fifty States, the District of Columbia, and Puerto Rico, through a Corporation-approved State Commission, Alternative Administrative Entity, or Transitional Entity must submit a comprehensive national and community service plan ("State Plan") in order to apply to the Corporation for support under parts 2515 through 2524 of this chapter.

§ 2513.20 What are the purposes of a State Plan?

The purposes of the State Plan are: (a) To set forth the States plan for promoting national and community service and strengthening its service infrastructure, including how Corporation-funded programs fit into the plan;

(b) To establish specific priorities and goals that advance the State's plan for strengthening its service program infrastructure and to specify strategies for achieving the stated goals;

(c) To inform the Corporation of the relevant historical background of the State's infrastructure for supporting national and community service and other volunteer opportunities, as well as the current status of such infrastructure;

(d) To assist the Corporation in making decisions on applications to receive formula and competitive funding under § 2521.30 of this chapter and to assist the Corporation in assessing a State's application for renewal funding for State administrative funds as provided in part 2550 of this chapter; and

(e) To serve as a working document that forms the basis of on-going dialogue between the State and the Corporation and which is subject to modifications as circumstances require.

§ 2513.30 What information must a State Plan contain?

The State Plan must include the following information: (a) An overview of a State's experience in coordinating and supporting the network of service programs within the State that address educational, public safety, human, and environmental needs, including, where appropriate, a description of specific service programs. This overview should encompass programs that have operated independently of and/or without financial support from the State;

(b) A description of the State's priorities and vision for strengthening the service program infrastructure, including how programs proposed for Corporation funding fit into this vision. The plan should also describe how State priorities relate to any national priorities established by the Corporation;

(c) A description of the goals established to advance the State's plan, including the strategies for achieving such goals. With respect to technical assistance activities (if any) and programs proposed to be funded by the Corporation, the plan should describe how such activities and programs will be coordinated with other service programs within the State. The plan should also describe the manner and extent to which the proposed programs will build on existing programs, including Corporation programs such as both the K-12 and Higher Education components of the Learn and Serve America program, and programs funded under the Domestic Volunteer Service Act and other programs;

(d) A description of the extent to which the State entity has coordinated its efforts with the State educational agency (SEA) in the SEA's application for school-based service learning funds;

(e) A description of how the State reached out to a broad cross-section of individuals and organizations to obtain their participation in the development of the State plan, including a discussion of the types of organizations and individuals who were actually involved in the process and the manner and extent of their involvement; and

(f) Such other information as the Corporation may reasonably require.

§ 2513.40 How will the State Plans be evaluated?

State plans will be evaluated on the basis of the following criteria:

(a) The quality of the plan as evidenced by: (1) The development and quality of realistic goals and objectives for moving service ahead in the State;

(2) The extent to which proposed strategies can reasonably be expected to accomplish stated goals;

(3) The extent of input in the development of the State plan from a broad cross-section of individuals and organizations including community-based agencies; organizations with a demonstrated record of providing educational, public safety, human, or environmental services; residents of the State, including youth and other prospective participants, State Education Agencies; traditional service organizations; and labor unions;

(b) The sustainability of the national service efforts outlined in the plan, as evidenced by the extent to which they are supported by: (1) The State, through financial, in-kind, and bi-partisan political support, including the existence of supportive legislation; and

(2) Other support, including the financial, in-kind, and other support of the private sector, foundations, and other entities and individuals; and

(c) Such other criteria as the Corporation deems necessary.

PART 2515—SERVICE-LEARNING PROGRAM PURPOSES

Sec.

2515.10 What are the service-learning programs of the Corporation for National and Community Service?

Authority: 42 U.S.C. 12501 *et seq.*

§ 2515.10 What are the service-learning programs of the Corporation for National and Community Service?

(a) There are three service-learning programs: (1) School-based programs, described in part 2516 of this chapter.

(2) Community-based programs, described in part 2517 of this chapter.

(3) Higher education programs, described in part 2519 of this chapter.

(b) Each program gives participants the opportunity to learn and develop their own capabilities through service-learning, while addressing needs in the community.

PART 2516—SCHOOL-BASED SERVICE-LEARNING PROGRAMS

Subpart A—Eligibility to Apply

Sec.

2516.100 Who may apply for a direct grant from the Corporation?

2516.110 Who may apply for a subgrant from a Corporation grantee?

Subpart B—Use of Grant Funds

2516.200 How may grant funds be used?

Subpart C—Eligibility to Participate

2516.300 Who may participate in a school-based service-learning program?

2516.310 May private school students participate?

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Subpart D—Application Contents

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2516.420 What must an LEA, local partnership, or qualified organization include in an application for a subgrant?

Subpart E—Application Review

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2516.510 What happens if the Corporation rejects a State's application for an allotment grant?

2516.520 How does a State, Indian tribe, or grantmaking entity review the merits of an application?

Subpart F—Distribution of Funds

2516.600 How are funds for school-based service-learning programs distributed?

Subpart G—Funding Requirements

2516.700 Are matching funds required?

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2516.720 What is the length of each type of grant?

2516.730 May an applicant submit more than one application to the Corporation for the same project at the same time?

Subpart H—Evaluation Requirements

2516.800 What are the purposes of an evaluation?

2516.810 What types of evaluations are grantees and subgrantees required to perform?

2516.820 What types of internal evaluation activities are required of programs?

2516.830 What types of activities are required of Corporation grantees to evaluate the effectiveness of their subgrantees?

2516.840 By what standards will the Corporation evaluate individual Learn and Serve America programs?

2516.850 What will the Corporation do to evaluate the overall success of the service-learning program?

2516.860 Will information on individual participants be kept confidential?

Authority: 42 U.S.C. 12501 *et seq.*

Subpart A—Eligibility to Apply

§ 2516.100 Who may apply for a direct grant from the Corporation?

(a) The following entities may apply for a direct grant from the Corporation:

(1) A State, through a State educational agency (SEA) as defined in § 2510.20 of this chapter. For the purpose of part, "State" means one of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and,

except for the purpose of § 2516.600 (b), U.S. Territories.

(2) An Indian tribe.

(3) A grantmaking entity as defined in § 2515.20 of this chapter.

(4) For activities in a nonparticipating State, a local educational agency (LEA) as defined in § 2510.20 of this chapter or a local partnership as described in § 2516.110.

(b) The types of grants for which each entity is eligible are described in § 2516.200.

§ 2516.110 Who may apply for a subgrant from a Corporation grantee?

Entities that may apply for a subgrant from a State, Indian tribe, or grantmaking entity are:

(a) An LEA, for a grant from a State for planning school-based service-learning programs.

(b) A local partnership, for a grant from a State or a grantmaking entity to implement, operate, or expand a school-based service learning program.

(1) The local partnership must include an LEA and one or more community partners. The local partnership may include a private for-profit business or private elementary or secondary school.

(2) The community partners must include a public or private nonprofit organization that has demonstrated expertise in the provision of services to meet educational, public safety, human, or environmental needs; was in existence at least one year before the date on which the organization submitted an application under this part; and will make projects available for participants, who must be students.

(c) A local partnership, for a grant from a State or a grantmaking entity to implement, operate, or expand an adult volunteer program. The local partnership must include an LEA and one or more public or private nonprofit organizations, other educational agencies, or private for-profit businesses that coordinate and operate projects for participants who must be students.

(d) A qualified organization, as defined in § 2515.20 of this chapter, for a grant from a State or Indian tribe for planning or building the capacity of the State or Indian tribe.

Subpart B—Use of Grant Funds

§ 2516.200 How may grant funds be used?

Funds under a school based service learning grant may be used for the purposes described in this section.

(a) *Planning and capacity-building for States and Indian tribes.* (1) A State or Indian tribe may use funds to pay for planning and building its capacity to

implement school-based service-learning programs. These entities may use funds either directly or through subgrants or contracts with qualified organizations.

(2) Authorized activities include the following: (i) Providing training for teachers, supervisors, personnel from community-based agencies (particularly with regard to the utilization of participants) and trainers, conducted by qualified individuals or organizations experienced in service-learning.

(ii) Developing service-learning curricula to be integrated into academic programs, including the age-appropriate learning components for students to analyze and apply their service experiences.

(iii) Forming local partnerships described in § 2516.110 to develop school-based service-learning programs in accordance with this part.

(iv) Devising appropriate methods for research and evaluation of the educational value of service-learning and the effect of service-learning activities on communities.

(v) Establishing effective outreach and dissemination of information to ensure the broadest possible involvement of community-based agencies with demonstrated effectiveness in working with school-age youth in their communities.

(b) *Implementing, operating, and expanding school-based programs.* (1) A State, Indian Tribe, or grantmaking entity may use funds to make subgrants to local partnerships described in § 2516.110 (b) to implement, operate, or expand school-based service-learning programs.

(2) If a State does not submit an application that meets the requirements for an allotment grant under § 2516.400, the Corporation may use the allotment to fund applications from those local partnerships for programs in that State.

(3) Authorized activities include paying the costs of the recruitment, training, supervision, placement, salaries and benefits of service learning coordinators.

(4) A grantmaking entity may also use funds to provide technical assistance and training to appropriate persons relating to its subgrants.

(c) *Planning programs.* (1) A State may use funds to make subgrants to LEAs for planning school-based service-learning programs.

(2) If a State does not submit an application that meets the requirements for an allotment grant under § 2516.400, the Corporation may use the allotment to fund applications from LEAs for planning programs in that State.

(3) Authorized activities include paying the costs of—

(i) The salaries and benefits of service-learning coordinators as defined in § 2510.20 of this chapter; and

(ii) The recruitment, training, supervision, and placement of service-learning coordinators who may be participants in an AmeriCorps program described in parts 2520 through 2524 of this chapter or who receive AmeriCorps educational awards.

(d) *Adult volunteer programs.* (1) A State, Indian tribe, or grantmaking entity may use funds to make subgrants to local partnerships described in § 2516.110 (c) to implement, operate, or expand school-based programs involving adult volunteers to utilize service-learning to improve the education of students.

(2) If a State does not submit an application that meets the requirements for an allotment grant under § 2516.400, the Corporation may use the allotment to fund applications from those local partnerships for adult volunteer programs in that State.

(e) *Planning by Indian tribes and U.S. Territories.* If the Corporation makes a grant to an Indian tribe or a U.S. Territory to plan school-based service-learning programs, the grantee may use the funds for that purpose.

Subpart C—Eligibility to Participate

§ 2516.300 Who may participate in a school-based service-learning program?

Students who are enrolled in elementary or secondary schools on a full-time or part-time basis may participate in school-based programs.

§ 2516.310 May private school students participate?

(a) Yes. To the extent consistent with the number of students in the State or Indian tribe or in the school district of the LEA involved who are enrolled in private nonprofit elementary or secondary schools, the State, Indian tribe, or LEA must (after consultation with appropriate private school representatives) make provision—

(1) For the inclusion of services and arrangements for the benefit of those students so as to allow for the equitable participation of the students in the programs under this part; and

(2) For the training of the teachers of those students so as to allow for the equitable participation of those teachers in the programs under this part.

(b) (1) If a State, Indian tribe, or LEA is prohibited by law from providing for the participation of students or teachers from private nonprofit schools as required by paragraph (a) of this section,

or if the Corporation determines that a State, Indian tribe, or LEA substantially fails or is unwilling to provide for their participation on an equitable basis, the Corporation will waive those requirements and arrange for the provision of services to the students and teachers.

(2) Waivers will be subject to the Corporation procedures that are consistent with the consultation, withholding, notice, and judicial review requirements of section 1017(b) (3) and (4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2727 (b)).

§ 2516.320 Is a participant eligible to receive an AmeriCorps educational award?

No. However, service-learning coordinators who are approved AmeriCorps positions are eligible for AmeriCorps educational awards.

Subpart D—Application Contents

§ 2516.400 What must a State or Indian tribe include in an application for a grant?

In order to apply for a grant from the Corporation under this part, a State (SEA) or Indian tribe must submit the following: (a) A three-year strategic plan for promoting service-learning through programs under this part, or a revision of a previously approved three-year strategic plan. The application of a SEA must include a description of how the SEA will coordinate its service-learning plan with the State Plan under part 2513 of this chapter and with other federally-assisted activities.

(b) A proposal containing the specific program, budget, and other information specified by the Corporation in the grant application package.

(c) Assurances that the applicant will—

(1) Keep such records and provide such information to the Corporation with respect to the programs as may be required for fiscal audits and program evaluation; and

(2) Comply with the nonduplication, nondisplacement, and grievance procedure requirements of part 2540 of this chapter.

§ 2516.410 What must a grantmaking entity, local partnership, or LEA include in an application for a grant?

In order to apply to the Corporation for a grant, a grantmaking entity, local partnership, or LEA must submit the following: (a) A detailed description of the proposed program goals and activities. The application of a grantmaking entity must include—

(1) A description of how the applicant will coordinate its activities with the State Plan under part 2513 of this

chapter, including a description of plans to meet and consult with the State Commission, if possible, and to provide a copy of the program application to the State Commission and with other federally-assisted activities; and

(2) A description of how the program will be carried out in more than one State.

(b) The specific program, budget, and other information specified by the Corporation in the grant application package.

(c) Assurances that the applicant will—

(1) Keep such records and provide such information to the Corporation with respect to the program as may be required for fiscal audits and program evaluation;

(2) Prior to the placement of a participant, consult with the appropriate local labor organization, if any, representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by the program, to prevent the displacement and protect the rights of those employees;

(3) Develop an age-appropriate learning component for participants in the program that includes a chance for participants to analyze and apply their service experiences; and

(4) Comply with the nonduplication, nondisplacement, and grievance procedure requirements of part 2540 of this chapter.

(d) For a local partnership, an assurance that the LEA will serve as the fiscal agent.

§ 2516.420 What must an LEA, local partnership, or qualified organization include in an application for a subgrant?

In order to apply for a subgrant from an SEA, Indian tribe, or grantmaking entity under this part, an applicant must include the information required by the Corporation grantee.

Subpart E—Application Review

§ 2516.500 How does the Corporation review the merits of an application?

(a) In reviewing the merits of an application submitted to the Corporation under this part, the Corporation evaluates the quality, innovation, replicability, and sustainability of the proposal on the basis of the following criteria: (1) Quality, as indicated by the extent to which—

(i) The program will provide productive meaningful, educational experiences that incorporate service-learning methods;

(ii) The program will meet community needs and involve individuals from

diverse backgrounds (including economically disadvantaged youth) who will serve together to explore the root causes of community problems;

(iii) The principal leaders of the program will be well qualified for their responsibilities;

(iv) The program has sound plans and processes for training, technical assistance, supervision, quality control, evaluation, administration, and other key activities; and

(v) The program will advance knowledge about how to do effective and innovative community service and service-learning and enhance the broader elementary and secondary education field.

(2) Replicability, as indicated by the extent to which the program will assist others in learning from experience and replicating the approach of the program.

(3) Sustainability, as indicated by the extent to which—

(i) An SEA, Indian tribe or grantmaking entity applicant demonstrates the ability and willingness to coordinate its activities with the State Plan under part 2513 of this chapter and with other federally assisted activities;

(ii) The program will foster collaborative efforts among local educational agencies, local government agencies, community based agencies, businesses, and State agencies;

(iii) The program will enjoy strong, broad-based community support; and

(iv) There is evidence that financial resources will be available to continue the program after the expiration of the grant.

(b) The Corporation also gives priority to proposals that—

(1) Involve participants in the design and operation of the program;

(2) Reflect the greatest need for assistance, such as programs targeting low-income areas;

(3) Involve students from public and private schools serving together;

(4) Involve students of different ages, races, genders, ethnicities, abilities and disabilities, or economic backgrounds, serving together;

(5) Are integrated into the academic program of the participants;

(6) Best represent the potential of service-learning as a vehicle for education reform and school-to-work transition;

(7) Develop civic responsibility and leadership skills and qualities in participants;

(8) Demonstrate the ability to achieve the goals of this part on the basis of the proposal's quality, innovation, replicability, and sustainability; or

(9) Address any other priority established by the Corporation for a particular period.

(c) In reviewing applications submitted by Indian tribes and U.S. Territories, the Corporation—

(1) May decide to approve only planning of school-based service-learning programs; and

(2) Will set the amounts of grants in accordance with the respective needs of applicants.

§ 2516.510 What happens if the Corporation rejects a State's application for an allotment grant?

If the Corporation rejects a State's application for an allotment grant under § 2516.600(b)(2), the Corporation will—

(a) Promptly notify the State of the reasons for the rejection;

(b) Provide the State with a reasonable opportunity to revise and resubmit the application;

(c) Provide technical assistance, if necessary; and

(d) Promptly reconsider the resubmitted application and make a decision.

