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Application Guideline

General and Fiscal Guidelines ±New EDGAR
Revised February 2017

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Applicant Assistance

Applicants are responsible for periodically checking the TEA Grant Opportunities page for any postings of frequently asked questions (FAQs), additional/clarifying information, or errata notices that pertain to this application.

TEA assumes no responsibility and holds all applicants solely responsible for obtaining all information, errata notices, updates to this guidelines document, or changes to applications.

Navigating the TEA Grant Opportunities Page

All materials related to the RFA are published on the web via the TEA Grant Opportunities page. To navigate to the page and locate materials there, follow these steps:

1. On the TEA Home Page, hover over Finance & Grants on the top menu.
2. In the Grants category, select Applying for a Grant

Application Completion and Submission

This section describes the process of completing and submitting the application.

Coordination with the Business Office

To ensure compliance with required accounting procedures, all applicants are strongly encouraged to consult with their business office about assignment of budgeted items to the proper class/object codes before submitting the application. Advance coordination with the business office will expedite negotiation and processing of the application and may assist in avoiding audit exceptions for the subgrantee.

Supplement, Not Supplant

Unless otherwise specified in the Program Guidelines, Supplement, Not Supplant, funds for this program must be used to *supplement* (increase the level of services) and *not supplant* (replace) funds from federal, state, and local funds for similar activities. Any program activity required by state law, State Board of Education (SBOE) rules, or local board policy may not be paid for with these funds. State or local funds may not be decreased or diverted for other uses merely because of the availability of these funds. Subgrantees must maintain documentation that clearly demonstrates the supplementary nature of these funds.

Submitting an eGrants Application

This section describes the process of completing and submitting an application online in eGrants.

Applicants for an application available on the TEA web-based eGrants system must use eGrants to apply for the funds. You must provide the requested information complete and according to the instructions. For competitive grants, applicants will not be permitted to add further information past

Requirements Common to Both Paper and eGrants Applications

The following sections describe requirements that apply to all TEA grant applications.

Statutory Requirements

All statutory requirements defined in an application must be addressed before it will be considered for funding.

Other nonprofit applicants are required to attach proof of their nonprofit status to the application. See the Required Fiscal-Related Documents section for details.

Required Fiscal-Related Attachments

Required Program-Related Attachments

In addition to any required fiscal-related attachments, TEA may require program-related documentation to be submitted with the application. For competitive applications, all required attachments must be attached to each required copy of the application for it to be eligible for funding. Applications that are missing any required attachments will not be eligible for competitive review and scoring.

See the Program Guidelines, Required Program-Related Attachments, for a description of any program-related documentation required to be submitted with the application for the grant program.

Submitting the Application

The following sections describe the procedures related to proper submission of the application.

Applicants may request extensions to application deadlines for formula grants and noncompetitive discretionary grants, and the requests will be considered by TEA on a case-by-case basis. However, applicants may not request extensions, nor will they be granted, to competitive grant application deadlines.

eGrants Applications

The eGrants application must be certified and submitted by an individual who has been authorized by the applicant or subgrantee organization to enter the organization into a legally binding FRQWUDFWXDO DJUHHPHQW 7KH ³$XWKRUL]HG 2IILFLDO´ LV WKH L who will represent the applicant or subgrantee in the event any legal disputes arise. For school districts, this person is usually the superintendent. For education service centers (ESCs) and nonprofit organizations, this person is usually the executive director.

In establishing the time and date of receipt, the commissioner of education will rely solely on the date and time of the eGrants automated system. Competitive applications not submitted by 5:00 p.m. Central Time on the due date will not be accepted by TEA.

TEA accepts no responsibility for technical problems, delays, or insufficient capacity of technology that occurs at the applicant or originating organization. Applicants are strongly advised to submit competitive applications well before the deadline time and date in an effort to reduce or eliminate technical barriers.

Paper Applications

Copies and Signature

Per 2 CFR 22.335, for paper copies of the grant application, TEA requires an original and two copies.

