



CHILDREN'S JUSTICE ACT PROGRAM · TEXAS CENTER FOR THE JUDICIARY

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February 19, 2010

TO: ALL INTERESTED PARTIES

SUBJECT: Request for Application (RFA) – FFY2010 - Child Abuse and Neglect Training for School Personnel

The Texas Children's Justice Act Program, Texas Center for the Judiciary is pleased to announce the release of the Request for Application (RFA) for the Child Abuse and Neglect Training Program for School Personnel.

A total of \$25,000 in federal Children's Justice Act funding has been allocated to the Child Abuse and Neglect Training Program for School Personnel. The initial grant award period will begin May 1, 2010 and end July 31, 2010.

To be considered for funding, the applicant must complete the enclosed application and submit it to the Texas Center for the Judiciary no later than **5 p.m. on Thursday, April 1, 2010**. The application should be addressed to:

Texas Center for the Judiciary
1210 San Antonio, Ste. 800,
Austin, TX 78701
ATTN: CJA Program, Ginny Woods

If you have any questions regarding this application, please contact me at 512-482-8986, or by email at ginnyw@yourhonor.com.

Sincerely,

Ginny Woods
Children's Justice Act Program Director
Texas Center for the Judiciary

**CHILD ABUSE AND NEGLECT TRAINING FOR TEXAS SCHOOL PERSONNEL
COMPETITIVE REQUEST FOR APPLICATIONS**

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PART I – OVERVIEW

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 - C. Application Due Date and Submission**
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 - E. Source of Funds**
 - F. Grant Period**
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A. Introduction

This Request for Applications (RFA) provides the information and forms necessary to prepare an application for Children’s Justice Act (CJA) grant funds. The terms and conditions described in this RFA supersede conflicting provisions stated in the CJA grantee guide or previous RFAs.

B. Contact Information

Questions concerning this RFA, the application process, or programmatic issues, should be submitted by e-mail to:

Ginny Woods
CJA Program Director
ginnyw@yourhonor.com

CJA staff cannot assist the applicant with the actual preparation of its application. During the period of time between the publication date of the RFA and the date the competitive application is due, CJA staff can only respond to technical questions about the RFA submitted by email.

C. Application Due Date and Submission

Applications must be postmarked or submitted by 5 p.m. on Thursday, April 1, 2010. Late applications will be considered ineligible for funding.

Applications should be mailed to Texas Center for the Judiciary, Attn: Ginny Woods, 1210 San Antonio, Ste. 800, Austin, TX 78701 or emailed to Ginny Woods at ginnyw@yourhonor.com.

D. Eligibility

Funds will be available on a competitive basis to a single grantee. This program is open to State and local government entities (including courts), non-profit organizations, and educational institutions which demonstrate the following:

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1. Experience and expertise in the field of child abuse and neglect;
2. Experience and expertise with the multidisciplinary team approach to child abuse investigations, intervention, and prosecution processes;
3. The ability to access/collaborate with the various multidisciplinary team disciplines (minimum: law enforcement, CPS, prosecution, medical and mental health); and
4. Experience and expertise in the development of training curricula.

Applicants must collaborate to develop the training curriculum (see iii. above); however, one application must be submitted and a lead applicant responsible for implementing the project must be clearly identified in the application. Memorandums of Understanding may be required to clearly delineate the role and responsibilities of co-applicants.

E. Source of Funds

This RFA is supported by Children's Justice Act (CJA) funds. CJA is supported by the Federal Crime Victim's Fund. The Crime Victim's Fund is administered by the United States Department of Justice, Office of Victims of Crime (OVC). CJA grants are awarded by the Administration on Children, Youth, and Families, United States Department of Health and Human Services, as authorized by Section 107 of the Child Abuse Prevention and Treatment Act (CAPTA), as amended, October 3, 1996.

CJA is a federal program granted to each state to reform State systems and improve the process by which the State responds to cases of child abuse and neglect, thereby dealing more effectively with both the child victim and the offender and limiting additional trauma to the child victim. Recipient states must be eligible for the CAPTA Basic State Grant and establish and maintain a multidisciplinary task force on children's justice issues. Since 2005, the Texas Center for the Judiciary (TCJ) has been designated by the Governor's Office to administer CJA funds in Texas and provides staff support for the CJA Task Force.