§ 2516.520 How does a State, Indian tribe, or grantmaking entity review the merits of an application?

In reviewing the merits of an application for a subgrant under this part, a Corporation grantee must use the criteria and priorities in § 2516.500.

Subpart F—Distribution of Funds

§ 2516.600 How are funds for school-based service-learning programs distributed?

(a) Of the amounts appropriated to carry out this part for any fiscal year, the Corporation will reserve not more than three percent for grants to Indian tribes and U.S. Territories to be allotted in accordance with their respective needs.

(b) The Corporation will use the remainder of the funds appropriated as follows: (1) Competitive Grants. From 25 percent of the remainder, the Corporation may make grants on a competitive basis to States, Indian tribes, or grantmaking entities.

(2) Allotments to States.

(i) From 37.5 percent of the remainder, the Corporation will allot to each State an amount that bears the same ratio to 37.5 percent of the remainder as the number of school-age youth in the State bears to the total number of school-age youth of all States

(ii) From 37.5 percent of the remainder, the Corporation will allot to each State an amount that bears the same ratio to 37.5 percent of the remainder as the allocation to the State for the previous fiscal year under Chapter 1 of Title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2711 *et seq.*) bears to the allocations to all States.

(iii) Notwithstanding other provisions of paragraph (b)(2) of this section, no State will receive an allotment that is less than the allotment the State received for fiscal year 1993 from the Commission on National and Community Service. If the amount of funds made available in a fiscal year is insufficient to make those allotments, the Corporation will make additional funds available from the 25 percent described in paragraph (b)(1) of this section for that fiscal year to make those allotments.

(3) For the purpose of paragraph (b) of this section, "State" means one of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(c) If a State or Indian tribe does not submit an application that meets the requirements for approval under this part, the Corporation (after making any grants to local partnerships or LEAs for activities in nonparticipating States) may use its allotment for States and Indian tribes with approved applications, as the Corporation determines appropriate.

(d) Notwithstanding other provisions of this section, if less than \$20,000,000 is made available in any fiscal year to carry out this part, the Corporation will make all grants to States and Indian tribes on a competitive basis.

Subpart G—Funding Requirements

§ 2516.700 Are matching funds required?

(a) Yes. The Corporation share of the cost of carrying out a program funded under this part may not exceed—

(1) Ninety percent of the total cost for the first year for which the program receives assistance;

(2) Eighty percent of the total cost for the second year;

(3) Seventy percent of the total cost for the third year; and

(4) Fifty percent of the total cost for the fourth year and any subsequent year.

(b) In providing for the remaining share of the cost of carrying out a program, each recipient of assistance must provide for that share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services, and may provide for that share through State sources, local sources, or Federal sources (other than funds made available under the national service laws).

(c) However, the Corporation may waive the requirements of paragraph (b) of this section in whole or in part with respect to any program in any fiscal year if the Corporation determines that the waiver would be equitable due to a lack

of available financial resources at the local level.

§ 2516.710 Are there limits on the use of funds?

Yes. The following limits apply to funds made available under this part:

(a)(1) The recipient of a direct grant from the Corporation may spend no more than five percent of the grant funds on administrative costs for any fiscal year.

(2) If a Corporation grantee makes a subgrant to an entity to carry out a service-learning program, the Corporation grantee may determine how the allowable administrative costs will be distributed between itself and the subgrantee.

(b) (1) An SEA or Indian tribe must spend between ten and 15 percent of the grant to build capacity through training, technical assistance, curriculum development, and coordination activities.

(2) However, the Corporation may waive this requirement in order to permit an SEA or a tribe to use between ten percent and 20 percent of the grant funds to build capacity. To be eligible to receive the waiver, the SEA or tribe must submit an application to the Corporation.

(c) Funds made available under this part may not be used to pay any stipend, allowance, or other financial support to any participant in a service-learning program under this part except reimbursement for transportation, meals, and other reasonable out-of-pocket expenses directly related to participation in a program assisted under this part.

§ 2516.720 What is the length of each type of grant?

(a) One year is the maximum length of—

(1) A planning grant under § 2516.200 (a), (c) or (e); and

(2) A grant to a local partnership for activities in a nonparticipating State under § 2516.200 (b)(2) and (d)(2).

(b) All other grants are for a period of up to three years, subject to satisfactory performance and annual appropriations.

§ 2516.730 May an applicant submit more than one application to the Corporation for the same project at the same time?

No. The Corporation will reject an application for a project if an application for funding or educational awards for the same project is already pending before the Corporation.

Subpart H—Evaluation Requirements

§ 2516.800 What are the purposes of an evaluation?

Every evaluation effort should serve to improve program quality, examine benefits of service, or fulfill legislative requirements.

§ 2516.810 What types of evaluations are grantees and subgrantees required to perform?

All grantees and subgrantees are required to perform internal evaluations which are ongoing efforts to assess performance and improve quality. Grantees and subgrantees may, but are not required to, arrange for independent evaluations which are assessments of program effectiveness by individuals who are not directly involved in the administration of the program. The cost of independent evaluations is allowable.

§ 2516.820 What types of internal evaluation activities are required of programs?

Programs are required to: (a) Continuously assess management effectiveness, the quality of services provided, and the satisfaction of both participants and service recipients. Internal evaluations should seek frequent feedback and provide for quick correction of weakness. The Corporation encourages programs to use internal evaluation methods, such as community advisory councils, participant advisory councils, peer reviews, quality control inspections, and service recipient and participant surveys.

(b) Track progress toward pre-established objectives. Objectives must be established by programs and approved by the Corporation. Programs must submit to the Corporation (or the Corporation grantee as applicable) periodic performance reports.

(c) Collect and submit to the Corporation (through the Corporation grantee as applicable) the following data: (1) The total number of participants in each program and basic demographic characteristics of the participants including sex, age, economic background, education level, ethnic group, disability classification, and geographic region.

(2) Other information as required by the Corporation.

(d) Cooperate fully with all Corporation evaluation activities.

§ 2516.830 What types of activities are required of Corporation grantees to evaluate the effectiveness of their subgrantees?

A Corporation grantee that makes subgrants must do the following: (a)

Ensure that subgrantees comply with the requirements of § 2516.840.

(b) Track program performance in terms of progress toward pre-established objectives; ensure that corrective action is taken when necessary; and submit to the Corporation periodic performance reports.

(c) Collect from programs and submit to the Corporation the descriptive information required in § 2516.820(c)(1).

(d) Cooperate fully with all Corporation evaluation activities.

§ 2516.840 By what standards will the Corporation evaluate individual Learn and Serve America programs?

The Corporation will evaluate programs based on the following: (a) The extent to which the program meets the objectives established and agreed to by the grantee and the Corporation before the grant award.

(b) The extent to which the program is cost-effective.

(c) Other criteria as determined and published by the Corporation.

§ 2516.850 What will the Corporation do to evaluate the overall success of the service-learning program?

(a) The Corporation will conduct independent evaluations. These evaluations will consider the opinions of participants and members of the communities where services are delivered. If appropriate, these evaluations will compare participants with individuals who have not participated in service-learning programs. These evaluations will—

(1) Study the extent to which service-learning programs as a whole affect the involved communities;

(2) Determine the extent to which service-learning programs as a whole increase academic learning of participants, enhance civic education, and foster continued community involvement; and

(3) Determine the effectiveness of different program models.

(b) The Corporation will also determine by June 30, 1995, whether outcomes of service-learning programs are defined and measured appropriately, and the implications of the results from such a study for authorized funding levels.

§ 2516.860 Will information on individual participants be kept confidential?

(a) Yes. The Corporation will maintain the confidentiality of information regarding individual participants that is acquired for the purpose of the evaluations described in § 2516.840. The Corporation will disclose individual participant information only with the prior written

consent of the participant. However, the Corporation may disclose aggregate participant information.

(b) Grantees and subgrantees under this part must comply with the provisions of paragraph (a) of this section.

PART 2517—COMMUNITY-BASED SERVICE-LEARNING PROGRAMS

Subpart A—Eligibility to Apply

Sec.

2517.100 Who may apply for a direct grant from the Corporation?

2517.110 Who may apply for a subgrant from a Corporation grantee?

Subpart B—Use of Grant Funds

2517.200 How may grant funds be used?

Subpart C—Eligibility to Participate

2517.300 Who may participate in a community-based service-learning program?

Subpart D—Application Contents

2517.400 What must a State Commission or grantmaking entity include in an application for a grant?

2517.410 What must a qualified organization include in an application for a grant or a subgrant?

Subpart E—Application Review

2517.500 How is an application reviewed?

Subpart F—Distribution of Funds

2517.600 How are funds for community-based service-learning programs distributed?

Subpart G—Funding Requirements

2517.700 Are matching funds required?

2517.710 Are there limits on the use of funds?

2517.720 What is the length of a grant?

2517.730 May an applicant submit more than one application to the Corporation for the same project at the same time?

Subpart H—Evaluation Requirements

2517.800 What are the evaluation requirements for community-based programs?

Authority: 42 U.S.C. 12501 *et seq.*

Subpart A—Eligibility to Apply

§ 2517.100 Who may apply for a direct grant from the Corporation?

(a) The following entities may apply for a direct grant from the Corporation:

(1) A State Commission established under part 2550 of this chapter.

(2) A grantmaking entity as defined in § 2510.20 of this chapter.

(3) A qualified organization as defined in § 2515.20 of this chapter.

(b) The types of grants for which each entity is eligible are described in § 2517.200.

§ 2517.110 Who may apply for a subgrant from a Corporation grantee?

Entities that may apply for a subgrant from a State Commission or grantmaking entity are qualified organizations that have entered into a local partnership with one or more—

(a) Local educational agencies (LEAs);

(b) Other qualified organizations; or

(c) Both.

Subpart B—Use of Grant Funds

§ 2517.200 How may grant funds be used?

Funds under a community-based Learn and Serve grant may be used for the purposes described in this section.

(a) A State Commission or grantmaking entity may use funds—

(1) To make subgrants to qualified organizations described in § 2517.110 to implement, operate, expand, or replicate a community-based service program that provides direct and demonstrable educational, public safety, human, or environmental service by participants, who must be school-age youth; and

(2) To provide training and technical assistance to qualified organizations.

(b) (1) A qualified organization may use funds under a direct grant or a subgrant to implement, operate, expand, or replicate a community-based service program.

(2) If a qualified organization receives a direct grant, its program must be carried out at multiple sites or be particularly innovative.

Subpart C—Eligibility to Participate

§ 2517.300 Who may participate in a community-based service-learning program?

School-age youth as defined in § 2510.20 of this chapter may participate in a community-based program.

Subpart D—Application Contents

§ 2517.400 What must a State Commission or grantmaking entity include in an application for a grant?

(a) In order to apply for a grant from the Corporation under this part, a State Commission or a grantmaking entity must submit the following: (1) A three-year plan for promoting service-learning through programs under this part. The plan must describe the types of community-based program models proposed to be carried out during the first year.

(2) A proposal containing the specific program, budget, and other information specified by the Corporation in the grant application package.

(3) A description of how the applicant will coordinate its activities with the State Plan under part 2513 of this

chapter and with other federally-assisted activities, including a description of plans to meet and consult with the State Commission, if possible, and to provide a copy of the program application to the State Commission.

(4) Assurances that the applicant will—

(i) Keep such records and provide such information to the Corporation with respect to the programs as may be required for fiscal audits and program evaluation;

(ii) Comply with the nonduplication, nondisplacement, and grievance procedure requirements of part 2540 of this chapter; and

(iii) Ensure that, prior to placing a participant in a program, the entity carrying out the program will consult with the appropriate local labor organization, if any, representing employees in the area in which the program will be carried out that are engaged in the same or similar work as the work proposed to be carried out by the program, to prevent the displacement of those employees.

(b) In addition, a grantmaking entity must submit information demonstrating that the entity will make grants for a program—

(1) To carry out activities in two or more States, under circumstances in which those activities can be carried out more efficiently through one program than through two or more programs; and

(2) To carry out the same activities, such as training activities or activities related to exchanging information on service experiences, through each of the projects assisted through the program.

§ 2517.410 What must a qualified organization include in an application for a grant or a subgrant?

(a) In order to apply to the Corporation for a direct grant, a qualified organization must submit the following: (1) A plan describing the goals and activities of the proposed program;

(2) A proposal containing the specific program, budget, and other information specified by the Corporation in the grant application package; and

(3) Assurances that the applicant will—

(i) Keep such records and provide such information to the Corporation with respect to the program as may be required for fiscal audits and program evaluation;

(ii) Comply with the nonduplication, nondisplacement, and grievance procedure requirements of part 2540 of this chapter; and

(iii) Prior to placing a participant in the program, consult with the

appropriate local labor organization, if any, representing employees in the area in which the program will be carried out who are engaged in the same or similar work as the work proposed to be carried out by the program, to prevent the displacement of those employees.

(b) In order to apply to a State Commission or a grantmaking entity for a subgrant, a qualified organization must submit the following: (1) A plan describing the goals and activities of the proposed program; and

(2) Such specific program, budget, and other information as the Commission or entity reasonably requires.

Subpart E—Application Review

§ 2517.500 How is an application reviewed?

In reviewing an application for a grant or a subgrant, the Corporation, a State Commission, or a grantmaking entity will apply the following criteria: (a) The quality of the program proposed.

(b) The innovation of, and feasibility of replicating, the program.

(c) The sustainability of the program, based on—

(1) Strong and broad-based community support;

(2) Multiple funding sources or private funding; and

(3) Coordination with the State Plan under part 2513 of this chapter and other federally-assisted activities.

(d) The quality of the leadership of the program, past performance of the program, and the extent to which the program builds on existing programs.

(e) The applicant's efforts—

(1) To recruit participants from among residents of the communities in which projects would be conducted;

(2) To ensure that the projects are open to participants of different ages, races, genders, ethnicities, abilities and disabilities, and economic backgrounds; and

(3) To involve participants and community residents in the design, leadership, and operation of the program.

(f) The extent to which projects would be located in areas that are—

(1) Empowerment zones, redevelopment areas, or other areas with high concentrations of low-income people; or

(2) Environmentally distressed.

Subpart F—Distribution of Funds

§ 2517.600 How are funds for community-based service-learning programs distributed?

All funds are distributed by the Corporation through competitive grants.

Subpart G—Funding Requirements

§ 2517.700 Are matching funds required?

(a) Yes. The Corporation share of the cost of carrying out a program funded under this part may not exceed—

(1) Ninety percent of the total cost for the first year for which the program receives assistance;

(2) Eighty percent of the total cost for the second year;

(3) Seventy percent of the total cost for the third year; and

(4) Fifty percent of the total cost for the fourth year and any subsequent year.

(b) In providing for the remaining share of the cost of carrying out a program, each recipient of assistance must provide for that share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services, and may provide for that share through State sources, local sources, or Federal sources (other than funds made available under the national service laws).

(c) However, the Corporation may waive the requirements of paragraph (b) of this section in whole or in part with respect to any program in any fiscal year if the Corporation determines that the waiver would be equitable due to lack of available financial resources at the local level.

§ 2517.710 Are there limits on the use of funds?

Yes. The following limits apply to funds made available under this part:

(a)(1) The recipient of a direct grant from the Corporation may spend no more than five percent of the grant funds on administrative costs for any fiscal year.

(2) If a Corporation grantee makes a subgrant to an entity to carry out a service-learning program, the Corporation grantee may determine how the allowable administrative costs will be distributed between itself and the subgrantee.

(b) Funds made available under this part may not be used to pay any stipend, allowance, or other financial support to any participant in a service-learning program under this part except reimbursement for transportation, meals, and other reasonable out-of-pocket expenses directly related to participation in a program assisted under this part.

§ 2517.720 What is the length of a grant?

A grant under this part is for a period of up to three years, subject to satisfactory performance and annual appropriations.

§ 2517.730 May an applicant submit more than one application to the Corporation for the same project at the same time?

No. The Corporation will reject an application for a project if an application for funding or educational awards for the same project is already pending before the Corporation.

Subpart H—Evaluation Requirements

§ 2517.800 What are the evaluation requirements for community-based programs?

The evaluation requirements for recipients of grants and subgrants under part 2516 of this chapter, relating to school-based service-learning programs, apply to recipients under this part.

PART 2518—SERVICE-LEARNING CLEARINGHOUSE

S.c.

2518.100 What is the purpose of a Service-Learning Clearinghouse?

2518.110 What are the functions of a Service-Learning Clearinghouse?

Authority: 42 U.S.C. 12501 *et seq.*

§ 2518.100 What is the purpose of a Service-Learning Clearinghouse?