All applications must be printed on one side only. Applications submitted by ISDs must be signed by the superintendent of the ISD or a designee. Applications submitted by regional ESCs must be signed by the executive director or a designee.

Applications submitted by open-enrollment charter schools must be signed by the chief operating officer of the school or a designee.

As Applicable to Campus or LEA Employees

As described on the Fingerprinting for Texas Educators and School District Personnel page of the TEA website, the followiug

The TEA subgrantee is responsible for the following:

- Contacting the Department of Public Safety to set up a secure site account to monitor progress
- Collecting personal information for all applicable employees and subcontractors
- Communicating instructions to those individuals on how fingerprints must be submitted, including information indicating that the individual is responsible for all associated fees
- 5HYLHZLQJ HDFK LQGLYLGXDO¶V FULPLQDO KLVWRU\ DQG HQV subcontractors are eligible for employment under the grant
- Maintaining any

Reasonable and Necessary

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TEA applies the federal cost principles to both state and federal grants. Funds requested must be only for those items that are *reasonable* and *necessary* for accomplishing the objectives of the program and for implementing activities as described in the application. All costs must be budgeted in the approved application to be eligible to be charged to the grant.

TEA staff will review, during grant negotiations, if costs budgeted in the application are reasonable and necessary for the grant program and size of the campus/LEA. Costs determined by TEA staff to be unallowable or not reasonable and necessary will be removed from the application during negotiations and may be reduced from the grant year budget, depending on the specific grant program. Requested funds may or may not be reallocated to other activities, depending on the specific grant program, after being determined unallowable or not reasonable and necessary by TEA staff.

Definition of Reasonable and Necessary

Costs that are r*easonable* are defined as those costs that are consistent with prudent business practice and comparable to current market value. Costs that are *necessary* are those costs that are essential to accomplish the objectives of the grant project. All items requested must be allowable expenditures under the authorizing program statutes, regulations, and rules.

In general, the budget schedules submitted by the applicant in the SAS must evidence the following:

< Project costs are reasonable in relation to expected outcomes:

 The amount requested would realistically be expected to have an impact on the stated needs.

 The expected outcomes are sufficient to justify the amounts requested.

< The program identifies and coordinates funding from several sources.

< All expenditures are pertinent to and appropriate for the objectives and activities stated.

Reasonable Costs

A cost can be considered reasonable if it meets the following standards:

< The cost is of a type generally recognized as ordinary and necessary for the operation of the organization or grant performance.

< Restrictions or requirements are imposed for generally accepted, sound business practices, arms-length bargaining, federal or state laws and regulations, and grant award terms and conditions.

< Individuals are acting with prudence in the circumstances of responsibility to the organization, its members, employees, clients, the public, and federal or state government.

< There are no significant deviations from established practices of the organization that may unjustifiably increase grant costs.

applies to any furniture or equipment regardless of unit price and item classification in the subgrantee ¶ V D F F R X Q W L Q J U H F R U G V

Computing Devices

Computing devices are machines used to acquire, store, analyze, process, and publish data and other information electronically, including accessories, or peripherals, for printing, transmitting and receiving, or storing electronic information.

Applicants should be thoughtful and deliberate in the planning phase of the application process when budgeting grant funds to purchase computing devices, in particular items such as tablet computers and laptops. Because different types of computing devices are used in different ways, they offer different benefits to the intended beneficiaries of the grant. The grant application must specify what type of computing devices are planned to be purchased and must demonstrate how the planned purchase aligns with the purpose and goals of the grant.

After grant funds are awarded, they must be expended in accordance with the approved budget. For instance, if the subgrantee budgeted for laptops and decides that tablet computers would be a more cost-effective means of serving the same need, the subgrantee must submit an amendment to the application, which must be approved before tablet computers may be purchased using grant funds.