The CJA program provides funds to state agencies, local governments including courts, non-profit organizations, and educational institutions to develop, establish, and operate programs designed to improve (1) the handling of child abuse and neglect cases, particularly cases of child sexual abuse and exploitation, in a manner which limits additional trauma to the child victim; (2) the handling of cases of suspected child abuse or neglect related fatalities; (3) the investigation and prosecution of cases of child abuse and neglect, particularly child sexual abuse and exploitation; and (4) the handling of cases involving children with disabilities or serious health-related problems who are victims of abuse or neglect. Specific funding priorities are determined by the CJA Task Force and carried out through Task Force and grantee activities.

F. Grant Period

The grant period will begin May 1, 2010 and end July 31, 2010. Project requirements must be completed by the end of the grant period.

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G. Funding Amount

A maximum of \$25,000 is available for this program and will be awarded to a single grantee.

H. Program Information

1. Background Information

In May 2009, the CJA Task Force completed an assessment of the child-protection system and made recommendations regarding systemic improvements. The need for mandated reporter training and protocol improvement arose several times during the assessment process.

In particular, the Task Force identified the need to train professionals who may not be familiar with the multidisciplinary response to child abuse and neglect, to recognize the signs and symptoms of abuse and neglect and respond appropriately to the victim and family while protecting the integrity of the investigation. The Task Force appointed a working group charged with evaluating current protocols and available training for mandated reporters of child abuse and neglect and making recommendations regarding training and protocol improvements. This RFA is the result of those working group discussions.

The Task Force working group acknowledged the need to train mandated reporters across various disciplines, but chose to focus initially on school personnel, including among others, administrators, classroom teachers, guidance counselors, and school nurses. School personnel play a vital role in recognizing, reporting, and preventing child maltreatment for several reasons. First, educators have close and consistent contact with children and adolescence. Second, school personnel are legally mandated to report suspected maltreatment. Finally, school personnel have an exceptional opportunity to offer support and promote healing for those students who have suffered abuse.

In Texas, according to the DFPS 2008 Data Book, schools were the primary reporters of suspected cases of child abuse and neglect in fiscal years 2006-2008, indicating that many educators are already involved in responding to this issue, but there is still work to be done. Teachers may feel inadequately prepared to recognize the signs and symptoms of abuse. Many teachers remain confused about reporting procedures and what to expect after making a report. Teachers and other school personnel may be hesitant to make a report, fearing confrontation by or retaliation by caregivers. School officials in charge may discourage reporting in order to protect teachers or encourage teachers to report suspicions of abuse to the principal, guidance counselor, or superintendent as opposed to the appropriate law enforcement agency or DFPS, as required by Texas reporting laws. In some instances, relationships between schools and other child protection agencies may be undeveloped or even adversarial. Educators may be unaware of the local children advocacy center or other resources in the community available to serve victims of child maltreatment. Finally, access to quality training on child abuse and neglect for school professionals varies widely across the state depending on the geographic size and location.

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Recently, the 81st legislature passed HB 1041 requiring each school district to adopt and implement a policy addressing sexual abuse to be included in district improvement plans and any handbook provided to students and parents. This policy must address (1) ways to increase awareness of issues regarding the sexual abuse of children; (2) knowledge of likely warning signs; (3) actions that a child victim should take to obtain assistance and intervention; and (4) available counseling options for students.

The Child Abuse and Neglect Training for Texas School Personnel Program is an attempt to improve the recognition and reporting of and the responses to suspected cases of child abuse and neglect by Texas school personnel, and to ensure school district policies meet the requirements of Texas laws, including the recently passed HB 1041.

2. Program Goals

The goal of this program is the development of a standardized Training Curriculum and companion Implementation Guide for use throughout Texas in providing training to school district personnel relevant to:

- a) Recognizing the signs and symptoms of child abuse and neglect
- b) Understanding Texas law, expectations, and process for reporting child abuse and neglect as it related to school personnel
- c) Ensuring school district policy is consistent with Texas reporting laws
- d) Informing appropriate responses to suspected cases of child abuse and neglect to support the child/family while protecting the integrity of the investigation, intervention, and prosecutorial processes

Curriculum should have specific application to training school district personnel and should be easily modifiable for use in training other disciplines.