The Corporation will provide financial assistance, from funds appropriated to carry out the activities listed under parts 2530 through 2533 of this chapter, to public or private nonprofit organizations that have extensive experience with service-learning, including use of adult volunteers to foster service-learning, to establish a clearinghouse, which will carry out activities, either directly or by arrangement with another such organization, with respect to information about service-learning.

§ 2518.110 What are the functions of a Service-Learning Clearinghouse?

An organization that receives assistance from funds appropriated to carry out the activities listed under parts 2530 through 2533 of this chapter may—

(a) Assist entities carrying out State or local service-learning programs with needs assessments and planning;

(b) Conduct research and evaluations concerning service-learning;

(c)(1) Provide leadership development and training to State and local service-learning program administrators, supervisors, project sponsors, and participants; and

(2) Provide training to persons who can provide the leadership development and training described in paragraph (c)(1) of this section;

(d) Facilitate communication among entities carrying out service-learning

programs and participants in such programs;

(e) Provide information, curriculum materials, and technical assistance relating to planning and operation of service-learning programs, to States and local entities eligible to receive financial assistance under this title;

(f) Provide information regarding methods to make service-learning programs accessible to individuals with disabilities;

(g)(1) Gather and disseminate information on successful service-learning programs, components of such successful programs, innovative youth skills curricula related to service-learning, and service-learning projects; and

(2) Coordinate the activities of the Clearinghouse with appropriate entities to avoid duplication of effort;

(h) Make recommendations to State and local entities on quality controls to improve the quality of service-learning programs;

(i) Assist organizations in recruiting, screening, and placing service-learning coordinators; and

(j) Carry out such other activities as the Chief Executive Officer determines to be appropriate.

PART 2519—HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE

Subpart A—Purpose and Eligibility to Apply

Sec.

2519.100 What is the purpose of the Higher Education programs?

2519.110 Who may apply for a grant?

Subpart B—Use of Grant Funds

2519.200 How may grant funds be used?

Subpart C—Participant Eligibility and Benefits

2519.300 Who may participate in a Higher Education program?

2519.310 Is a participant eligible to receive an AmeriCorps educational award?

2519.320 May a program provide a stipend to a participant?

Subpart D—Application Contents

2519.400 What must an applicant include in an application for a grant?

Subpart E—Application Review

2519.500 How does the Corporation review the merits of an application?

Subpart F—Distribution of Funds

2519.600 How are funds for Higher Education programs distributed?

Subpart G—Funding Requirements

2519.700 Are matching funds required?

2519.710 Are there limits on the use of funds?

2519.720 What is the length of a grant?

2519.730 May an applicant submit more than one application to the Corporation for the same project at the same time?

Subpart H—Evaluation Requirements

2519.800 What are the evaluation requirements for Higher Education programs?

Authority: 42 U.S.C. 12501 *et seq.*

Subpart A—Purpose and Eligibility to Apply

§ 2519.100 What is the purpose of the Higher Education programs?

The purpose of the higher education innovative programs for community service is to expand participation in community service by supporting high-quality, sustainable community service programs carried out through institutions of higher education, acting as civic institutions helping to meet the educational, public safety, human, and environmental needs of the communities in which the programs operate.

§ 2519.110 Who may apply for a grant?

The following entities may apply for a grant from the Corporation: (a) An institution of higher education.

(b) A consortium of institutions of higher education.

(c) A higher education partnership, as defined in § 2510.20 of this chapter.

Subpart B—Use of Grant Funds

§ 2519.200 How may grant funds be used?

Funds under a higher education program grant may be used for the following activities: (a) Enabling an institution of higher education, a higher education partnership or a consortium to create or expand an organized community service program that—

(1) Engenders a sense of social responsibility and commitment to the community in which the institution is located; and

(2) Provides projects for the participants described in § 2519.300.

(b) Supporting student-initiated and student-designed community service projects.

(c) Strengthening the leadership and instructional capacity of teachers at the elementary, secondary, and postsecondary levels with respect to service-learning by—

(1) Including service-learning as a key component of the preservice teacher education of the institution; and

(2) Encouraging the faculty of the institution to use service-learning methods throughout the curriculum.

(d) Facilitating the integration of community service carried out under the grant into academic curricula, including integration of clinical programs into the curriculum for

students in professional schools, so that students may obtain credit for their community service projects.

(e) Supplementing the funds available to carry out work-study programs under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 *et seq.*) to support service-learning and community service.

(f) Strengthening the service infrastructure within institutions of higher education in the United States that supports service-learning and community service.

(g) Providing for the training of teachers, prospective teachers, related education personnel, and community leaders in the skills necessary to develop, supervise, and organize service-learning.

Subpart C—Participant Eligibility and Benefits

§ 2519.300 Who may participate in a Higher Education program?

Students, faculty, administration and staff of an institution, as well as residents of the community may participate. For the purpose of this part, the term "student" means an individual who is enrolled in an institution of higher education on a full-time or part-time basis.

§ 2519.310 Is a participant eligible to receive an AmeriCorps educational award?

In general, no. However, certain positions in programs funded under this part may qualify as approved AmeriCorps positions. The Corporation will establish eligibility requirements for these positions as a part of the application package.

§ 2519.320 May a program provide a stipend to a participant?

(a) A program may provide a stipend for service activities for a participant who is a student if the provision of stipends is reasonable in the context of a program's design and objectives.

(1) A program may not provide a stipend to a student who is receiving academic credit for service activities unless the service activities require a substantial time commitment beyond that expected for the credit earned.

(2) A participant who is earning money for service activities under the work-study program described in § 2519.200(e) may not receive an additional stipend from funds under this part.

(b) Consistent with the AmeriCorps program requirements in § 2522.100 of this chapter, a program with participants serving in approved full-time AmeriCorps positions must ensure the provision of a living allowance and,

if necessary, health care and child care to those participants. A program may, but is not required to, provide a prorated living allowance to individuals participating in approved AmeriCorps positions on a part-time basis, consistent with the AmeriCorps program requirements in § 2522.240 of this chapter.

Subpart D—Application Contents

§ 2519.400 What must an applicant include in an application for a grant?

In order to apply to the Corporation for a grant, an applicant must submit the following: (a) A plan describing the goals and activities of the proposed program.

(b) The specific program, budget, and other information and assurances specified by the Corporation in the grant application package.

(c) Assurances that the applicant will—

(1) Keep such records and provide such information to the Corporation with respect to the program as may be required for fiscal audits and program evaluation;

(2) Comply with the nonduplication, nondisplacement, and grievance procedure requirements of part 2540 of this chapter;

(3) Prior to the placement of a participant in the program, consult with the appropriate local labor organization, if any, representing employees in the area who are engaged in the same or similar work as the work proposed to be carried out by the program, to prevent the displacement and protect the rights of those employees; and

(4) Comply with any other assurances that the Corporation deems necessary.

Subpart E—Application Review

§ 2519.500 How does the Corporation review an application?

(a) The Corporation will review an application submitted under this part on the basis of the quality, innovation, replicability, and sustainability of the proposed program and such other criteria as the Corporation establishes in an application package.

(b) In addition, in reviewing an application submitted under this part, the Corporation will give a proposed program increased priority for each characteristic described in paragraphs (b) (1) through (7) of this section. Priority programs—

(1) Demonstrate the commitment of the institution of higher education, other than by demonstrating the commitment of its students, to supporting the community service projects carried out under the program;

(2) Specify how the institution will promote faculty, administration, and staff participation in the community service projects;

(3) Specify the manner in which the institution will provide service to the community through organized programs, including, where appropriate, clinical programs for students in professional schools;

(4) Describe any higher education partnership that will participate in the community service projects, such as a higher education partnership comprised of the institution, a student organization, a community-based agency, a local government agency, or a nonprofit entity that serves or involves school-age youth or older adults;

(5) Demonstrate community involvement in the development of the proposal;

(6) Specify that the institution will use funds under this part to strengthen the infrastructure in institutions of higher education; or

(7) With respect to projects involving delivery of service, specify projects that involve leadership development of school-age youth.

(c) In addition, the Corporation may designate additional priorities in an application package that will be used in selecting programs.

Subpart F—Distribution of Funds

§ 2519.600 How are funds for Higher Education programs distributed?

All funds under this part are distributed by the Corporation through grants or by contract.

Subpart G—Funding Requirements

§ 2519.700 Are matching funds required?

(a) Yes. The Corporation share of the cost of carrying out a program funded under this part may not exceed 50 percent.

(b) In providing for the remaining share of the cost of carrying out a program, each recipient of assistance must provide for that share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services, and may provide for that share through State sources, local sources, of Federal sources (other than funds made available under the national service laws).

(c) However, the Corporation may waive the requirements of paragraph (b) of this section in whole or in part with respect to any program in any fiscal year if the Corporation determines that the waiver would be equitable due to lack of available financial resources at the local level.

§ 2519.710 Are there limits on the use of funds?

Yes. The recipient of a grant under this part may spend no more than five percent of the grant funds on administrative costs.

§ 2519.720 What is the length of a grant?

A grant under this part is for a period of up to three years, subject to satisfactory performance and annual appropriations.

§ 2519.730 May an applicant submit more than one application to the Corporation for the same project at the same time?

No. The Corporation will reject an application for a project if an application for funding or educational awards for the same project is already pending before the Corporation.

Subpart H—Evaluation Requirements**§ 2519.800 What are the evaluation requirements for Higher Education programs?**

The monitoring and evaluation requirements for recipients of grants and subgrants under part 2516 of this chapter, relating to school-based service-learning programs, apply to recipients under this part.

PART 2520—GENERAL PROVISIONS: AMERICORPS PROGRAMS

Sec.

2520.10 What is the purpose of the AmeriCorps program described in parts 2520 through 2524 of this chapter?

2520.20 What types of service activities are allowable for programs supported under parts 2520 through 2524 of this chapter?

2520.30 Are there any activities that are prohibited?

Authority: 42 U.S.C. 12501 *et seq.*

§ 2520.10 What is the purpose of the AmeriCorps program described in parts 2520 through 2524 of this chapter?

The purpose of the AmeriCorps grant program is to provide financial assistance to support AmeriCorps programs that address educational, public safety, human, or environmental needs through national and community service to provide AmeriCorps education awards to participants in such programs.

§ 2520.20 What types of service activities are allowable for programs supported under parts 2520 through 2524 of this chapter?

(a) The service must either provide a direct benefit to the community where it is performed, or involve the supervision of participants or volunteers whose service provides a direct benefit to the community where it is performed. Moreover, the approved AmeriCorps activities must result in a specific

identifiable service or improvement that otherwise would not be provided with existing funds or volunteers and that does not duplicate the routine functions of workers or displace paid employees. Programs must develop service opportunities that are appropriate to the skill levels of participants and that provide a demonstrable, identifiable benefit that is valued by the community.

(b) In certain circumstances, some activities may not provide a direct benefit to the communities in which service is performed. Such activities may include, but are not limited to, clerical work and research. However, a participant may engage in such activities if the performance of the activity is incidental to the participant's provision of service that does provide a direct benefit to the community in which the service is performed.

§ 2520.30 Are there any activities that are prohibited?

Yes. Some activities are prohibited altogether. Although all prohibited activities may be performed voluntarily by participants on their own time, they may not be performed by participants in the course of their duties, at the request of program staff, or in a manner that would associate the activities with the AmeriCorps program or the Corporation. These activities include:

(a) Any effort to influence legislation, as prohibited under section 501(c) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c));

(b) Organizing protests, petitions, boycotts, or strikes;

(c) Assisting, promoting or deterring union organizing;

(d) Impairing existing contracts for services or collective bargaining agreements;

(e) Engaging in partisan political activities, or other activities designed to influence the outcome of an election to any public office;

(f) Engaging in religious instruction, conducting worship services, providing instruction as part of a program that includes mandatory religious instruction or worship, constructing or operating facilities devoted to religious instruction or worship, maintaining facilities primarily or inherently devoted to religious instruction or worship, or engaging in any form of religious proselytization;

(g) Providing a direct benefit to—

(1) A business organized for profit;

(2) A labor union;

(3) A partisan political organization;

(4) A nonprofit organization that fails to comply with the restrictions contained in section 501(c) of the Internal Revenue Code of 1986 except

that nothing in this section shall be construed to prevent participants from engaging in advocacy activities undertaken at their own initiative; and

(5) An organization engaged in the religious activities described in paragraph (e) of this section, unless Corporation assistance is not used to support those religious activities; and

(h) Such other activities as the Corporation may prohibit.

PART 2521—ELIGIBLE AMERICORPS PROGRAM APPLICANTS AND TYPES OF GRANTS AVAILABLE FOR AWARD

Sec.

2521.10 Who may apply to receive an AmeriCorps grant?

2521.20 What types of AmeriCorps program grants are available for award?

2521.30 How will AmeriCorps program grants be awarded?

Authority: 42 U.S.C. 12501 *et seq.*

§ 2521.10 Who may apply to receive an AmeriCorps grant?

(a) States (including Territories), subdivisions of States, Indian tribes, public or private nonprofit organizations (including labor organizations), and institutions of higher education are eligible to apply for AmeriCorps grants. However, the fifty States, the District of Columbia and Puerto Rico must first receive Corporation authorization for the use of a State Commission or alternative administrative or transitional entity pursuant to part 2550 of this chapter in order to be eligible for an AmeriCorps grant.

(b) The Corporation may also enter into contracts or cooperative agreements for AmeriCorps assistance with Federal agencies that are Executive Branch agencies or departments, Bureaus, divisions, and local and regional offices of such departments and agencies may only receive assistance pursuant to a contract or agreement with the central department or agency. The requirements relating to Federal agencies are described in part 2523 of this chapter.

§ 2521.20 What types of AmeriCorps program grants are available for award?

The Corporation may make the following types of grants to eligible applicants. The requirements of this section will also apply to any State or other applicant receiving assistance under this part that proposes to conduct a grant program using the assistance to support other national or community service programs.

(a) *Planning grants.*—(1) *Purpose.* The purpose of a planning grant is to assist an applicant in completing the planning necessary to implement a sound concept that has already been developed.

(2) *Eligibility.* (i) States may apply directly to the Corporation for planning grants.

(ii) Subdivisions of States, Indian Tribes, public or private nonprofit organizations (including labor organizations), and institutions of higher education may apply either to a State or directly to the Corporation for planning grants.

(3) *Duration.* A planning grant will be negotiated for a term not to exceed one year.

(b) *Operational grants.*—(1) *Purpose.* The purpose of an operational grant is to fund an organization that is ready to establish, operate, or expand an AmeriCorps program. An operational grant may include AmeriCorps educational awards. An operational grant may also include a short planning period of up to six months, if necessary, to implement a program.

(2) *Eligibility.* (i) States may apply directly to the Corporation for operational grants.

(ii) Subdivisions of States, Indian Tribes, public or private nonprofit organizations (including labor organizations), and institutions of higher education may apply either to a State or directly to the Corporation for operational grants. The Corporation may limit the categories of applicants eligible to apply directly to the Corporation for assistance under this section consistent with its National priorities.

(3) *Duration.* An operational grant will be negotiated for a term not to exceed three years. Within a three-year term, renewal funding will be contingent upon periodic assessment of program quality, progress to date, and availability of Congressional appropriations.

(c) *AmeriCorps Educational Awards Only.*—(1) *Purpose.* The purpose of these awards is to provide AmeriCorps educational awards to programs that are not receiving or applying to the Corporation for program assistance but that meet the criteria for approved AmeriCorps positions, and desire to provide an AmeriCorps educational award to participants serving in approved positions.

(2) *Eligibility.* States, subdivisions of States, Indian Tribes, Federal agencies, public or private nonprofit organizations (including labor organizations), and institutions of higher education may apply directly to the Corporation for AmeriCorps educational awards only.

(d) *Replication Grants.* The Corporation may provide assistance for the replication of an existing national service program to another geographical location.

(e) *Training, technical assistance and other special grants.*—(1) *Purpose.* The purpose of these grants is to ensure broad access to AmeriCorps programs for all Americans, including those with disabilities; support disaster relief efforts; assist efforts to secure private support for programs through challenge grants; and ensure program quality by supporting technical assistance and training programs.

(2) *Eligibility.* Eligibility varies and is detailed under 45 CFR part 2524, "Technical Assistance and Other Special Grants."

(3) *Duration.* Grants will be negotiated for a renewable term of up to three years.

§ 2521.30 How will AmeriCorps program grants be awarded?

In any fiscal year, the Corporation will award AmeriCorps program grants as follows:

(a) *Grants to State Applicants.* (1) For the purposes of this section, the term "State" means the fifty States, Puerto Rico, and the District of Columbia.