Personal Use of Computing Devices Purchased with Grant Funds

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(as in a tower unit, often association with PCs) or in a unit that incorporates the monitor and processor (as with many Apple desktops, such as the iMac).

Because size and weight are not as important considerations in desktop computers as they are in laptops, desktops are often more powerful, with more installed memory and bigger monitors with higher resolution than what is found on a laptop.

Laptop Computer

A laptop computer is portable computer running a computer operating system and consisting of an integrated keyboard, trackpad (with the option of adding a mouse, either via wireless link or USB cable), and screen. The computer is operated via the keyboard, trackpad, and/or mouse, and the screen is for display only.

A laptop computer is built using the same components found in a full-sized desktop computer, except that the components are smaller and sometimes less powerful to make the computer portable. As a result, laptops can run software designed to perform complex functions, something tablets in general are not yet able to do.

Netbook

Netbooks were developed as a smaller, lighter, less expensive alternative to laptop computers. Netbooks generally lack advanced functions, such as a CD-ROM or DVD drive, of full-featured laptop computers. Over the period of their development, netbooks began to incorporate more and more features generally associated with laptop computers. The primary distinction, finally, came to be price, with netbooks being less expensive than laptops.

Although tablets are capable of running software applications, the applications tend to be limited in IXQFWLRQDOLW\ VLPLODU WR WKH ³DSSV´ GHYHORSHG IRU VPDU Most tablets run operating systems that were originally developed for smartphones, rather than operating systems designed for actual computers. Tablets are ideal for Internet browsing, email, creation and editing of digital photos and videos, E-book access, and very basic document creation and editing. They are designed with

[redacted]

Need for the Proposed Program

For this indicator, 20 points are possible.

- Details of the needs assessment methodology are provided, and the magnitude or severity of the problem to be addressed by the proposed program is significant. (10 points)
- As the result of a robust assessment effort, specific needs have been identified and strategies to address those needs have been described. (10 points)

Quality of Management Plan

For this indicator, 20 points are possible.

- Qualifications, experience, and certifications of program personnel and external consultants are of sufficient quality and depth to ensure successful implementation. (5 points)
- The management plan is designed to achieve the objectives of the proposed program on time and within budget, with appropriate timelines and milestones for accomplishing project tasks. (5 points)
- The procedures ensure feedback and continuous improvement in the operation of the proposed program through ongoing monitoring and adjustments as needed. (3 points)
- The proposed program will be coordinated with similar or related efforts using existing resources and facilities and with other appropriate community, state, and federal resources to maximize the effectiveness of grant funds. (3 points)
- The level of involvement and commitment to the program of all participants, including management, staff, collaborators and partners, is sufficient to ensure the successful implementation of the program goals, objectives, and activities. (4 points)

Quality of Program Evaluation

For this indicator, 10 points are possible.

- The methods of evaluation provide for examining the effectiveness of program strategies. (2 points)
- The methods of evaluation include the use of objective performance measures and indicators of program accomplishment that are clearly related to the intended results of the project and will produce quantitative and qualitative data to the extent possible. (3 points)
- The evaluation design includes processes for collecting data, including program-level data (such as program activities and the number of participants served) and student-level academic data (such as achievement results and attendance data). (3 points)
- The formative evaluation processes outlined in the application provide for the identification and correction of problems throughout the duration of the grant project. (2 points)

Meeting Program Requirements

For this indicator, 10 points are possible.