3. Program Components

- a. Written Training Curriculum

Project must include the delivery of a written training curriculum. At a minimum the training should address the following:

- Texas Law
 - Legal definitions of physical, sexual, and emotional abuse and neglect
 - Exceptions to definitions
 - Discipline versus abuse
 - Poverty versus neglect
 - Reporting Requirements
 - Penalties for Failure to Report
- Physical and Behavioral Indicators of Abuse and Neglect

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- Special Issues Related to the Mistreatment of Children with Disabilities
- The Relationship between Child Maltreatment and Family Violence
- How to Respond Appropriately to Suspect Abuse or Neglect
 - Responding to a Disclosure
 - Making a Report
 - Barriers to Reporting
- What to Expect After the Report
 - Multidisciplinary Response to child abuse and neglect investigations
 - Offering Support to the Victim
 - Dealing with Parents and Caregivers

b. Implementation Guide

A companion training implementation guide is required as part of the project deliverables. The implementation guide should provide recommendations and resources necessary to effectively implement the training curriculum. At a minimum, the implementation guide should include information related to the following:

- Goals of the training program
- Purpose of the implementation guide
- Instructor qualifications
- Engaging school district leadership
- Attracting participants
- Barriers to participation
- Effective teaching strategies
- Specific learning objectives
- Step by step instruction on delivering the training material to meet identified learning objectives
 - Presentation topics
 - Time to be allotted to each presentation topic
 - Activities, methods, and/or strategies to deliver content and skills related to each topic
 - Materials and resources needed to support activities
- Evaluating the training program
- Sustaining the training program
- Guidance regarding the development of policies, procedures, and protocols to ensure school district policy is consistent with Texas reporting laws, including the requirements of HB 1041, and to inform appropriate responses to suspected cases of child abuse.

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c. Dissemination Recommendations

Written recommendations for the dissemination of the training curriculum and implementation guide is required as part of the project deliverables. The overall goal of the dissemination effort is to provide school personnel with the information and resources they need to effectively recognize and appropriately respond to suspected incidents of child abuse and neglect.

Dissemination recommendations should consider:

- **Target Audience** – Describe the scope and characteristics of the audience(s) your dissemination strategies are intended to reach.
- **Content** – Identify the basic elements of the content you have to deliver to each targeted audience you have identified.
- **Sources** – Identify primary source(s) the targeted audience(s) are tied into. Consider ways to partner with these sources in the dissemination effort.
- **Medium** – Describe medium through which content can best be delivered to target audience. Describe resources necessary to effectively disseminate training content.
- **Success** – Describe methods for assessing the effectiveness of the dissemination strategy. Describe what data should be gathered and methods for data collection.
- **Access** – Describe methods for ensuring access to training content.
- **Awareness** – Identify strategies for promoting awareness of the availability of training resources.
- **Barriers** – Identify potential barriers that may interfere with target audiences access to training content and recommendations for overcoming identified barriers.

d. Collaboration

The project must be reviewed and endorsed by various multidisciplinary team professionals, including but not limited to law enforcement, CPS, and prosecution, to ensure consistency with the general understandings, statutes, and standards of the various disciplines related to recognizing and reporting child abuse and neglect. A successful application will include a plan for achieving the required multidisciplinary review and endorsement.

e. Pilot/Evaluation

The project design must include the implementation of a small-scale pilot project whereby the effectiveness of the training and guide can be evaluated through delivery to a sample of school district personnel. The evaluation of the pilot should assess the participants' increased level of knowledge and/or understanding regarding program goals and any specific learning objectives as a result of the training program.

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- A. Preparing an Application**
 - B. Application Coversheet**
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 - G. Non Profit Determination Letter**
 - H. Audit**
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A. Preparing an Application

Please provide the following application components in the order listed below:

- Application Coversheet
- Contact Information
- Project Narrative
- Budget Narrative
- Budget Workbook
- Pre Award Questionnaire
- Nonprofit Determination Letter
- Copy of most recent audit report

B. Application Coversheet

The Application Coversheet form is provided as an attachment to this request and is also available on the CJA website. Fully complete the information as indicated on the form. The authorized official must read and initial certifications. Include the coversheet with the application submission.