(2) One-third of the funds available under this part and a corresponding allotment of AmeriCorps educational awards, as specified by the Corporation, will be distributed according to a population-based formula to the 50 States, Puerto Rico and the District of Columbia if they have applications approved by the Corporation.

(3) At least one-third of funds available under this part and an appropriate number of AmeriCorps awards, as determined by the Corporation, will be awarded to States on a competitive basis. In order to receive these funds, a State must receive funds under paragraphs (a)(2) or (b)(1) of this section in the same fiscal year.

(4) In making subgrants with funds awarded by formula or competition under paragraphs (a) (2) or (3) of this section, a State must: (i) Provide a description of the process used to select programs for funding including a certification that the State or other entity used a competitive process and criteria that were consistent with the selection criteria in § 2522.410 of this chapter. In making such competitive selections, the State must ensure the equitable allocation within the State of assistance and approved AmeriCorps positions provided under this subtitle to the State taking into consideration such factors as the location of the programs applying to the State, population density, and economic distress;

(ii) Provide a written assurance that not less than 60 percent of the assistance provided to the State will be used to make grants in support of

AmeriCorps programs other than AmeriCorps programs carried out by the State or a State agency. The Corporation may permit a State to deviate from this percentage if the State demonstrates that it did not receive a sufficient number of acceptable applications; and

(iii) Ensure that a minimum of 50 percent of funds going to States will be used for programs that operate in the areas of need or on Federal or other public lands, and that place a priority on recruiting participants who are residents in high need areas, or on Federal or other public lands. The Corporation may waive this requirement for an individual State if at least 50 percent of the total amount of assistance to all States will be used for such programs.

(b) *Grants to Applicants other than States.* (1) One percent of available funds will be distributed to the U.S. Territories¹ that have applications approved by the Corporation according to a population-based formula.²

(2) One percent of available funds will be reserved for distribution to Indian tribes on a competitive basis.

(3) The Corporation will use any funds available under this part remaining after the award of the grants described in paragraphs (a) and (b) (1) and (2) of this section to make direct competitive grants to subdivisions of States, Indian tribes, public or private nonprofit organizations (including labor organizations), institutions of higher education, and Federal agencies. No more than one-third of the these remaining funds may be awarded to Federal agencies.

(c) *Allocation of AmeriCorps educational awards only.* The Corporation will determine on an annual basis the appropriate number of educational awards to make available for eligible applicants who have not applied for program assistance.

(d) *Effect of States' or Territories' failure to apply.* If a State or U.S. Territory does not apply for or fails to give adequate notice of its intent to apply for a formula-based grant as announced by the Corporation and published in applications and the Notice of Funds Availability, the Corporation will use the amount of that State's allotment to make grants to

¹ The United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Palau (until such time as the Compact of Free Association with Palau is ratified).

² The amount allotted as a grant to each such territory or possession is equal to the ratio of each such Territory's population to the population of all such territories multiplied by the amount of the one percent set-aside.

eligible entities to carry out AmeriCorps programs in that State or Territory. Any funds remaining from that State's allotment after making such grants will be reallocated to the States, Territories, and Indian tribes with approved AmeriCorps applications at the Corporation's discretion.

(e) *Effect of rejection of State application.* If a State's application for a formula-based grant is ultimately rejected by the Corporation pursuant to § 2522.320 of this chapter, the State's allotment will be available for redistribution by the Corporation to the States, Territories, and Indian Tribes with approved AmeriCorps applications as the Corporation deems appropriate.

(f) The Corporation will make grants for training, technical assistance and other special programs described in part 2524 of this chapter at the Corporation's discretion.

(g) *Matching funds.*—(1) *Requirements.* (i) The matching requirements for participant benefits are specified in § 2522.240(b)(5) of this chapter.

(ii) The Corporation share of other AmeriCorps program costs may not exceed 75 percent, whether the assistance is provided directly or as a subgrant from the original recipient of the assistance.

(iii) These matching requirements apply only to programs receiving assistance under parts 2521 through 2524 of this chapter.

(2) *Calculation.* In providing for the remaining share of other AmeriCorps program costs, the program—

(i) Must provide for its share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

(ii) May provide for its share through State sources, local sources, or other Federal sources (other than funds made available by the Corporation).

(3) *Limitation on cost of health care.* A program may not count more than 85 percent of a cash payment for the cost of providing a health care policy toward its 15 percent remaining share under paragraph (g)(2)(i) of this section.

(4) *Waiver.* The Corporation reserves the right to waive, in whole or in part, the requirements of paragraph (g)(1) of this section if the Corporation determines that a waiver would be equitable due to a lack of available financial resources at the local level.

(h) *Administrative costs.* (1) The recipient of a direct grant or transfer of funds from the Corporation may spend no more than five percent of the grant or transferred funds on administrative costs

(2) Rules on use. States or other grantmaking entities that make subgrants to programs may retain no more than one-half of the five percent maximum administrative costs allowed for each Corporation grant.

PART 2522—AMERICORPS PARTICIPANTS, PROGRAMS, AND APPLICANTS

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Sec.

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Authority: 42 U.S.C. 12501 et seq.

Subpart A—Minimum Requirements and Program Types

§ 2522.100 What are the minimum requirements that every AmeriCorps program, regardless of type, must meet?

Although a wide range of programs may be eligible to apply for and receive support from the Corporation, all AmeriCorps programs must meet certain minimum program requirements. These requirements apply regardless of whether a program is supported directly by the Corporation or through a subgrant. All AmeriCorps programs must: (a) Address educational, public safety, human, or environmental needs, and provide a direct and demonstrable benefit that is valued by the community in which the service is performed;

(b) Perform projects that are designed, implemented, and evaluated with extensive and broad-based local input, including consultation with representatives from the community served, participants (or potential participants) in the program, community-based agencies with a demonstrated record of experience in providing services, and local labor organizations representing employees of project sponsors (if such entities exist in the area to be served by the program);

(c) Obtain, in the case of a program that also proposes to serve as the project sponsor, the written concurrence of any local labor organization representing employees of the project sponsor who are engaged in the same or substantially similar work as that proposed to be carried out by the AmeriCorps participant;

(d) Establish and provide outcome objectives, including a strategy for achieving these objectives, upon which self-assessment and Corporation-assessment of progress can rest. Such assessment will be used to help determine the extent to which the program has had a positive impact: (1) On communities and persons served by the projects performed by the program;

(2) On participants who take part in the projects; and

(3) In such other areas as the program or Corporation may specify;

(e) Strengthen communities and encourage mutual respect and cooperation among citizens of different races, ethnicities, socioeconomic

backgrounds, educational levels, both men and women and individuals with disabilities;

(f) Agree to seek actively to include participants and staff from the communities in which projects are conducted, and agree to seek program staff and participants of different races and ethnicities, socioeconomic backgrounds, educational levels, and genders as well as individuals with disabilities unless a program design requires emphasizing the recruitment of staff and participants who share a specific characteristic or background. In no case may a program violate the nondiscrimination, nonduplication and nondisplacement rules governing participant selection described in part 2540 of this chapter. In addition, programs are encouraged to establish, if consistent with the purposes of the program, an intergenerational component that combines students, out-of-school youths, and older adults as participants;

(g)(1) Determine the projects in which participants will serve and establish minimum qualifications that individuals must meet to be eligible to participate in the program; these qualifications may vary based on the specific tasks to be performed by participants. Regardless of the educational level or background of participants sought, programs are encouraged to select individuals who possess leadership potential and a commitment to the goals of the AmeriCorps program. In any case, programs must select participants in a non-partisan, non-political, non-discriminatory manner, ensuring fair access to participation. In addition, programs are required to ensure that they do not displace any existing paid employees as provided in part 2540 of this chapter. To this end, programs may not select any prospective participant who is or was previously employed by a prospective project sponsors within six months of the time of enrollment in the program;

(2) In addition, all programs are required to comply with any pre-service orientation or training period requirements established by the Corporation to assist in the selection of motivated participants. Finally, all programs must agree to select a percentage (to be determined by the Corporation) of the participants for the program from among prospective participants recruited by the Corporation or State Commissions under part 2532 of this chapter. The Corporation may also specify a minimum percentage of participants to be selected from the national leadership

pool established under § 2522.210(c). The Corporation may vary either percentage for different types of AmeriCorps programs;

(h) Provide reasonable accommodation, including auxiliary aids and services (as defined in section 3(1) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(1)) based on the individualized need of a participant who is a qualified individual with a disability (as defined in section 101(8) of such Act (42 U.S.C. 12111(8))). For the purpose of complying with this provision, AmeriCorps programs may apply for additional financial assistance from the Corporation pursuant to § 2524.40 of this chapter;

(i) Use service experiences to help participants achieve the skills and education needed for productive, active citizenship, including the provision, if appropriate, of structured opportunities for participants to reflect on their service experiences. In addition, all programs must encourage every participant who is eligible to vote to register prior to completing a term of service;

(j) Provide participants in the program with the training, skills, and knowledge necessary to perform the tasks required in their respective projects, including, if appropriate, specific training in a particular field and background information on the community, including why the service projects are needed;

(k) Provide support services—

(1) To participants who are completing a term of service and making the transition to other educational and career opportunities; and

(2) To those participants who are school dropouts in order to assist them in earning the equivalent of a high school diploma;

(l) Ensure that participants serving in approved AmeriCorps positions receive the living allowance and other benefits described in §§ 2522.240 through 2522.250 of this chapter;

(m) Describe the manner in which the AmeriCorps educational awards will be apportioned among individuals serving in the program. If a program proposes to provide such benefits to less than 100 percent of the participants in the program, the program must provide a compelling rationale for determining which participants will receive the benefits and which participants will not. AmeriCorps programs are strongly encouraged to offer alternative post-service benefits to participants who will not receive AmeriCorps educational awards, however AmeriCorps grant funds may not be used to provide such benefits;

(n) Agree to identify the program, through the use of logos, common application materials, and other means (to be specified by the Corporation), as part of a larger national effort and to participate in other activities such as common opening ceremonies (including the administration of a national oath or affirmation), service days, and conferences designed to promote a national identity for all AmeriCorps programs and participants, including those participants not receiving AmeriCorps educational awards. This provision does not preclude an AmeriCorps program from continuing to use its own name as the primary identification, or from using its name, logo, or other identifying materials on uniforms or other items;

(o) Agree to begin terms of service at such times as the Corporation may reasonably require and to comply with any restrictions the Corporation may establish as to when the program may take to fill an approved AmeriCorps position left vacant due to attrition;

(p) Comply with all evaluation procedures specified by the Corporation, as explained in §§ 2522.500 through 2522.560;

(q) In the case of a program receiving funding directly from the Corporation, meet and consult with the State Commission for the State in which the program operates, if possible, and submit a copy of the program application to the State Commission; and

(r) Address any other requirements as specified by the Corporation.

§ 2522.110 What types of programs are eligible to compete for AmeriCorps grants?

Types of programs eligible to compete for AmeriCorps grants include the following: (a) *Specialized skills programs.* (1) A service program that is targeted to address specific educational, public safety, human, or environmental needs and that—

(i) Recruits individuals with special skills or provides specialized pre-service training to enable participants to be placed individually or in teams in positions in which the participants can meet such needs; and

(ii) If consistent with the purposes of the program, brings participants together for additional training and other activities designed to foster civic responsibility, increase the skills of participants, and improve the quality of the service provided.

(2) A preprofessional training program in which students enrolled in an institution of higher education—

(i) Receive training in specified fields, which may include classes containing service-learning;

(ii) Perform service related to such training outside the classroom during the school term and during summer or other vacation periods; and

(iii) Agree to provide service upon graduation to meet educational, public safety, human, or environmental needs related to such training.

(3) A professional corps program that recruits and places qualified participants in positions—

(i) As teachers, nurses and other health care providers, police officers, early childhood development staff, engineers, or other professionals providing service to meet educational, public safety, human, or environmental needs in communities with an inadequate number of such professionals;

(ii) That may include a salary in excess of the maximum living allowance authorized in § 2522.240(b)(2); and

(iii) That are sponsored by public or private nonprofit employers who agree to pay 100 percent of the salaries and benefits (other than any AmeriCorps educational award from the National Service Trust) of the participants.

(b) *Specialized service programs.* (1) A community service program designed to meet the needs of rural communities, using teams or individual placements to address the development needs of rural communities and to combat rural poverty, including health care, education, and job training.

(2) A program that seeks to eliminate hunger in communities and rural areas through service in projects—

(i) Involving food banks, food pantries, and nonprofit organizations that provide food during emergencies;

(ii) Involving the gleaning of prepared and unprepared food that would otherwise be discarded as unusable so that the usable portion of such food may be donated to food banks, food pantries, and other nonprofit organizations;

(iii) Seeking to address the long-term causes of hunger through education and the delivery of appropriate services; or

(iv) Providing training in basic health, nutrition, and life skills necessary to alleviate hunger in communities and rural areas.

(3) A program in which economically disadvantaged individuals who are between the ages of 16 and 24 years of age, inclusive, are provided with opportunities to perform service that, while enabling such individuals to obtain the education and employment skills necessary to achieve economic self-sufficiency, will help their communities meet—

(i) The housing needs of low-income families and the homeless; and

(ii) The need for community facilities in low-income areas.

(c) *Community-development programs.* (1) A community corps program that meets educational, public safety, human, or environmental needs and promotes greater community unity through the use of organized teams of participants of varied social and economic backgrounds, skill levels, physical and developmental capabilities, ages, ethnic backgrounds, or genders.

(2) A program that is administered by a combination of nonprofit organizations located in a low-income area, provides a broad range of services to residents of such an area, is governed by a board composed in significant part of low-income individuals, and is intended to provide opportunities for individuals or teams of individuals to engage in community projects in such an area that meet unaddressed community and individual needs, including projects that would—

(i) Meet the needs of low-income children and youth aged 18 and younger, such as providing after-school 'safe-places', including schools, with opportunities for learning and recreation; or

(ii) Be directed to other important unaddressed needs in such an area.

(d) *Programs that expand service program capacity.* (1) A program that provides specialized training to individuals in service-learning and places the individuals after such training in positions, including positions as service-learning coordinators, to facilitate service-learning in programs eligible for funding under Serve-America.

(2) An AmeriCorps entrepreneur program that identifies, recruits, and trains gifted young adults of all backgrounds and assists them in designing solutions to community problems.

(e) *Campus-based programs.* A campus-based program that is designed to provide substantial service in a community during the school term and during summer or other vacation periods through the use of—

(1) Students who are attending an institution of higher education, including students participating in a work-study program assisted under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.);

(2) Teams composed of such students; or

(3) Teams composed of a combination of such students and community residents.

(f) *Intergenerational programs.* An intergenerational program that combines students, out-of-school youths, and older adults as participants to provide needed community services, including an intergenerational component for other AmeriCorps programs described in this subsection.

(g) *Youth development programs.* A full-time, year-round youth corps program or full-time summer youth corps program, such as a conservation corps or youth service corps (including youth corps programs under subtitle I, the Public Lands Corps established under the Public Lands Corps Act of 1993, the Urban Youth Corps established under section 106 of the National and Community Service Trust Act of 1993, and other conservation corps or youth service corps that perform service on Federal or other public lands or on Indian lands or Hawaiian home lands), that:

(1) Undertakes meaningful service projects with visible public benefits, including natural resource, urban renovation, or human services projects;

(2) Includes as participants youths and young adults between the ages of 16 and 25, inclusive, including out-of-school youths and other disadvantaged youths (such as youths with limited basic skills, youths in foster care who are becoming too old for foster care, youths of limited English proficiency, homeless youths, and youths who are individuals with disabilities) who are between those ages; and

(3) Provides those participants who are youths and young adults with—

(i) Crew-based, highly structured, and adult-supervised work experience, life skills, education, career guidance and counseling, employment training, and support services; and

(ii) The opportunity to develop citizenship values and skills through service to their community and the United States.

(h) *Individualized placement programs.* An individualized placement program that includes regular group activities, such as leadership training and special service projects.

(i) *Other programs.* Such other AmeriCorps programs addressing educational, public safety, human, or environmental needs as the Corporation may designate in the application.

Subpart B—Participant Eligibility, Requirements, and Benefits

§ 2522.200 What are the eligibility requirements for AmeriCorps participants?

(a) An AmeriCorps participant must be 17 years of age or older at the commencement of service (unless the

participant is in a program described in § 2522.110(g), in which case the participant must be between the ages of 16 and 25, inclusive, or in a program described in § 2522.110(b)(3), in which case the participant must be between the ages of 16 and 24).