- Strategies and activities are 1 90.024 174.26 Tm 3(i)5(ntssp(r)-3(a)13(m)-3( )-4(a) Tm 3(i)5B-4(i)5(e)] TJ E

It is important that a diverse group of students and districts be represented in the operation of grant programs. Therefore, after all applications have received a final score, some additional factors may be considered before grant recipients are selected. The order in which applications are ranked may be changed to fund projects that represent a greater diversity of students and districts. In general, projects are selected to establish programs that accomplish the following:

- Meet the intent and purposes of the authorizing statute
- Are cost-effective (i.e., the total grant amount divided by the total number of students served equals the cost per student)
- May be replicated in districts with similar demographics
- Are diverse with respect to size of districts (include districts with small, medium, and large enrollment)
- Are diverse with respect to geographic location in Texas (include different ESC regions or quadrants of the state)
- Demonstrate greatest need
- Meet any additional criteria identified in the Program Guidelines

To be considered for funding, applicants for competitive grants and continuation grants that have previously received discretionary grants from TEA must have a positive record of successfully managing programs. A positive record includes being in compliance with all requirements and conditions of those grants, including financial management requirements, and implementing the grant programs according to the timelines and descriptions proposed in the grant applications.

Notice of Grant Award

Upon successful completion of application negotiation with TEA staff, the grant application is eligible to be funded through the issuance of the NOGA. The NOGA will incorporate this RFA, the instructions for each form, and the approved application as negotiated by TEA and will constitute the binding agreement between the parties.

To be eligible to receive an approved application, NOGA, and subsequent funding, applicants must not be on warrant hold by the Texas comptroller of public accounts, and must not owe TEA a refund for any discretionary grant.

Amending the Application

If selected for funding, subgrantees must submit any amendments to the approved application in accordance with the instructions for submitting amendments (see the SAS: Schedule #4 ² Request for Amendment and the associated instructions for paper grants or Schedule GS2900 for eGrants). Paper grant amendments may be submitted by any of the following means:

- By fax to (512) 463-9811 or (512) 463-7915
- By mail to the Document Control Center, Grants Administration Division, Texas Education Agency, 1701 N. Congress Ave., Austin TX 78701-1494
- In person to the second-floor visitor reception desk at the William B. Travis Building in downtown Austin (1701 N. Congress Ave., Austin, TX 78701-1494)

eGrants amendments must be submitted electronically using the eGrants system.

For competitive grants, subgrantees may not amend the grant application in a way that alters the basic program intent, goals, or objectives to the extent that the program would no longer be the program that received the application score and was subsequently recommended for funding.

Regardless of how a subgrantee distributes the funds among the class/object codes, the subgrantee is still responsible for carrying out the scope and objectives of the grant as described in the approved application.

TEA reserves the right to reject unnecessary amendments without reviewing and/or approving them.

Amendment Justification

Subgrantees are permitted to rebudget within the approved direct cost budget (as established on Schedule #6 ² Program Budget Summary for paper grants or the Schedule BS60XX ² Program Budget Summary and Support for eGrants) to meet unanticipated requirements and to make certain changes to the approved budget without written amendment. However, some changes do require the prior written approval of TEA through an amendment. Refer to the When to Amend the Application section below to determine when an amendment is required.

Regardless of whether an amendment is required, subgrantees must comply with any requirements for maximum or minimum expenditures for certain categories or activities. For example, if the grant requires that no more than 25% of the funds may be used for a certain activity, such as planning, the subgrantee must comply with this 25% maximum requirement.

Amendment Effective Date

An amendment, after being approved by TEA, is considered effective on the date it was received by TEA in substantially approvable form. All amendments are subject to negotiation.

In general, an amendment must be approved by TEA before any activities occur, such as purchase orders issued, funds encumbered or expended, goods received, or services rendered that are affected by the amendment. If the subgrantee chooses to implement such changes prior to the amendment being approved by TEA, the subgrantee will be responsible for paying, from other fund sources, any costs not approved during negotiations.

Submitting an Amendment

Schedules #1 and 4 of the paper application, or GS2900 ±Purpose of Amendment in eGrants, and any additional schedules affected by the proposed change are required to be submitted with all amendment requests.

Fund Management

General Rules

Subgrantees must maintain a proper general ledger that complies with GAAP and with federal financial management standards. Subgrantees must account for grant funds on a fund accounting basis (i.e., by grant funding source).

