

meeting the eligibility requirements for a Letter of Designation. Applications that do not include a Letter of Designation from an appropriate entity of local government will be disqualified and not competed for an award.

Applicants from Indian Tribes and Regional Corporations must include a tribal resolution from the governing body of the Tribe(s) or Regional Corporation(s), designating a Local Council for the purpose of the ELOA. In general, the Tribal Council would not be considered a Local Council for ELOA unless its membership also meets the composition requirements described below (see Composition of Local Council).

"State" governments do not meet the definition of "Local Government" (see Part I (D)). Therefore, a Letter(s) of Designation from an entity(ies) of State Government will not be considered as meeting these eligibility requirements.

Local Councils that were formed prior to the date of enactment of the ELOA and that meet the membership requirements below will be considered eligible for the purposes of applying for an ELOA grant if a Letter(s) of Designation from an appropriate entity(ies) of local government is submitted as part of the application. In localities where a Local Council does not exist, one may be formed and designated for the purposes of applying for an ELOA grant.

In addition, Local Councils may be faith-based organizations or may include faith-based organizations in their membership, provided that the eligibility criteria outlined below are met.

2. Composition of a Local Council

To receive an award, the membership of the Local Council must be composed of:

- a. Representatives of local agencies that will be directly affected by early learning programs assisted under the ELOA and this announcement;
- b. Parents;
- c. Other individuals concerned with early learning issues in the locality, such as representatives of entities providing elementary education, child care resource and referral services, early learning opportunities, child care, and health services; and
- d. Other key community leaders.

3. Local Council as Applicant and Designation of Fiscal Agent

The Local Council must be the applicant under this announcement (See Application for Federal Assistance, SF-424, Items 5-7) and, if selected to receive a grant, will be responsible for

ensuring compliance with all activities and terms of the grant.

A Local Council may enter into an agreement with an entity that is affected by, or concerned with early learning issues, and that has a demonstrated capacity for administering grants, to serve as Fiscal Agent for the administration of grant funds received by the Local Council under this program. This may include faith-based organizations or a State.

When a Local Council will use a Fiscal Agent, the Fiscal Agent's name and Employer Identification Number (EIN) must be included in the "Letter of Designation" (See Appendix B). In such instances, identifying information for the Local Council is entered in Item 5 (Applicant Information, Legal Name) and Item 7 (Type of Applicant), and the EIN for the Fiscal Agent is entered in Item 6 on the Application for Federal Assistance (SF-424).

4. Geographic Location and Locality(ies) To Be Served

Applicants must describe the precise location of the project and boundaries of the area to be served at the beginning of the Project Description Summary/Abstract (see Part III, A. below) including the following: the State, county(ies), and specific locality(ies) (e.g., city, town, township, borough, parish, or area served by another general purpose unit of local government, Indian Tribe, Regional Corporation (Alaska), or Native Hawaiian entity).

a. Applications received from different applicants (Local Councils) that are proposing to serve the same or overlapping geographic areas will be disqualified and not competed for an award. For example, if a Local Council proposing to serve all of County X applies, and a Local Council proposing to serve only Community A, which is within County X, also applies, both applications will be excluded from the review and not competed for an award.

b. Applicants proposing to serve all or part of a geographic area currently being served by an ELOA grantee whose grant is expected to be in effect on September 30, 2003 will be excluded and not competed for an award (See Appendices D and E).

5. Other Eligibility Information

a. Local Councils in each of the 50 States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico are eligible to apply under this announcement.

b. FY 2001 ELOA grantees whose grant project period ends on or before September 29, 2003 are eligible to apply for a FY 2003 grant under this program

announcement. **Note:** The project period for grantees is noted in Block 9 of the "Financial Assistance Award" document.

c. To be considered eligible for a new award, applicants may not have a pending request to extend their existing ELOA grant project period beyond September 29, 2003.

d. The 31 Local Councils (and the localities served by those Local Councils) that received FY 2002 ELOA grants will not be considered for FY 2003 awards under this announcement (See Appendix E).

e. Only Local Councils, not individuals or individual organizations/agencies, are eligible to apply under this announcement.

f. Applicants proposing to use ELOA funds for construction purposes or for the purchase of real property will be disqualified and not competed for an award.

g. "Letter(s) of Support" for the Local Council from a local government entity(ies) will not be considered as meeting the eligibility requirements for a "Letter of Designation." Applications from Local Councils that do not include a Letter of Designation from an appropriate entity of local government will be disqualified and not competed for an award.

h. Applications from Local Councils that are designated as the Local Council by an entity of State Government only, and not by an entity(ies) of local government, will be disqualified and not competed for an award.

J. Protections

1. No person, including a parent, shall be required to participate in any program of early childhood education, early learning, parent education, or developmental screening pursuant to the provisions of the Early Learning Opportunities Act.

2. Nothing in the Early Learning Opportunities Act shall be construed to affect the rights of parents otherwise established in Federal, State, or local law.

3. No entity that receives funds under the Early Learning Opportunities Act shall be required to provide services under this announcement through a particular instructional method or in a particular instructional setting to comply with the ELOA.