(b) In general, an AmeriCorps participant must either have a high school diploma or its equivalent (including an alternative diploma or certificate for those individuals with disabilities for whom such an alternative diploma or certificate is appropriate) or agree to obtain a high school diploma or its equivalent prior to using the educational award. However, if the program in which the individual seeks to become a participant conducts an independent evaluation demonstrating that an individual is incapable of obtaining a high school diploma or its equivalent, the Corporation may waive this requirement.

(c) Unless an individual is enrolled in an institution of higher education on an ability to benefit basis and is considered eligible for funds under section 484 of the Higher Education Act of 1965 (20 U.S.C. 1091), that individual may not have dropped out of elementary or secondary school in order to enroll as an AmeriCorps participant.

(d) An AmeriCorps participant must be a citizen or national of the United States or lawful permanent resident alien of the United States.

§ 2522.210 How are AmeriCorps participants recruited and selected?

(a) *Local recruitment and selection.* In general, AmeriCorps participants will be selected locally by an approved AmeriCorps program, and the selection criteria will vary widely among the different programs. Nevertheless, AmeriCorps programs must select their participants in a fair and non-discriminatory manner which complies with part 2540 of this chapter. In selecting participants, programs must also comply with the recruitment and selection requirements specified in this section.

(b)(1) *National and State recruitment and selection.* The Corporation and each State Commission will establish a system to recruit individuals who desire to perform national service and to assist the placement of these individuals in approved AmeriCorps positions, which may include positions available under titles I and II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.). The national and state recruitment and placement system will be designed and operated according to Corporation guidelines.

(2) *Dissemination of information.* The Corporation and State Commissions will disseminate information regarding available approved AmeriCorps positions through cooperation with secondary schools, institutions of higher education, employment service offices, community-based organizations, State vocational rehabilitation agencies within the meaning of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) and other State agencies that primarily serve qualified individuals with disabilities, and other appropriate entities, particularly those organizations that provide outreach to disadvantaged youths and youths who are qualified individuals with disabilities.

(c) *National leadership pool—(1) Selection and training.* From among individuals recruited under paragraph (b) of this section or nominated by service programs, the Corporation may select individuals with significant leadership potential, as determined by the Corporation, to receive special training to enhance their leadership ability. The leadership training will be provided by the Corporation directly or through a grant, contract, or cooperative agreement as the Corporation determines.

(2) *Emphasis on certain individuals.* In selecting individuals to receive leadership training under this provision, the Corporation will make special efforts to select individuals who have served—

- (i) In the Peace Corps;
- (ii) As VISTA volunteers;
- (iii) As participants in AmeriCorps programs receiving assistance under parts 2520 through 2524 of this chapter;
- (iv) As participants in National Service Demonstration programs that received assistance from the Commission on National and Community Service; or
- (v) As members of the Armed Forces of the United States and who were honorably discharged from such service.

(3) *Assignment.* At the request of a program that receives assistance, the Corporation may assign an individual who receives leadership training under paragraph (c)(1) of this section to work with the program in a leadership position and carry out assignments not otherwise performed by regular participants. An individual assigned to a program will be considered to be a participant of the program.

§ 2522.220 What are the required terms of service for AmeriCorps participants, and may they serve for more than one term?

(a) *Term of service.* In order to be eligible for the educational award described in § 2522.240(a), participants

serving in approved AmeriCorps positions must complete a term of service as defined in this section:

(1) *Full-time service.* 1,700 hours of service during a period of not less than nine months and not more than one year.

(2) *Part-time service.* 900 hours of service during a period of not more than two years, or, if the individual is enrolled in an institution of higher education while performing all or a portion of the service, not more than three years.

(3) *Reduced part-time term of service.* The Corporation may reduce the number of hours required to be served in order to receive an educational award for certain part-time participants serving in approved AmeriCorps positions. In such cases, the educational award will be reduced in direct proportion to the reduction in required hours of service. These reductions may be made for summer programs, for categories of participants in certain approved AmeriCorps programs and on a case-by-case, individual basis as determined by the Corporation.

(4) *Summer programs.* A summer program, in which less than 1700 hours of service are performed, are part-time programs.

(b) *Restriction on multiple terms.* An AmeriCorps participant may only receive the benefits described in §§ 2522.240 through 2522.250 for the first two successfully-completed terms of service, regardless of whether those terms were served on a full-, part-, or reduced part-time basis.

(c) *Eligibility for second term.* A participant will only be eligible to serve a second or additional term of service if that individual has received satisfactory performance review(s) for any previous term(s) of service in accordance with the requirements of paragraph (d) of this section. Mere eligibility for a second or further term of service in no way guarantees a participant selection or placement.

(d) *Participant performance review.* For the purposes of determining a participant's eligibility for a second or additional term of service and/or for an AmeriCorps educational award, each AmeriCorps program will evaluate the performance of a participant mid-term and upon completion of a participant's term of service. The end-of-term performance evaluation will assess the following: (1) Whether the participant has completed the required number of hours described in paragraph (a) of this section;

(2) Whether the participant has satisfactorily completed assignments, tasks or projects; and

(3) Whether the participant has met any other performance criteria which had been clearly communicated both orally and in writing at the beginning of the term of service.

(e) *Limitation.* The Corporation may set a minimum or maximum percentage of hours of a full-time, part-time, or reduced term of service described in paragraphs (a)(1), (a)(2), and (a)(3) of this section that a participant may engage in training, education, or other similar approved activities

(f) *Grievance procedure.* Any AmeriCorps participant wishing to contest a program's ruling of unsatisfactory performance may file a grievance according to the procedures set forth in part 2540 of this chapter. If that grievance procedure or subsequent binding arbitration procedure finds that the participant did in fact satisfactorily complete a term of service, then that individual will be eligible to receive an educational award and/or be eligible to serve a second term of service.

§ 2522.230 Under what circumstances may AmeriCorps participants be released from completing a term of service, and what are the consequences?

In general, AmeriCorps programs have the authority to release participants serving in approved AmeriCorps positions from completing a term of service for two reasons: for compelling personal circumstances as demonstrated by the participant or for cause.

(a) *Release for compelling personal circumstances.* In general, AmeriCorps programs have the authority to define the circumstances by which a participant may be released for compelling personal circumstances. Programs wishing to release participants serving in approved AmeriCorps positions may elect either—

(1) To grant the release and provide a portion of the educational award equal to the portion of the term served; or

(2) To permit the participant to temporarily suspend performance of the term of service for a period of up to two years (and such additional period as the Corporation may allow for extenuating circumstances) and, upon completion of such period, to allow the participant to return to the program with which he or she was serving or to a similar AmeriCorps program with the assistance of the Corporation, in order to complete the remainder of the term of service and obtain the entire AmeriCorps educational award.

(b) *Release for cause.* AmeriCorps programs have the authority to define the circumstances by which a participant may be released for cause, except as specified in paragraph (b)(1) of

this section. AmeriCorps programs must establish a written policy to be signed both by the participant and the program directors that clearly states the circumstances under which participants may be released for cause. Examples of conduct which programs may decide constitutes grounds for release for cause include chronic truancy, consistent failure to follow directions, and failure to adhere to program rules and guidelines. Under no circumstances may a participant's disability constitute grounds for release for cause.

(1) *Circumstances requiring release for cause.* AmeriCorps programs are required to release for cause any participant who is convicted of a felony during a term of service. Any participant who is officially charged with a violent felony (e.g., rape or homicide), or sale or distribution of a controlled substance, or any participant convicted of the possession of a controlled substance, will have his or her service suspended without a living allowance and without receiving credit for hours missed. Any individual whose service was suspended because of being charged with a violent felony or sale or distribution of a controlled substance may resume service if he or she is found not guilty or if such charge is dismissed. Any individual whose service was suspended because of being convicted of a first offense of the possession of a controlled substance may resume service by demonstrating that he or she has enrolled in an approved drug rehabilitation program. A person convicted of a second or third possession of a controlled substance may resume service by demonstrating successful completion of a rehabilitation program. Any person that drops out of an AmeriCorps program without obtaining a release for compelling personal circumstances is considered to have been released for cause.

(2) *Impact of release for cause.* A participant released for cause may not receive any portion of the AmeriCorps educational award. In addition, any individual released for cause who wishes to reapply to the program from which he or she was released or to any other AmeriCorps program is required to disclose the release to that program. Failure to disclose to an AmeriCorps program any history of having been released for cause from another AmeriCorps program will render an individual ineligible to receive the AmeriCorps educational award, notwithstanding whether or not that individual successfully completes the term of service.

(3) *Grievance procedure.* Any AmeriCorps participant wishing to

contest a program decision to release that participant for cause may file a grievance according to the procedures set forth in part 2540 of this chapter. Pending the resolution of such grievance procedure, a program may suspend the service of that participant. If the initial grievance procedure or subsequent binding arbitration proceedings find that there was not cause for release, the AmeriCorps program must reinstate the participant; moreover, the program must credit the participant with any service hours missed and pay the participant the full amount of any living allowance the participant did not receive as a result of such suspension. The Corporation retains the discretion to determine whether Corporation funds may be used to pay the living allowance withheld during a participant's suspension.

§ 2522.240 What financial benefits do AmeriCorps participants serving in approved AmeriCorps positions receive?

(a) *AmeriCorps educational awards.* An individual serving in an approved AmeriCorps position will receive an educational award from the National Service Trust upon successful completion of each of up to two terms of service as defined in § 2522.220.

(b) *Living allowances—(1) Amount.* Subject to the provisions of this part, any individual who participates on a full-time basis in an AmeriCorps program carried out using assistance provided pursuant to § 2521.30 of this chapter, including an AmeriCorps program that receives educational awards only pursuant to § 2521.30(c) of this chapter, will receive a living allowance in an amount equal to or greater than the average annual subsistence allowance provided to VISTA volunteers under § 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955). This requirement will not apply to any program that was in existence prior to September 21, 1993 (the date of the enactment of the National and Community Service Trust Act of 1993).

(2) *Maximum living allowance.* With the exception of a professional corps described in § 2522.110(a)(3), the AmeriCorps living allowances may not exceed 200 percent of the average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955). A professional corps AmeriCorps program may provide a stipend in excess of the maximum, subject to the following conditions: (i) Corporation assistance may not be used to pay for any portion of the allowance; and

(ii) The program must be operated directly by the applicant, selected on a competitive basis by submitting an application directly to the Corporation, and may not be included in a State's application for the AmeriCorps program funds distributed by formula, or competition described in §§ 2521.30 (a)(2) and (a)(3) of this chapter.

(3) *Living allowances for part-time participants.* Programs may, but are not required to, provide living allowances to individuals participating on a part-time basis (or a reduced term of part-time service authorized under § 2522.220(a)(3)). Such living allowances should be prorated to the living allowance authorized in paragraph (b)(1) of this section and will comply with such restrictions therein.

(4) *Waiver or reduction of living allowance.* The Corporation may, at its discretion, waive or reduce the living allowance requirements if a program can demonstrate to the satisfaction of the Corporation that such requirements are inconsistent with the objectives of the program, and that participants will be able to meet the necessary and reasonable costs of living (including food, housing, and transportation) in the area in which the program is located.

(5) *Limitation on Federal share.* The Federal share, including Corporation and other Federal funds, of the total amount provided to an AmeriCorps participant for a living allowance is limited as follows: (i) In no case may the Federal share exceed 85% of the minimum required living allowance enumerated in paragraph (b)(1) of this section.

(ii) For professional corps described in paragraph (b)(2)(i) of this section, Corporation and other Federal funds may be used to pay for no portion of the living allowance.

(iii) If the minimum living allowance requirements has been waived or reduced pursuant to paragraph (b)(4) of this section and the amount of the living allowance provided to a participant has been reduced correspondingly—

(A) In general, the Federal share may not exceed 85% of the reduced living allowance; however,

(B) If a participant is serving in a program that provides room or board, the Corporation will consider on a case-by-case basis allowing the portion of that living allowance that may be paid using Corporation and other Federal funds to be between 85% and 100%.

§ 2522.250 What other benefits do AmeriCorps participants serving in approved AmeriCorps positions receive?

(a) *Child Care.* Grantees must provide child care through an eligible provider

or a child care allowance in an amount determined by the Corporation to those full-time participants who need child care in order to participate.

(1) *Need.* A participant is considered to need child care in order to participate in the program if he or she: (i) Is the parent or legal guardian of, or is acting in loco parentis for, a child under 13 who resides with the participant;

(ii) Has a family income that does not exceed 75 percent of the State's median income for a family of the same size;

(iii) At the time of acceptance into the program, is not currently receiving child care assistance from another source, including a parent or guardian, which would continue to be provided while the participant serves in the program; and

(iv) Certifies that he or she needs child care in order to participate in the program.

(2) *Provider eligibility.* Eligible child care providers are those who are eligible child care providers as defined in the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n(5)).

(3) *Child care allowance.* The amount of the child care allowance will be determined by the Corporation based on payment rates for the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(4)(A)).

(4) *Corporation share.* The Corporation will pay 100 percent of the child care allowance, or, if the program provides child care through an eligible provider, the actual cost of the care or the amount of the allowance, whichever is less.

(b) *Health care.* (1) Grantees must provide to all eligible participants who meet the requirements of paragraph (b)(2) of this section health care coverage that—

(i) Provides the minimum benefits determined by the Corporation;

(ii) Provides the alternative minimum benefits determined by the Corporation; or

(iii) Does not provide all of either the minimum or the alternative minimum benefits but that has a fair market value equal to or greater than the fair market value of a policy that provides the minimum benefits.

(2) *Participant eligibility.* A full-time participant is eligible for health care benefits if he or she is not otherwise covered by a health benefits package providing minimum benefits established by the Corporation at the time he or she is accepted into a program. If, as a result of participation, or if, during the term of service, a participant demonstrates loss of coverage through no deliberate act of his or her own, such as parental or spousal job loss or disqualification from

Medicaid, the participant will be eligible for health care benefits.

(3) *Corporation share.* (i) Except as provided in paragraph (b)(3)(ii) of this section, the Corporation will pay up to 85% of the cost of health care coverage that includes the minimum or alternative minimum benefits and is not excessive in cost.

(ii) The Corporation will pay no share of the cost of a policy that does not provide the minimum or alternative minimum benefits described in paragraphs (b)(1)(i) and (b)(1)(ii) of this section.

Subpart C—Application Requirements

§ 2522.300 What are the application requirements for AmeriCorps program grants?

All eligible applicants seeking AmeriCorps program grants must—

(a) Provide a description of the specific program(s) being proposed, including the type of program and of how it meets the minimum program requirements described in § 2522.100; and

(b) Comply with any additional requirements as specified by the Corporation in the application package.

§ 2522.310 What are the application requirements for AmeriCorps educational awards only?

(a) Eligible applicants may apply for AmeriCorps educational awards only for one of the following eligible service positions: (1) A position for a participant in an AmeriCorps program that:

(i) Is carried out by an entity eligible to receive support under part 2521 of this chapter;

(ii) Would be eligible to receive assistance under this part, based on criteria established by the Corporation, but has not applied for such assistance;

(2) A position facilitating service-learning in a program described in parts 2515 through 2519 of this chapter;

(3) A position involving service as a crew leader in a youth corps program or a similar position supporting an AmeriCorps program; and

(4) Such other AmeriCorps positions as the Corporation considers to be appropriate.

(b) Because programs applying only for AmeriCorps educational awards must, by definition, meet the same basic requirements as other approved AmeriCorps programs, applicants must comply with the same application requirements specified in § 2522.300.

§ 2522.320 May an applicant submit more than one application to the Corporation for the same project at the same time?

No. The Corporation will reject an application for a project if an application for funding or educational awards for the same project is already pending before the Corporation.

Subpart D—Selection of AmeriCorps Programs

§ 2522.400 How will the basic selection criteria be applied?

From among the eligible programs that meet the minimum program requirements and that have submitted applications to the Corporation, the Corporation must select the best ones to receive funding. Although there is a wide range of factors that must be taken into account during the selection process, there are certain fundamental selection criteria that apply to all programs in each grant competition, regardless of whether they receive funding or educational awards directly or through subgrants. States and other subgranting applicants are required to use these criteria during the competitive selection of subgrantees. The Corporation may adjust the relative weight given to each criterion. (Additional and more specific criteria will be published in the applications).

§ 2522.410 What are the basic selection criteria for AmeriCorps programs?

The Corporation will consider how well the program will be able to achieve the three impacts mentioned in paragraph (a) of this section as demonstrated by the program design, the capacity of the organization to carry it out and other factors relating to need. The Corporation will also consider the extent to which the program promotes the Corporation's goals; and the extent to which the program contributes to the overall diversity of programs desired by the Corporation. These criteria are discussed in this section. Additional detail relating to these criteria may be published in any notice of availability of funding.