Pre-Award Costs

Definition of Pre -Award Costs

In some cases, when authorized by TEA, subgrantees may be permitted to make certain program-related expenditures before the grant beginning date (i.e., pre-award).

For instance, the beginning date of a program might be September 1. During the summer, however, a conference is being held that would be of substantial benefit to program participants. TEA authorizes pre-award costs for the grant to allow program participants to attend the conference. The subgrantee can request payment for expenditures even though they were incurred before the grant beginning date.

Review the program guidelines for the grant to determine whether pre-award costs are permitted and to learn the period during which they are allowable.

Requesting Pre -Award Costs

In order for the subgrantee to be reimbursed for pre-award costs, pre-award costs must generally be requested in the originally approved grant application (including adding the request during negotiations of the original application). If an applicant did not request pre-award costs in the originally approved grant application, the applicant may subsequently request pre-award costs through an amendment if the subgrantee provides additional justification and documentation that explains why the request was not submitted in the original grant application.

IDEA-B High Cost and IDEA-B Discretionary Residential must follow the specific pre-award cost rules in the program guidelines for each application, respectively.

Pre-award costs are part of, and not in addition to, the total grant award.

Budgeting Pre -Award Costs

eGrant Ap plications

In eGrants applications, applicants must use the pre-award column, if available in the BS60XX ± Program Budget and Support. Otherwise, the subgrantee is required to submit a pre-award

Applicants must indicate cost share/matching amounts in the appropriate columns in the application. Applicants are not required to list cost share/matching amounts in the same class/object codes in which grant funds are budgeted. Applicants may distribute cost share/matching amounts among any of the class/object codes, so long as the costs are eligible to be paid from cost-share/matching funds and so long as the total cost share/matching amount is equal to or greater than the cost share/matching amount required by TEA (or the authorizing statute, whichever is the case).

Subgrantees are required to maintain the same auditable records, including time and effort documentation, if applicable, for all expenditures relating to cost share/matching funds as for the regular grant funds. These records must be maintained by the business office in the same manner and for the same time

- How, if the applicant disagrees with the views of the private nonprofit school officials on the provision of services through a contract, the applicant will provide in writing to these officials an analysis of the reasons why the organization has chosen not to use a contractor

Equitable Services

Many program statute require equitable services to be provided to participating private nonprofit schools. When this is applicable, the services that a subgrantee provides to private nonprofit school participants must be equitable in comparison to the services and benefits provided to public school participants. Services are equitable if the subgrantee does the following:

- Addresses and assesses the needs and progress of private school participants on a comparable basis to public school participants
- Determines the number of participants to be served in an equitable manner
- Meets the equal expenditure requirements
-

4. The total dollar amount available = $100,000
5. $100,000 ÷ 1025 = $97.56 per student
6. $97.56 (per student amount) × 25 (number of eligible private school students) = $2,439
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Maintenance of Effort

If the authorizing statute requires, a maintenance of effort (MOE) requirement shall apply to the federally-funded grant program.

In order for TEA to determine if the subgrantee is maintaining the appropriate fiscal effort, it verifies HDFK /($¶V 02(

Limits on Contracted Evaluators

When a subgrantee chooses, or is required under a subgrant, to hire a contracted evaluator, TEA believes that the evaluator must have the capability to remain independent and objective in carrying RXW WKH HYDOXDWLRQ ³,QGHSHQGHQW DQG REMHFWLYH´ LPSOLH perceived, exerted on the evaluator by any person who is involved in the provision of program services. Therefore, the only way in which a contracted evaluator can be truly independent and objective is not to be involved in any manner with the provision of program services or activities. Otherwise, the evaluator is, at least in part, evaluating its own services.

In addition, TEA is aware that some grant writers develop and design the grant program, write the entire grant application, and then wish to evaluate the grant program. TEA also believes that this scenario poses a conflict of interest for the evaluator, in that the evaluator is evaluating the grant program that he or she designed, developed, and wrote. Again, it is not possible for the evaluator to function independently and objectively if the evaluator performed in this capacity. It is certainly acceptable for the grant writer to receive some information from a potential evaluator to include in the evaluation section of the grant application with regard to an appropriate evaluation plan or design, but communication between the grant writer and evaluator should be limited to that specific topic.

