

Attachment 5A

Explanatory Note for Department of Education November 5, 2010

Key components of the Department of Education's report for status of NEPA compliance for projects and activities funded under Division A of the American Recovery and Reinvestment Act of 2009 (ARRA), for the period ending September 30, 2010, are explained below.

NEPA Applicability:

The vast majority of Department of Education ARRA funds are formula grants to States for programs, many of which are primarily related to teaching. Headcount is the primary component of many of these grants. Accordingly, most ED programs are listed as NEPA Not Applicable for this report.

One exception to this statement is TAFS #91-0103, Impact Aid – Construction. The discretionary portion of these awards was awarded in the quarter ending June 30, 2010. These awards may be subject to NEPA requirements and we are working with CEQ to develop the appropriate NEPA process for these grants. Until this determination has been made, these 24 awards will be listed as “NEPA Not Applicable.” While the Department continues to examine how NEPA applies to this ARRA program, in accord with 40 C.F.R. § 1501.3(b) the Department requires an environmental assessment to expedite the projects and ensure that the Department and the grantees have fully considered any potential environmental ramifications from these projects. While the Department has obligated funds to the affected projects, in order to meet the September 30, 2010, deadline for obligation established by ARRA, just 10% of the grants have been released to facilitate project planning. Upon satisfactory completion of an environmental review, the Department will make the final decision to proceed with the project and release up to 90% of the remaining funds. Specifically, we have received environmental assessments from 4 school districts, we will require assessments from 6 other school districts. We have issued 2 letters to school districts indicating that the environmental assessment and Section 106 reviews have been completed. Construction may begin on these projects.

Basis for Total Projects/Activities Calculation for Titles/Programs:

Impact Aid, TAFS #91-0103

The total number of grantees remains at 203; 24 discretionary awards and 179 formula awards. All grantees are local educational agencies (LEAs).

Formula Grants to States: Projects/activities are identified as individual grant awards. These programs include:

- Education for the Disadvantaged (Title I), TAFS #91-0901 – 57 awards including all States, Territories, District of Columbia, Indian Set-Aside
- School Improvement Grants, TAFS #91-0901 – 52 awards to all states plus DC and Puerto Rico

- School Improvement Programs (Homeless Youth, Education Technology), TAFS #91-1001 – 57 awards for each of these two programs including all States, Territories, District of Columbia, Indian Set-Aside

Student Financial Assistance, TAFS #91-0199

Approximately 6,000 schools and 8 million students receive student financial assistance under ARRA. We have chosen to aggregate these awards at the state level to provide a definition of projects/activities comparable to other ED programs. Accordingly, we are defining a Student Financial Assistance project/activity by the number of states/ territories receiving this funding (57).

Student Aid Administration, TAFS #91-0198: 5 representing each contract awarded

Special Education, TAFS #91-0299: The number of formula awards (164) reflects the total of awards covered by three different CFDA numbers:

- 56 Grants to States, with a total ARRA appropriation of 11.3 billion
- 52 Preschool Grants, with a total ARRA appropriation of 400 million
- 56 Grants for Infants and Toddlers with Disabilities and their Families, with a total ARRA appropriation of 428,085,940

Rehabilitation Services & Disability Research, TAFS #91-0302: The number of awards (449) listed under Rehabilitation Services & Disability Research (Vocational Rehab, Independent Living Centers) reflects both formula and discretionary awards covered by multiple CFDA numbers as follows:

- 80 Vocational Rehabilitation State Grants formula awards to 57 States and territories
- 78 Independent Living (IL) Grants formula awards to States and territories
- 56 IL Services for Older Individuals Who Are Blind Program Grants formula awards to State and territories
- A total of 343 Centers for Independent Living Program discretionary awards have now been made; this is an increase of 108 vs. the previous report.
- One award was made this quarter for the American Indian Vocational Rehabilitation Training and Technical Assistance Center.

State Fiscal Stabilization Fund, TAFS #91-1909

- For the State Fiscal Stabilization Fund formula awards, each State/Territory will be counted as 1 project. All 50 states plus Puerto Rico, DC, Guam, Northern Marianas Islands, USVI, and American Samoa have received funding for a total of 56; no change from prior quarters
- For the Race to the Top discretionary grant program, each award will be counted as one project. 13 awards were obligated during the past quarter; Tennessee from Phase 1, all 10 Phase 2 awards, and awards to the lead states representing the 2 winning consortia in the Race to the Top Assessments Competition

- For the Investing in Innovation Fund discretionary grant program, each award will be counted as one project. 49 awards were obligated during the past quarter to the winners of this competition, which are school districts or non-profit organizations, including institutions of higher education.

Higher Education/Institute of Education Sciences/Innovation and Improvement: each grantee for these discretionary grants will be counted as 1 project upon award. Discretionary grants have yet been awarded as follows:

- A small amount of pre-award Innovation and Improvement funds, TAFS #91-0207 (Teacher Incentive Fund) administrative expenses have been expended; this is considered 1 activity. 12 Teacher Incentive Fund ARRA awards were made this quarter, in addition to the 15 Teacher Incentive Fund continuation awards awarded previously for TAFS #91-0207.
- 12 Teacher Quality Partnership awards, TAFS #91-0196.
- 20 Statewide Longitudinal Data Systems awards, TAFS #91-0197, were granted during the past quarter. These awards are listed for the first time with this report.

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