(a) *Program impacts.* The Corporation will consider the extent to which the program: (1) Achieves direct and demonstrable results; (2) Strengthens communities; and (3) Promotes citizenship and increases educational opportunities for participants.

(b) *Program Criteria.*—(1) *Program design.* The Corporation will consider four factors relating to the program design: (i) The quality of the program proposed to be carried out directly by the applicant or supported by a grant from the applicant;

(ii) The innovative aspects of the AmeriCorps program; (iii) The feasibility of replicating the program; and

(iv) The sustainability of the program, based on evidence such as the existence of strong and broad-based community support for the program and of multiple funding sources or private funding.

(2) *Organizational capacity.* The Corporation will also consider an organization's capacity to carry out the program based on—

(i) The quality of the leadership of the AmeriCorps program;

(ii) The past performance of the organization or program; and

(iii) The extent to which the program builds on existing programs.

(c) *Need criteria.* In selecting programs, the Corporation will take into consideration the extent to which projects address State-identified issue priorities (if the program will be funded out of formula funds) or national priorities (if the program will be funded out of competitive funds), and whether projects would be conducted in areas of need.

(1) *Issue priorities.* In order to concentrate national efforts on meeting certain educational, public safety, human, or environmental needs, and to achieve the other purposes of this Act, the Corporation will establish, and after review of the strategic plan approved by the Board, periodically alter priorities regarding the AmeriCorps programs that will receive assistance (funding or approved AmeriCorps positions) and the purposes for which such assistance may be used. These priorities will be applied to assistance provided on a competitive basis as described in § 2521.30 of this chapter, and to any assistance provided through a subgrant of such funds.

(i) States must establish, and through the national service plan process described in part 2513 of this chapter, periodically alter priorities regarding the programs that will receive assistance (funding or approved AmeriCorps positions) provided on a formula basis as described in § 2521.30(a)(2) of this chapter. The State priorities will be subject to Corporation review as part of the application process under part 2521 of this chapter.

(ii) The Corporation will provide advance notice to potential applicants of any AmeriCorps priorities to be in effect for a fiscal year. The notice will describe any alternation made in the priorities since the previous notice. If a program receives multi-year funding based on conformance to national or state priorities and such priorities are altered after the first year of funding, the

program will not be adversely affected due to the change in priorities until the term of the grant is ended.

(2) *Areas of need.* Areas of need are: (i) Communities designated by the Federal government or States as empowerment zones or redevelopment areas, targeted for special economic incentives, or otherwise identifiable as having high concentrations of low-income people;

(ii) Areas that are environmentally distressed;

(iii) Areas adversely affected by Federal actions related to the management of Federal lands that result in significant regional job losses and economic dislocation;

(iv) Areas adversely affected by reductions in defense spending or the closure or realignment of military installations; and

(v) Areas that have an unemployment rate greater than the national average unemployment rate for the most recent 12 months for which satisfactory data are available.

(d) *Contribution to overall diversity of programs funded by the Corporation.* The Corporation will select programs that will help to achieve participant, program type, and geographic diversity across programs.

(e) *Additional considerations.* The Corporation may publish in any notice of availability of funding additional factors that it may take into consideration in selecting programs, including any additional priorities applicable to any or all funds.

§ 2522.420 Can a State's application for formula funds be rejected?

Yes. Formula funds are not an entitlement.

(a) *Notification.* If the Corporation rejects an application submitted by a State Commission under part 2550 of this chapter for funds described in § 2521.30 of this chapter, the Corporation will promptly notify the State Commission of the reasons for the rejection of the application.

(b) *Revision.* The Corporation will provide a State Commission notified under paragraph (a) of this section with a reasonable opportunity to revise and resubmit the application. At the request of the State Commission, the Corporation will provide technical assistance to the State Commission as part of the resubmission process. The Corporation will promptly reconsider an application resubmitted under this paragraph.

(c) *Redistribution.* The amount of any State's allotment under § 2521.30(a) of this chapter for a fiscal year that the Corporation determines will not be provided for that fiscal year will be

available for redistribution by the Corporation to the States, Territories and Indian Tribes with approved AmeriCorps applications as the Corporation deems appropriate.

Subpart E—Evaluation Requirements

§ 2522.500 What are the purposes of an evaluation?

Every evaluation effort should serve to improve program quality, examine benefits of service, or fulfill legislative requirements.

§ 2522.510 What types of evaluations are States, grant-making entities, and programs required to perform?

All grantees and subgrantees are required to perform internal evaluations which are ongoing efforts to assess performance and improve quality. Grantees and subgrantees may, but are not required to, arrange for independent evaluation which are assessments of program effectiveness by individuals who are not directly involved in the administration of the program. The cost of independent evaluations is allowable.

§ 2522.520 What types of internal evaluation activities are required of programs?

Programs are required to: (a) Continuously assess management effectiveness, the quality of services provided, and the satisfaction of both participants and persons served. Internal evaluation activities should seek frequent feedback and provide for quick correction of weaknesses. The Corporation encourages programs to use internal evaluation methods such as community advisory councils, participant advisory councils, peer reviews, quality control inspections, and customer and participant surveys; (b) Track progress toward objectives. Objectives will be established by programs and approved by the Corporation. Programs must submit to the Corporation (or State or grantmaking entity as applicable) periodic performance reports and, as part of an annual report, an annual performance report;

(c) Collect and submit to the Corporation (through the State or grantmaking entity as applicable) the following data: (1) Information on participants including the total number of participants in the program, and the number of participants by race, ethnicity, age, gender, economic background, education level, ethnic group, disability classification, geographic region, and marital status;

(2) Information on services conducted in areas classified as empowerment zones (or redevelopment areas), in areas

that are targeted for special economic incentives or otherwise identifiable as having high concentrations of low-income people, in areas that are environmentally distressed, in areas that are adversely affected by Federal actions related to the management of Federal lands, in areas that are adversely affected by reductions in defense spending, or in areas that have an unemployment rate greater than the national average unemployment rate;

(3) Other information as required by the Corporation; and

(d) Cooperate fully with all Corporation evaluation activities.

§ 2522.530 What types of activities are required of States or grantmaking entities to evaluate the effectiveness of their subgrantees?

In cases where a State or grantmaking entity is the direct grantee they will be required to: (a) Ensure that subgrantees comply with the requirements of this subpart;

(b) Track program performance in terms of progress towards pre-established objectives and ensure that corrective action is taken when necessary. Submit periodic performance reports and, as part of an annual report, an annual performance report to the Corporation for each subgrantee;

(c) Collect from programs and submit to the Corporation the descriptive information required in this subpart; and

(d) Cooperate fully with all Corporation evaluation activities.

§ 2522.540 How will the Corporation evaluate individual AmeriCorps programs?

The Corporation will evaluate programs based on the following: (a) The extent to which the program meets the objectives established and agreed to by the grantee and the Corporation before the grant award;

(b) The extent to which the program is cost-effective; and

(c) The effectiveness of the program in meeting the following legislative objectives: (1) Providing direct and demonstrable services and projects that benefit the community by addressing educational, public safety, human, or environmental needs;

(2) Recruiting and enrolling diverse participants consistent with the requirements of part 2540 of this chapter, based on economic background, race, ethnicity, age, gender, marital status, education levels, and disability;

(3) Promoting the educational achievement of each participant based on earning a high school diploma or its equivalent and future enrollment in and

completion of increasingly higher levels of education;

(4) Encouraging each participant to engage in public and community service after completion of the program based on career choices and participation in other service programs;

(5) Promoting an ethic of active and productive citizenship among participants;

(6) Supplying additional volunteer assistance to community agencies without providing more volunteers than can be effectively utilized;

(7) Providing services and activities that could not otherwise be performed by employed workers and that will not supplant the hiring of, or result in the displacement of, employed workers; and

(8) Other criteria determined and published by the Corporation.

§ 2522.550 What will the Corporation do to evaluate the overall success of the AmeriCorps programs?

(a) The Corporation will conduct independent evaluations of programs, including in-depth studies of selected programs. These evaluations will consider the opinions of participants and members of the community where services are delivered. Where appropriate these studies will compare participants with individuals who have not participated in service programs. These evaluations will: (1) Study the extent to which the national service impacts involved communities;

(2) Study the extent to which national service increases positive attitudes among participants regarding the responsibilities of citizens and their role in solving community problems;

(3) Study the extent to which national service enables participants to afford post-secondary education with fewer student loans;

(4) Determine the costs and effectiveness of different program models in meeting program objectives including full- and part-time programs, programs involving different types of national service, programs using different recruitment methods, programs offering alternative non-federally funded vouchers or post-service benefits, and programs utilizing individual placements and teams;

(5) Determine the impact of programs in each State on the ability of VISTA and National Senior Volunteer Corps, each regular and reserve component of the Armed Forces, and the Peace Corps to recruit individuals residing in that State; and

(6) Determine the levels of living allowances paid in all AmeriCorps programs and American Conservation and Youth Corps, individually, by State,

and by region and determine the effects that such living allowances have had on the ability of individuals to participate in such programs.

(b) The Corporation will also determine by June 30, 1995: (1) Whether the State and national priorities designed to meet educational, public safety, human, or environmental needs are being addressed;

(2) Whether the outcomes of both stipended and nonstipended service programs are defined and measured appropriately;

(3) Whether stipended service programs, and service programs providing educational benefits in return for service, should focus on economically disadvantaged individuals or at risk youth, or whether such programs should include a mix of individuals, including individuals from middle and upper income families;

(4) The role and importance of stipends and educational benefits in achieving desired outcomes in the service programs;

(5) The income distribution of AmeriCorps participants, to determine the level of participation of economically disadvantaged individuals. The total income of participants will be determined as of the date the participant was first selected to participate in a program and will include family total income unless the evaluating entity determines that the participant was independent at the time of selection. Definitions for "independent" and "total income" are those used in section 480(a) of the Higher Education Act of 1965;

(6) The amount of assistance provided under the AmeriCorps programs that has been expended for projects conducted in areas classified as empowerment zones (or redevelopment areas), in areas that are targeted for special economic incentives or are otherwise identifiable as having high concentrations of low-income people, in areas that are environmentally distressed or adversely affected by Federal actions related to the management of Federal lands, in areas that are adversely affected by reductions in defense spending, or in areas that have an unemployment rate greater than the national average unemployment rate for the most recent 12 months for which satisfactory data are available; and

(7) The implications of the results of these studies as appropriate for authorized funding levels.

§ 2522.560 Will information on individual participants be kept confidential?

(a) Yes. The Corporation will maintain the confidentiality of

information regarding individual participants that is acquired for the purpose of the evaluations described in § 2522.540. The Corporation will disclose individual participant information only with the prior written consent of the participant. However, the Corporation may disclose aggregate participant information.

(b) Grantees and subgrantees that receive assistance under this chapter must comply with the provisions of paragraph (a) of this section.

PART 2523—AGREEMENTS WITH OTHER FEDERAL AGENCIES FOR THE PROVISION OF AMERICORPS PROGRAM ASSISTANCE

Sec.

2523.10 Are Federal agencies eligible to apply for AmeriCorps program funds?

2523.20 Which Federal agencies may apply for such funds?

2523.30 Must Federal agencies meet the requirements imposed on grantees under parts 2521 and 2522 of this chapter?

2523.40 For what purposes should Federal agencies use AmeriCorps program funds?

2523.50 What types of grants are Federal agencies eligible to receive?

2523.60 May Federal agencies enter into partnerships or participate in consortia?

2523.70 Will the Corporation give special consideration to Federal agency applications that address certain needs?

2523.80 Are there restrictions on the use of Corporation funds?

2523.90 Is there a matching requirement for Federal agencies?

2523.100 Are participants in programs operated by Federal agencies Federal employees?

2523.110 Can Federal agencies submit multiple applications?

2523.120 Must Federal agencies consult with State Commissions?

Authority: 42 U.S.C. 12501 *et seq.*

§ 2523.10 Are Federal agencies eligible to apply for AmeriCorps program funds?

Yes. Federal agencies may apply for and receive AmeriCorps funds under parts 2521 and 2522 of this chapter, and they are eligible to receive up to one-third of the funds available for competitive distribution under § 2521.30(b)(3) of this chapter. The Corporation may enter into a grant, contract or cooperative agreement with another Federal agency to support an AmeriCorps program carried out by the agency. The Corporation may transfer funds available to it to other Federal agencies.

§ 2523.20 Which Federal agencies may apply for such funds?

The Corporation will consider applications only from Executive Branch agencies or departments. Bureaus, divisions, and local and

regional offices of such departments and agencies can only apply through the central department or agency; however, it is possible for the department or agency to submit an application proposing more than one program.

§ 2523.30 Must Federal agencies meet the requirements imposed on grantees under parts 2521 and 2522 of this chapter?

Yes, except as provided in § 2523.90. Federal agency programs must meet the same requirements and serve the same purposes as all other applicants seeking support under part 2522 of this chapter.

§ 2523.40 For what purposes should Federal agencies use AmeriCorps program funds?

AmeriCorps funds should enable Federal agencies to establish programs that leverage agencies' existing resources and grant-making powers toward the goal of integrating service more fully into agencies' programs and activities. Agencies should plan to ultimately support new service initiatives out of their own budgets and appropriations.

§ 2523.50 What types of funds are Federal agencies eligible to receive?

Federal agencies may apply for planning and operating funds subject to the terms established by the Corporation in § 2521.20 of this chapter, except that operating grants will be awarded with the expectation that the Federal agencies will support the proposed programs from their own budgets once the Corporation grant(s) expire.

§ 2523.60 May Federal agencies enter into partnerships or participate in consortia?

Yes. Such partnerships or consortia may consist of other Federal agencies, Indian Tribes, subdivisions of States, community based organizations, institutions of higher education, or other non-profit organizations. Partnerships and consortia must be approved by the Corporation.

§ 2523.70 Will the Corporation give special consideration to Federal agency applications that address certain needs?

Yes. The Corporation will give special consideration to those applications that address the national priorities established by the Corporation. The Corporation may also give special consideration to those applications that demonstrate the agency's intent to leverage its own funds through a Corporation-approved partnership or consortium, by raising other funds from Federal or non-Federal sources, by giving grantees incentives to build service opportunities into their programs, by committing appropriate in-kind resources, or by other means.

§ 2523.80 Are there restrictions on the use of Corporation funds?

Yes. The supplantation and nondisplacement provisions specified in part 2540 of this chapter apply to the Federal AmeriCorps programs supported with such assistance.

§ 2523.90 Is there a matching requirement for Federal agencies?

No. A Federal agency is not required to match funds in programs that receive support under this chapter. However, Federal agency subgrantees are required to match funds in accordance with the requirements of § 2521.30(g) and § 2522.240(b)(5) of this chapter.

§ 2523.100 Are participants in programs operated by Federal agencies Federal employees?

No. Participants in these programs have the same employee status as participants in other approved AmeriCorps programs, and are not considered Federal employees, except for the purposes of the Family and Medical Leave Act as specified in § 2540.220(b) of this chapter.

§ 2523.110 Can Federal agencies submit multiple applications?

No. The Corporation will only consider one application from a Federal agency for each AmeriCorps competition. The application may propose more than one program, however, and the Corporation may choose to fund any or all of those programs.

§ 2523.120 Must Federal agencies consult with State Commissions?

Yes. Federal agencies must provide a description of the manner in which the proposed AmeriCorps program(s) is coordinated with the application of the State in which the projects will be conducted. Agencies must also describe proposed efforts to coordinate AmeriCorps activities with State Commissions and other funded AmeriCorps programs within the State in order to build upon existing programs and not duplicate efforts.

PART 2524—AMERICORPS TECHNICAL ASSISTANCE AND OTHER SPECIAL GRANTS

Sec.

2524.10 For what purposes will technical assistance and training funds be made available?

2524.20 What are the guidelines for program development assistance and training grants?

2524.30 What are the guidelines for challenge grants?

Sec.

2524.40 What are the guidelines for grants to involve persons with disabilities?

2524.50 What are the guidelines for assistance with disaster relief?

Authority: 42 U.S.C. 12501 *et seq.*

§ 2524.10 For what purposes will technical assistance and training funds be made available?

(a) To the extent appropriate and necessary, the Corporation may make technical assistance available to States, Indian tribes, labor organizations, organizations operated by young adults, organizations serving economically disadvantaged individuals, and other entities eligible to apply for assistance under parts 2521 and 2522 of this chapter that desire—

(1) To develop AmeriCorps programs; or

(2) To apply for assistance under parts 2521 and 2522 of this chapter or under a grant program conducted using such assistance.