Applicants should make every effort to ensure that contracted evaluators are independent and objective.

Expenditure Reporting

See the Requesting Payment through the Expenditure Reporting (ER) System section for more information on using ER for expenditure reporting.

Subgrantees in good standing may report expenditures at any time to receive payment, (see the Cash Management section above.) Subgrantees are strongly encouraged to request payment for legitimate expenditures regularly to indicate to TEA that funds are being spent and that activities are being carried out according to the established timelines, provided such payments conform to the rules pertaining to cash management.

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The applicant agrees to report expenditures by class/object code in ER when it requests each payment. The subrecipient is responsible for ensuring the Grantee Manager and/or Grantee Official, or such person using the Grantee Manager or *UDQWHH 2IILFLDO¶V FUHGHQWLDO subrecipient KDV EHHQ DXWKRU organization to enter the organization into legally binding agreements for grant payment purposes prior to the Grantee Manager or Grantee Official certifying and submitting expenditure payment requests in the ER system. This authorized official must certify each request for payment as described in 2 CFR 200.415.

Interim Expenditure Reports

As good grant management practice, semi-annual and other interim expenditure reports should be filed in ER. TEA does not require interim expenditure reports on any certain schedule.

Final Expenditure Report

In general, the final expenditure report must be filed in ER within 30 days after the ending date of the grant. (See TEA Grant Opportunities for due dates.) The total project costs of the grant, as provided on the final expenditure report, should equal and in no case may exceed the total expenditures by class/object code recorded in the financial accounting records of the subgrantee organization.

If cost share or matching is required in accordance with the Program Guidelines, the subgrantee must report the total cost share or match expended on the final expenditure report. The subgrantee is reimbursed only for that portion or percentage of grant funds that meets cost share or match requirements.

Failure to meet reporting deadlines may result in loss of funds and could cause the subgrantee to be identified as "high-risk." If a subgrantee fails to comply with the requirement to submit a final expenditure report within 30 days after the ending date of the grant, the last interim expenditure report filed will be the basis of the final expenditure report. (See the Request to Extend Reporting Deadline section below.) In the event that no interim or final expenditure reports have been submitted, TEA staff will enter the final expenditures as $0 total expenditures to allow for the grant closeout process. Depending on the specific grant, the subgrantee may or may not be able to access the funds as carryover.

Request to Extend Reporting Deadline

An LEA that misses the deadline for a final or revised final expenditure report has 30 days to request an extension of the deadline. If there is no opportunity for a revised final expenditure report, the LEA has 10 days after the final expenditure reporting deadline to submit the request for an extension. All requests for extensions to expenditure reporting deadlines must be submitted using the Request to Extend Expenditure Reporting Deadline form. The form is posted on the Request to Extend Expenditure Reporting Deadline page of the TEA website.

To access the page:

Click on Finance and Grants

Click on Administering a Grant

On right side menu bar under Grants, click on Request to Extend Expenditure Report

Requests for expenditure deadline extensions are not granted automatically. TEA staff will evaluate each request on a case-by-case basis, with the decision to extend a deadline remaining completely

Requirements if an audit is required in accordance with Subpart F. Audit findings for federal programs will be forwarded to the appropriate TEA division for follow up.