(b) In addition, the Corporation may provide program development assistance and conduct, directly or by grant or contract, appropriate training programs regarding AmeriCorps in order to—

(1) Improve the ability of AmeriCorps programs assisted under parts 2521 and 2522 of this chapter to meet educational, public safety, human, or environmental needs in communities—

(i) Where services are needed most; and

(ii) Where programs do not exist, or are too limited to meet community needs, as of the date on which the Corporation makes the grant or enters into the contract;

(2) Promote leadership development in such programs;

(3) Improve the instructional and programmatic quality of such programs to build an ethic of civic responsibility;

(4) Develop the management and budgetary skills of program operators;

(5) Provide for or improve the training provided to the participants in such programs;

(6) Encourage AmeriCorps programs to adhere to risk management procedures, including the training of participants in appropriate risk management practices; and

(7) Assist in such other manner as the Corporation may specify.

§ 2524.20 What are the guidelines for program development assistance and training grants?

(a) *Eligibility.* States, Federal agencies, Indian tribes, public or private nonprofit agencies, institutions of higher education, for-profit businesses, and individuals may apply for assistance under this section.

(b) *Duration.* A grant made under this section will be for a term of up to one year and is renewable.

(c) *Application requirements.* Eligible applicants must comply with the requirements specified in the Corporation's application package.

§ 2524.30 What are the guidelines for challenge grants?

(a) *Purpose.* The purpose of these grants is to challenge high quality AmeriCorps programs to diversify their funding base by matching private dollars they have raised with Corporation support. The Corporation will provide not more than \$1 for each \$1 raised in cash by the program from private sources in excess of amounts otherwise required to be provided by the program to satisfy the matching funds requirements specified under § 2521.30(g) of this chapter.

(b) *Eligibility.* Only Corporation grantees that meet all of the following eligibility criteria may apply for challenge grants: (1) They are funded under parts 2520 through 2523 of this chapter.

(2) They are high quality programs with demonstrated experience in establishing and implementing projects that provide benefits to participants and communities.

(3) They have operated with Corporation funds for at least six months.

(4) They have secured the minimum matching funds required by §§ 2521.30(g), 2522.240(b)(5), 2522.250(a)(4), and 2522.250(b)(2) of this chapter.

(c) *Allowable program activities.* Challenge grants are intended to provide special opportunities for national and community service programs to enroll additional participants or undertake other activities specified by the Corporation.

(d) *Application procedures.* Eligible applicants must comply with the requirements specified in the Corporation's application materials.

(e) *Limitation on use of the funds.* Each year the Corporation will establish a maximum award that a program may receive as a challenge grant.

(f) *Allocation of funds.* The Corporation will determine annually how much funding will be allocated to challenge grants from funds appropriated for AmeriCorps programs.

§ 2524.40 What are the guidelines for grants to involve persons with disabilities?

(a) *Purpose.* There are two general purposes for these grants: (1) To assist AmeriCorps grantees in placing applicants who require reasonable

accommodation (as defined in section 101(9) of the Americans With Disabilities Act of 1990, 42 U.S.C. 12111(9)) or auxiliary aids and services (as defined in section 3(1) of such Act, 42 U.S.C. 12102(1)) in an AmeriCorps program; and

(2) To conduct outreach activities to individuals with disabilities to recruit them for participation in AmeriCorps programs.

(b) *Eligibility*—(1) *Placement, accommodation, and auxiliary services.* Eligibility for assistance under this part is limited to AmeriCorps programs that:

(i) Receive competitive funding from the Corporation under § 2521.30(a)(3) or 2521.30(b)(3) of this chapter; and

(ii) Demonstrate that the program has received a substantial number of applications for placement from persons who are individuals with a disability and who require a reasonable accommodation (as defined in section 101(9) of the Americans with Disabilities Act of 1990), or auxiliary aids and services (as defined in section 3(1) of such Act) in order to perform national service; and

(iii) Demonstrate that additional funding would assist the program in placing a substantial number of such individuals with a disability as participants in projects carried out through the program.

(2) *Outreach.* Corporation grantees and any public or private nonprofit organization may apply for funds to conduct outreach to individuals with disabilities to recruit them for participation in AmeriCorps programs. Outreach funds can also be used by any organization to assist AmeriCorps programs in adapting their programs to encourage greater participation by individuals with disabilities.

(c) *Application procedures.* Eligible applicants must comply with the requirements specified in the Corporation's application materials.

§ 2524.50 What are the guidelines for assistance with disaster relief?

(a) *Purpose.* Disaster relief funds are intended to provide emergency assistance not otherwise available to enable national and community service programs to respond quickly and effectively to a Presidentially-declared disaster.

(b) *Eligibility.* Any AmeriCorps program (including youth corps, the National Civilian Community Corps, VISTA, and other programs authorized under the Domestic Volunteer Services Act) or grant making entity (such as a State or Federal agency) that is supported by the Corporation may apply for disaster relief grants.

(c) *Application process.* Eligible applicants must comply with the requirements specified in the Corporation's application materials.

(d) *Waivers.* In appropriate cases, due to the limited nature of disaster activities, the Corporation may waive specific program requirements such as matching requirements and the provision of AmeriCorps educational awards for participants supported with disaster relief funds.

PART 2530—PURPOSES AND AVAILABILITY OF GRANTS FOR INVESTMENT FOR QUALITY AND INNOVATION ACTIVITIES

Sec.

§ 2530.10 What are the purposes of the Investment for Quality and Innovation activities?

2530.20 Funding priorities.

Authority: 42 U.S.C. 12501 et seq.

2530.10 What are the purposes of the Investment for Quality and Innovation activities?

Investment for Quality and Innovation activities are designed to develop service infrastructure and improve the overall quality of national and community service efforts. Specifically, the Corporation will support innovative and model programs that otherwise may not be eligible for funding; and support other activities, such as training and technical assistance, summer programs, leadership training, research, promotion and recruitment, and special fellowships and awards. The Corporation may conduct these activities either directly or through grants to or contracts with qualified organizations.

§ 2530.20 Funding priorities.

The Corporation may choose to set priorities (and to periodically revise such priorities) that limit the types of innovative and model programs and support activities it will undertake or fund in a given fiscal year. In setting these priorities, the Corporation will seek to concentrate funds on those activities that will be most effective and efficient in fulfilling the purposes of this part.

PART 2531—INNOVATIVE AND SPECIAL DEMONSTRATION PROGRAMS

Sec.

2531.10 Military Installation Conversion Demonstration programs.

2531.20 Special Demonstration Project for the Yukon-Kuskokwim Delta of Alaska.

2531.30 Other innovative and model programs.

Authority: 42 U.S.C. 12501 et seq.

§ 2531.10 Military Installation Conversion Demonstration programs.

(a) *Purposes.* The purposes of this section are to: (1) Provide direct and demonstrable service opportunities for economically disadvantaged youth;

(2) Fully utilize military installations affected by closures or realignments;

(3) Encourage communities affected by such closures or realignments to convert the installations to community use; and

(4) Foster a sense of community pride in the youth in the community.

(b) *Definitions.* As used in this section: (1) *Affected military installation.* The term *affected military installation* means a military installation described in section 325(e)(1) of the Job Training Partnership Act (29 U.S.C. 1662d(e)(1)).

(2) *Community.* The term *community* includes a county.

(3) *Convert to community use.* The term *convert to community use*, used with respect to an affected military installation, includes—

(i) Conversion of the installation or a part of the installation to—

(A) A park;

(B) A community center;

(C) A recreational facility; or

(D) A facility for a Head Start program under the Head Start Act (42 U.S.C. 9831 et seq.); and

(ii) Carrying out, at the installation, a construction or economic development project that is of substantial benefit, as determined by the Chief Executive Officer, to—

(A) The community in which the installation is located; or

(B) A community located within 50 miles of the installation or such further distance as the Chief Executive Officer may deem appropriate on a case-by-case basis.

(4) *Demonstration program.* The term *demonstration program* means a program described in paragraph (c) of this section.

(c) *Demonstration programs.* (1) *Grants.*—The Corporation may make grants to communities and community-based agencies to pay for the Federal share of establishing and carrying out military installation conversion demonstration programs, to assist in converting to community use affected military installations located—

(i) Within the community; or

(ii) Within 50 miles of the community.

(2) *Duration.* In carrying out such a demonstration program, the community or community-based agency may carry out—

(i) A program of not less than 6 months in duration; or

(ii) A full-time summer program.

(d) *Use of Funds*—(1) *Stipend*. A community or community-based agency that receives a grant under paragraph (c) of this section to establish and carry out a project through a demonstration program may use the funds made available through such grant to pay for a portion of a stipend for the participants in the project.

(2) *Limitation on amount of stipend*. The amount of the stipend provided to a participant under paragraph (d)(1) of this section that may be paid using assistance provided under this section and using any other Federal funds may not exceed the lesser of—

(i) 85 percent of the total average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955); and

(ii) 85 percent of the stipend established by the demonstration program involved.

(e) *Participants*—(1) *Eligibility*. A person will be eligible to be selected as a participant in a project carried out through a demonstration program if the person is—

(i) Economically disadvantaged and between the ages of 16 and 24, inclusive;

(ii) In the case of a full-time summer program, economically disadvantaged and between the ages of 14 and 24; or

(iii) An eligible youth as described in section 423 of the Job Training Partnership Act (29 U.S.C. 1693).

(2) *Participation*. Persons desiring to participate in such a project must enter into an agreement with the sponsor of the project to participate—

(i) On a full-time or a part-time basis; and

(ii) For the duration referred to in paragraph (f)(2)(iii) of this section.

(f) *Application*—(1) *In general*. To be eligible to receive a grant under paragraph (c) of this section, a community or community-based agency must submit an application to the Chief Executive Officer at such time, in such manner, and containing such information as the Chief Executive Officer may require.

(2) *Contents*. At a minimum, such application must contain—

(i) A description of the demonstration program proposed to be conducted by the applicant;

(ii) A proposal for carrying out the program that describes the manner in which the applicant will—

(A) Provide preservice and inservice training, for supervisors and participants, that will be conducted by qualified individuals or qualified organizations;

(B) Conduct an appropriate evaluation of the program; and

(C) Provide for appropriate community involvement in the program;

(iii) Information indicating the duration of the program; and

(iv) An assurance that the applicant will comply with the nonduplication, nondisplacement and grievance procedure provisions of part 2540 of this chapter.

(g) *Limitation on Grant*. In making a grant under paragraph (c) of this section with respect to a demonstration program to assist in converting an affected military installation, the Corporation will not make a grant for more than 25 percent of the total cost of the conversion.

§ 2531.20 Special Demonstration Project for the Yukon-Kuskokwim Delta of Alaska.

(a) *Special Demonstration Project for the Yukon-Kuskokwim Delta of Alaska*. The President may award grants to, and enter into contracts with, organizations to carry out programs that address significant human needs in the Yukon-Kuskokwim delta region of Alaska.

(b) *Application*—(1) *General requirements*. To be eligible to receive a grant or enter into a contract under paragraph (a) of this section with respect to a program, an organization must submit an application to the President at such time, in such manner, and containing such information as required.

(2) *Contents*. The application submitted by the organization must, at a minimum—

(i) Include information describing the manner in which the program will utilize VISTA volunteers, individuals who have served in the Peace Corps, and other qualified persons, in partnership with the local nonprofit organizations known as the Yukon-Kuskokwim Health Corporation and the Alaska Village Council Presidents;

(ii) Take into consideration—

(A) The primarily noncash economy of the region; and

(B) The needs and desires of residents of the local communities in the region; and

(iii) Include specific strategies, developed in cooperation with the Yupi'k speaking population that resides in such communities, for comprehensive and intensive community development for communities in the Yukon-Kuskokwim delta region.

§ 2531.30 Other innovative and model programs.

(a) The Corporation may support other innovative and model programs

such as the following: (1) Programs, including programs for rural youth, described in parts 2515 through 2524 of this chapter;

(2) Employer-based retiree programs;

(3) Intergenerational programs;

(4) Programs involving individuals with disabilities providing service;

(5) Programs sponsored by Governors; and

(6) Summer programs carried out between May 1 and October 1 (which may also contain a year-round component).

(b) The Corporation will support innovative service-learning programs.

(c) Application procedures, selection criteria, timing, and other requirements will be announced in the Federal Register.

PART 2532—TECHNICAL ASSISTANCE, TRAINING, AND OTHER SERVICE INFRASTRUCTURE-BUILDING ACTIVITIES

Sec.

2532.10 Eligible activities.

Authority: 42 U.S.C. 12501 *et seq*

§ 2532.10 Eligible activities.

The Corporation may support—either directly or through a grant, contract or agreement—any activity designed to meet the purposes described in part 2530 of this chapter. These activities include, but are not limited to, the following: (a) *Community-based agencies*. The Corporation may provide training and technical assistance and other assistance to project sponsors and other community-based agencies that provide volunteer placements in order to improve the ability of such agencies to use participants and other volunteers in a manner that results in high-quality service and a positive service experience for the participants and volunteers.

(b) *Improve ability to apply for assistance*. The Corporation will provide training and technical assistance, where necessary, to individuals, programs, local labor organizations, State educational agencies, State Commissions, local educational agencies, local governments, community-based agencies, and other entities to enable them to apply for funding under one of the national service laws, to conduct high-quality programs, to evaluate such programs, and for other purposes.

(c) *Conferences and materials*. The Corporation may organize and hold conferences, and prepare and publish materials, to disseminate information and promote the sharing of information among programs for the purpose of

improving the quality of programs and projects.

(d) *Peace Corps and VISTA training.* The Corporation may provide training assistance to selected individuals who volunteer to serve in the Peace Corps or a program authorized under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 *et seq.*). The training will be provided as part of the course of study of the individual at an institution of higher education, involve service-learning, and cover appropriate skills that the individual will use in the Peace Corps or VISTA.

(e) *Promotion and recruitment.* The Corporation may conduct a campaign to solicit funds for the National Service Trust and other programs and activities authorized under the national service laws and to promote and recruit participants for programs that receive assistance under the national service laws.

(f) *Training.* The Corporation may support national and regional participant and supervisor training, including leadership training and training in specific types of service and in building the ethic of civic responsibility.

(g) *Research.* The Corporation may support research on national service, including service-learning.

(h) *Intergenerational support.* The Corporation may assist programs in developing a service component that combines students, out-of-school youths, and older adults as participants to provide needed community services.

(i) *Planning coordination.* The Corporation may coordinate community-wide planning among programs and projects.

(j) *Youth leadership.* The Corporation may support activities to enhance the ability of youth and young adults to play leadership roles in national service.

(k) *National program identity.* The Corporation may support the development and dissemination of materials, including training materials, and arrange for uniforms and insignia, designed to promote unity and shared features among programs that receive assistance under the national service laws.

(l) *Service-learning.* The Corporation will support innovative programs and activities that promote service-learning.

(m) *National youth service day.*—(1) *Designation.* April 19, 1994, and April 18, 1995 are each designated as "National Youth Service Day". The President is authorized and directed to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

(2) *Federal activities.* In order to observe National Youth Service Day at the Federal level, the Corporation may organize and carry out appropriate ceremonies and activities.

(3) *Activities.* The Corporation may make grants to public or private nonprofit organizations with demonstrated ability to carry out appropriate activities, in order to support such activities on National Youth Service Day.

(n) *Clearinghouses.*—(1) *Authority.* The Corporation may establish clearinghouses, either directly or through a grant or contract. Any service-learning clearinghouse to be established pursuant to part 2518 of this chapter is eligible to apply for a grant under this section. In addition, public or private nonprofit organizations are eligible to apply for clearinghouse grants.

(2) *Function.* A Clearinghouse may perform the following activities: (i) Assist entities carrying out State or local community service programs with needs assessments and planning;

(ii) Conduct research and evaluations concerning community service;

(iii) Provide leadership development and training to State and local community service program administrators, supervisors, and participants; and provide training to persons who can provide such leadership development and training;

(iv) Facilitate communication among entities carrying out community service programs and participants;

(v) Provide information, curriculum materials, and technical assistance relating to planning and operation of community service programs, to States and local entities eligible to receive funds under this chapter;

(vi) Gather and disseminate information on successful community service programs, components of such successful programs, innovative youth skills curriculum, and community service projects;

(vii) Coordinate the activities of the clearinghouse with appropriate entities to avoid duplication of effort;

(viii) Make recommendations to State and local entities on quality controls to improve the delivery of community service programs and on changes in the programs under this chapter; and

(ix) Carry out such other activities as the Chief Executive Officer determines to be appropriate.