Beginning in fiscal year 2016, subrecipients of federal discretionary and federal discretionary continuation grants from TEA that are nonprofit organizations (other than charter schools) and universities or colleges and that expend $750,000 or more total in federal awards in any fiscal year are required to conduct a Single Audit or program-specific audit in accordance with the requirements in Subpart F . Subgrantees must report audit findings as follows to TEA by mailing to Federal Fiscal Monitoring Division, Texas Education Agency, 1701 N. Congress Ave., Austin, TX 78701-1494:

< With findings: If the schedule of findings and questioned costs discloses audit findings relating to any federal awards provided by TEA, the subgrantee must submit a copy of such D X G L W WFRM.7 ($ ¶ V

< Status of prior-year findings: If the summary schedule of prior audit findings reports the status of any audit findings relating to any federal awards provided by TEA, a copy of such audiauros5(os -13.995(ed)2c007(y)1ed)2c007(y)1u Pis(ced)2A11.005(i)5ys(TD [(au)2TJ EMC /12.72 u

High-Risk Status, Specific Conditions, and Remedies for Noncompliance

Notice of Agency Policy

TEA conducts federal fiscal grant subrecipient monitoring and compliance reviews, and implements related remedies for noncompliance, in accordance with its established policies and procedures. These policies and procedures incorporate best practices and standards that may be similar to common auditing standards, but the agency does not apply a specific set of external standards, such as the US *RYHUQPHQW $FFRXQWDELOLW\ 2IILFH¶V *HQHUDOO\ $FFH
Standards (Yellow Book), nor is it required to do so.

TEA reserves the right not to award a discretionary grant to a high-risk subgrantee or to a subgrantee that is materially noncompliant with the terms and conditions of another award. If a subgrantee is identified as high risk by TEA during the grant period, TEA reserves the right to begin procedures immediately to terminate the grant. The subgrantee will be reimbursed for allowable expenditures up through the date of notification of high-risk status.

Specific Conditions

Pursuant to 2 CFR 200.207, if TEA identifies, in its sole determination, a VXEJUDQWHH DV SRVLQJ D OHYHO RI ULVN LGHQWLILHG
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Remedies for Noncompliance

If TEA determines that noncompliance cannot be corrected by imposing the specific conditions, TEA may take one or more of the following remedies for noncompliance actions, as appropriate in the circumstances. 1) temporarily withhold cash payments pending correction of the deficiency, 2) disallow all or part of an activity or action not in compliance, 3) wholly or partly suspend or terminate the grant award, 4) initiate suspension or disbarment proceedings under 2 CFR 180, 5) withhold further grant awards for the project, or 6) take other remedies that may be legally available pursuant to 2 CFR 200.338.

Notification of Remedies for Noncompliance and Opportunity for Hearing

Upon taking any remedy for non-compliance, TEA must provide the subrecipient an opportunity to object and provide information and documentation challenging the suspension or termination action. (2 CFR 200.341) In addition, 34 CFR 76.401 provides TEA with statutory authority for its procedure for hearing appeals related to the disapproval of an application for grant funding.

The procedure for the hearing of appeals arising under federal law and regulations is codified in Texas Administrative Code (TAC), Title 19, Part II, Subchapter CC, §157.1083.

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Per TAC §157.1082, applicants have the opportunity for a hearing when TEA disapproves or withholds grant funds, such as any of the following:

- IDEA LEA MOE
- NCLB LEA MOE
- Title I comparability
- 2 CFR 200, Subpart F (independent audits) questioned costs
- TEA audit or monitoring review resulting in questioned costs
- Any other enforcement actions where TEA reduces subgrantee allocation amounts or requires refunds due to compliance or eligibility requirements
- Disapproval of an application, as applicable (per 34 CFR 76.401)

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Per 34 CFR 76.401(c)(1) and (2) and TAC §157.1081, TEA must offer an opportunity for a hearing if the applicant alleges that TEA took either of the following actions in violation of state or federal statute or regulation:

- Disapproval of or failure to approve the application or project in whole or in part
- Failure to provide funds in amounts in accordance with the require

Applicant Requirements

According to the procedures in TAC §157.1083, the hearing must be requested within thirty (30) calendar days of the date of the enforcement letter and must be requested in accordance with the procedures specified in TAC §157.1083.

In the request for hearing, the organization shall specify:

1.