(o) *Assistance for Head Start.* The Corporation may make grants to, and enter into contracts and cooperative agreements with, public or nonprofit private agencies and organizations that receive grants or contracts under the Foster Grandparent Program (part B of

title II of the Domestic Volunteer Service Act of 1973 (29 U.S.C. 5011 *et seq.*)), for projects of the type described in section 211(a) of such Act (29 U.S.C. 5011) operating under memoranda of agreement with the ACTION Agency, for the purpose of increasing the number of low-income individuals who provide services under such program to children who participate in Head Start programs under the Head Start Act (42 U.S.C. 9831 *et seq.*).

(p) *Other assistance.* The Corporation may support other activities that are consistent with the purposes described in part 2530 of this chapter.

PART 2533—SPECIAL ACTIVITIES

Sec.

2533.10 National service fellowships.

2533.20 Presidential awards for service.

Authority: 42 U.S.C. 12501 *et seq.*

§ 2533.10 National service fellowships.

The Corporation may award national service fellowships on a competitive basis. Application procedures, selection criteria, timing and other requirements will be announced in the **Federal Register**.

§ 2533.20 Presidential awards for service.

The President, acting through the Corporation, may make Presidential awards for service to individuals providing significant service, and to outstanding programs. Information about recipients of such awards will be widely disseminated. The President may provide such awards to any deserving individual or program, regardless of whether the individual is serving in a program authorized by this chapter or whether the program is itself authorized by this chapter. In no instance, however, may the award be a cash award.

PART 2540—GENERAL ADMINISTRATIVE PROVISIONS

Subpart A—Requirements Concerning the Distribution and Use of Corporation Assistance

Sec.

2540.100 What restrictions govern the use of Corporation assistance?

2540.110 Limitation on use of Corporation funds for administrative costs.

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~540.220 Under what circumstances and subject to what conditions are participants in Corporation-assisted projects eligible for family and medical leave?

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Subpart C—Other Requirements for Recipients of Corporation Assistance

2540.300 What must be included in annual State reports to the Corporation?

2540.310 Must programs that receive Corporation assistance establish standards of conduct?

2540.320 How are participant benefits treated?

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2540.400 Under what circumstances will the Corporation suspend or terminate a grant or contract?

Authority: 42 U.S.C. 12501 *et seq.*

Subpart A—Requirements Concerning the Distribution and Use of Corporation Assistance

§ 2540.100 What restrictions govern the use of Corporation assistance?

(a) *Supplantation.* Corporation assistance may not be used to replace State and local public funds that had been used to support programs of the type eligible to receive Corporation support. For any given program, this condition will be satisfied if the aggregate non-Federal public expenditure for that program in the fiscal year that support is to be provided is not less than the previous fiscal year.

(b) *Religious use.* Corporation assistance may not be used to provide religious instruction, conduct worship services, or engage in any form of proselytization.

(c) *Political activity.* Corporation assistance may not be used by program participants or staff to assist, promote, or deter union organizing; or finance, directly or indirectly, any activity designed to influence the outcome of a Federal, State or local election to public office.

(d) *Contracts or collective bargaining agreements.* Corporation assistance may not be used to impair existing contracts for services or collective bargaining agreements.

(e) *Nonduplication.* Corporation assistance may not be used to duplicate an activity that is already available in the locality of a program. And, unless the requirements of paragraph (f) of this section are met, Corporation assistance will not be provided to a private nonprofit entity to conduct activities that are the same or substantially equivalent to activities provided by a

State or local government agency in which such entity resides.

(f) *Nondisplacement.* (1) An employer may not displace an employee or position, including partial displacement such as reduction in hours, wages, or employment benefits, as a result of the use by such employer of a participant in a program receiving Corporation assistance.

(2) A service opportunity will not be created under this chapter that will infringe in any manner on the promotional opportunity of an employed individual.

(3) A participant in a program receiving Corporation assistance may not perform any services or duties or engage in activities that would otherwise be performed by an employee as part of the assigned duties of such employee.

(4) A participant in any program receiving assistance under this chapter may not perform any services or duties, or engage in activities, that—

(i) Will supplant the hiring of employed workers; or

(ii) Are services, duties, or activities with respect to which an individual has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures.

(5) A participant in any program receiving assistance under this chapter may not perform services or duties that have been performed by or were assigned to any—

(i) Presently employed worker;

(ii) Employee who recently resigned or was discharged;

(iii) Employee who is subject to a reduction in force or who has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures;

(iv) Employee who is on leave (terminal, temporary, vacation, emergency, or sick); or

(v) Employee who is on strike or who is being locked out.

§ 2540.110 Limitation on use of Corporation funds for administrative costs.

Not more than five percent of the amount of assistance provided to the original recipient of any grant or any transfer of assistance from the Corporation in any fiscal year may be used to pay for administrative costs incurred by—

(a) The original recipient of assistance; and

(b) Any subgrantee of that recipient.

Subpart B—Requirements Directly Affecting the Selection and Treatment of Participants

§ 2540.200 Under what circumstances may participants be engaged?

A State may not engage a participant to serve in any program that receives Corporation assistance unless and until amounts have been appropriated under section 501 of the Act (42 U.S.C. 12681) for the provision of AmeriCorps educational awards and for the payment of other necessary expenses and costs associated with such participant.

§ 2540.210 What provisions exist to ensure that Corporation-supported programs do not discriminate in the selection of participants and staff?

(a) An individual with responsibility for the operation of a project that receives Corporation assistance must not discriminate against a participant in, or member of the staff of, such project on the basis of race, color, national origin, sex, age, or political affiliation of such participant or member, or on the basis of disability, if the participant or member is a qualified individual with a disability.

(b) Any Corporation assistance constitutes Federal financial assistance for purposes of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 *et seq.*), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Age Discrimination Act of 1975 (42 U.S.C. 6101 *et seq.*), and constitutes Federal financial assistance to an education program or activity for purposes of the Education Amendments of 1972 (20 U.S.C. 1681 *et seq.*).

(c) An individual with responsibility for the operation of a project that receives Corporation assistance may not discriminate on the basis of religion against a participant in such project or a member of the staff of such project who is paid with Corporation funds. This provision does not apply to the employment (with Corporation assistance) of any staff member of a Corporation-supported project who was employed with the organization operating the project on the date the Corporation grant was awarded.

§ 2540.220 Under what circumstances and subject to what conditions are participants in Corporation-assisted programs eligible for family and medical leave?

(a) *Participants in State, local, or private nonprofits programs.* A participant in a State, local, or private nonprofit program receiving support from the Corporation is considered an eligible employee of the program's

project sponsor under the Family and Medical Leave Act of 1993 (29 CFR part 325) if—

(1) The participant has served for at least 12 months and 1,250 hours during the year preceding the start of the leave; and

(2) The program's project sponsors engages in commerce or any industry or activity affecting commerce, and employs at least 50 employees for each working day during 20 or more calendar workweeks in the current or preceding calendar year.

(b) *Participants in Federal programs.* Participants in Federal programs operated by the Corporation or by another Federal agency will be considered Federal employees for the purposes of the Family and Medical Leave Act if the participants have completed 12 months of service and the project sponsor is an employing agency as defined in 5 U.S.C 6381 *et seq.*; such participants therefore will be eligible for the same family and medical leave benefits afforded to such Federal employees.

(c) *General terms and conditions.* Participants that qualify as eligible employees under paragraphs (a) or (b) of this section are entitled to take up to 12 weeks of unpaid leave during a 12 month period for any of the following reasons (in the cases of both paragraphs (c)(1) and (2) of this section the entitlement to leave expires 12 months after the birth or placement of such child): (1) The birth of a child to a participant;

(2) The placement of a child with a participant for adoption or foster care;

(3) The serious illness of a participant's spouse, child or parent; or

(4) A participant's serious health condition that makes that participant unable to perform his or her essential service duties (a serious health condition is an illness or condition that requires either inpatient care or continuing treatment by a health care provider).

(d) *Intermittent leave or reduced service.* The program, serving as the project sponsor, may allow a participant to take intermittent leave or reduce his or her service hours due to the birth of or placement of a child for adoption or foster care. The participant may also take leave to care for a seriously ill immediate family member or may take leave due to his or her own serious illness whenever it is medically necessary.

(e) *Alternate placement.* If a participant requests intermittent leave or a reduced service hours due to a serious illness or a family member's sickness, and the need for leave is

foreseeable based on planned medical treatment, the program, or project sponsor may temporarily transfer the participant to an alternative service position if the participant: (1) Is qualified for the position; and

(2) Receives the same benefits such as stipend or living allowance and the position better accommodates the participants recurring periods of leave.

(f) *Certification of cause.* A program, or project sponsor may require that the participant support a leave request with a certification from the health care provider of the participant or the participant's family member. If a program sponsor requests a certification, the participant must provide it in a timely manner.

(g) *Continuance of coverage.* (1) If a State, local or private program provides for health insurance for the full-time participant, the sponsor must continue to provide comparable health coverage at the same level and conditions that coverage would have been provided for the duration of the participant's leave.

(2) If the Federal program provides health insurance coverage for the full-time participant, the sponsor must also continue to provide the same health care coverage for the duration of the participant's leave.

(h) *Failure to return.* If the participant fails to return to the program at the end of leave for any reason other than continuation, recurrence or onset of a serious health condition or other circumstances beyond his or her control, the program may recover the premium that he or she paid during any period of unpaid leave.

(i) *Applicability to term of service.* Any absence, due to family and medical leave, will not be counted towards the participant's term of service.

§ 2540.230 What grievance procedures must recipients of Corporation assistance establish?

State and local applicants that receive assistance from the Corporation must establish and maintain a procedure for the filing and adjudication of grievances from participants, labor organizations, and other interested individuals concerning programs that receive assistance from the Corporation. A grievance procedure may include dispute resolution programs such as mediation, facilitation, assisted negotiation and neutral evaluation. If the grievance alleges fraud or criminal activity, it must immediately be brought to the attention of the Corporation's inspector general.

(a) *Alternative dispute resolution.* (1) The aggrieved party may seek resolution through alternative means of dispute

resolution such as mediation or facilitation. Dispute resolution proceedings must be initiated within 45 calendar days from the date of the alleged occurrence. At the initial session of the dispute resolution proceedings, the party must be advised in writing of his or her right to file a grievance and right to arbitration. If the matter is resolved, and a written agreement is reached, the party will agree to forego filing a grievance in the matter under consideration.

(2) If mediation, facilitation, or other dispute resolution processes are selected, the process must be aided by a neutral party who, with respect to an issue in controversy, functions specifically to aid the parties in resolving the matter through a mutually achieved and acceptable written agreement. The neutral party may not compel a resolution. Proceedings before the neutral party must be informal, and the rules of evidence will not apply. With the exception of a written and agreed upon dispute resolution agreement, the proceeding must be confidential.

(b) *Grievance procedure for unresolved complaints.* If the matter is not resolved within 30 calendar days from the date the informal dispute resolution process began, the neutral party must again inform the aggrieved party of his or her right to file a formal grievance. In the event an aggrieved party files a grievance, the neutral may not participate in the formal complaint process. In addition, no communication or proceedings of the informal dispute resolution process may be referred to or introduced into evidence at the grievance and arbitration hearing. Any decision by the neutral party is advisory and is not binding unless both parties agree.

(c) *Time limitations.* Except for a grievance that alleges fraud or criminal activity, a grievance must be made no later than one year after the date of the alleged occurrence. If a hearing is held on a grievance, it must be conducted no later than 30 calendar days after the filing of such grievance. A decision on any such grievance must be made no later than 60 calendar days after the filing of the grievance.

(d) *Arbitration—(1) Arbitrator—(i) Joint selection by parties.* If there is an adverse decision against the party who filed the grievance, or 60 calendar days after the filing of a grievance no decision has been reached, the filing party may submit the grievance to binding arbitration before a qualified arbitrator who is jointly selected and independent of the interested parties.

(ii) *Appointment by Corporation.* If the parties cannot agree on an arbitrator within 15 calendar days after receiving a request from one of the grievance parties, the Corporations Chief Executive Officer will appoint an arbitrator from a list of qualified arbitrators.

(2) *Time Limits.*—(i) *Proceedings.* An arbitration proceeding must be held no later than 45 calendar days after the request for arbitration, or, if the arbitrator is appointed by the Chief Executive Officer, the proceeding must occur no later than 30 calendar days after the arbitrator's appointment.

(ii) *Decision.* A decision must be made by the arbitrator no later than 30 calendar days after the date the arbitration proceeding begins.

(3) *The cost.* The cost of the arbitration proceeding must be divided evenly between the parties to the arbitration. If, however, a participant, labor organization, or other interested individual prevails under a binding arbitration proceeding, the State or local applicant that is a party to the grievance must pay the total cost of the proceeding and the attorney's fees of the prevailing party.

(e) *Suspension of placement.* If a grievance is filed regarding a proposed placement of a participant in a program that receives assistance under this chapter, such placement must not be made unless the placement is consistent with the resolution of the grievance.

(f) *Remedies.* Remedies for a grievance filed under a procedure established by a recipient of Corporation assistance may include—

(1) Prohibition of a placement of a participant; and

(2) In grievance cases where there is a violation of nonduplication or nondisplacement requirements and the employer of the displaced employee is the recipient of Corporation assistance—

(i) Reinstatement of the employee to the position he or she held prior to the displacement;

(ii) Payment of lost wages and benefits;

(iii) Re-establishment of other relevant terms, conditions and privileges of employment; and

(iv) Any other equitable relief that is necessary to correct any violation of the nonduplication or nondisplacement requirements or to make the displaced employee whole.

(g) *Suspension or termination of assistance.* The Corporation may suspend or terminate payments for assistance under this chapter.

(h) *Effect of noncompliance with arbitration.* A suit to enforce arbitration awards may be brought in any Federal district court having jurisdiction over the parties without regard to the amount in controversy or the parties' citizenship.

Subpart C—Other Requirements for Recipients of Corporation Assistance

§ 2540.300 What must be included in annual State reports to the Corporation?

(a) *In general.* Each State receiving assistance under this title must prepare and submit, to the Corporation, an annual report concerning the use of assistance provided under this chapter and the status of the national and community service programs in the State that receive assistance under this chapter. A State's annual report must include information that demonstrates the State's compliance with the requirements of this chapter.

(b) *Local grantees.* Each State may require local grantees that receive assistance under this chapter to supply such information to the State as is necessary to enable the State to complete the report required under paragraph (a) of this section, including a comparison of actual accomplishments with the goals established for the program, the number of participants in the program, the number of service hours generated, and the existence of any problems, delays or adverse conditions that have affected or will affect the attainment of program goals.

(c) *Availability of report.* Reports submitted under paragraph (a) of this section must be made available to the public on request.

§ 2540.310 Must programs that receive Corporation assistance establish standards of conduct?

Yes. Programs that receive assistance under this title must establish and stringently enforce standards of conduct at the program site to promote proper moral and disciplinary conditions.

§ 2540.320 How are participant benefits treated?

Section 142(b) of the Job Training Partnership Act (29 U.S.C. 1552(b)) shall

apply to the programs conducted under this chapter as if such programs were conducted under the Job Training Partnership Act (29 U.S.C. 1501 *et seq.*).

Subpart D—Suspension and Termination of Corporation Assistance

§ 2540.400 Under what circumstances will the Corporation suspend or terminate a grant or contract?

(a) *Suspension of a grant or contract.* In emergency situations, the Corporation may suspend a grant or contract for not more than calendar 30 days. Examples of such situations may include, but are not limited to: (1) Serious risk to persons or property;

(2) Violations of Federal, State or local criminal statutes; and

(3) Material violation(s) of the grant or contract that are sufficiently serious that they outweigh the general policy in favor of advance notice and opportunity to show cause.

(b) *Termination of a grant or contract.* The Corporation may terminate or revoke assistance for failure to comply with applicable terms and conditions of this chapter. However, the Corporation must provide the recipient reasonable notice and opportunity for a full and fair hearing, subject to the following conditions: (1) The Corporation will notify a recipient of assistance by letter or telegram that the Corporation intends to terminate or revoke assistance, either in whole or in part, unless the recipient shows good cause why such assistance should not be terminated or revoked. In this communication, the grounds and the effective date for the proposed termination or revocation will be described. The recipient will be given at least 7 calendar days to submit written material in opposition to the proposed action.

(2) The recipient may request a hearing on a proposed termination or revocation. Providing five days notice to the recipient, the Corporation may authorize the conduct of a hearing or other meetings at a location convenient to the recipient to consider the proposed suspension or termination. A transcript or recording must be made of a hearing conducted under this section and be available for inspection by any individual.

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