C. Contact Information

The Contact Information form is provided as an attachment to this request. Complete the information as indicated on the form and include as part of application submission.

D. Project Narrative

The project narrative is the main body of information describing the problem to be addressed, the plan to address the identified problem through appropriate and achievable objectives and activities, and the ability of the applicant to implement the plan. The project narrative should include the headings and information set out below.

- 1. Statement of Need** - Describe the current training need(s) to be addressed by the project and the weaknesses of the current resources to address the need. Provide a description of the numbers and characteristics of the target population.

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- 2. Qualifications** - Describe the training or qualifications of the applicant relevant to its ability to complete the proposed project, including the applicant's experience and expertise in the field of child abuse and neglect and with the multidisciplinary team approach to child abuse investigations, intervention, and prosecution processes; ability to access/collaborate with the various multidisciplinary team disciplines (minimum: law enforcement, CPS, prosecution, medical and mental health) in the development/review of project; and experience and expertise in the development of training curricula.
- 3. Goal(s)** – The goal is the largest overall effect your program will have on its target audience. Addressing the issues that were identified in the statement of need, specify the overall goals of the project.
- 4. Objectives** – Objectives focus on the methods that will be used to address the need. They should be clearly stated, realistic, and measurable. They should be related to the project activities and support the achievement of project goals. Describe in detail the objectives that will be implemented to achieve the project goal(s).
 - a. Applicant may add other relevant objectives to the following mandatory objectives to be achieved by July 31, 2010:
 - i. Develop training curriculum and implementation guide for use training Texas school district personnel on their roles and responsibilities for reporting suspected cases of child abuse and neglect.
 - ii. Collaborate with or receive endorsement by the various multidisciplinary team disciplines (minimum: law enforcement, CPS, prosecution, medical and mental health) in the development/review of project.
 - iii. Implement small-scale pilot training with school personnel and evaluate its effectiveness in improving the participants' level of knowledge and/or skills.
 - iv. Develop recommendations regarding the dissemination of the training curriculum and implementation guide to promote utilization by Texas school district personnel.
- 5. Activities** – Activities are the key operational elements of the program. Activities occur in support of the achievement of project objectives. Activities should be detailed and reflective of the project budget. Describe in detail the activities to be performed to accomplish each objective. Detail the person(s) responsible performing each activity, including whether existing staff and/or contractors will perform tasks, or if new persons will need to be hired. Include timeframes for completing specific activities.
- 6. Outcomes** – Outcomes reveal the extent and kinds of impact the project has on its participants. Outcomes may reflect a change in behavior, attitude, skills, knowledge, or condition of the participant population. Identify the outcome(s) you are trying to achieve for

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your target population. Describe how you will determine whether you've achieved those outcomes. Explain the specific data you will collect and how you will collect it. When relevant, identify specific performance targets.

At a minimum, applicants must include an outcome and measurement for assessing the increased level of knowledge and/or skills of the target population as a result of the training program.

Additionally, project must collect the following data related to the pilot training:

- a. Location
- b. Number of educators trained
- c. Number of continuing education hours offered
- d. For each educator trained –
 - i. Name
 - ii. School of employment
 - iii. School address
 - iv. Number of years of experience as an educator
- e. For each instructor –
 - i. Name
 - ii. Agency of employment
 - iii. Agency Address

E. Project Budget

The purpose of the project budget is to demonstrate how the applicant will implement the plan with the funds available through this program. Project costs must be directly related to the objectives and activities of the project. The project budget includes a budget narrative and a Budget Workbook. **Applicant must include one budget covering the period 5/1/10 through 7/31/10.**

1. **Budget Narrative** – The budget narrative clearly explains all costs necessary to implement the proposed project. The narrative should coincide with the specific budget categories described below and support project activities. The narrative must include the following:

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- a. Justification for each budgeted expense
 - b. The duties of project-funded staff and how project funded staff duties support the proposed objectives and activities
 - c. For each project-funded staff, the proposed percentage of time allocated to this project
 - d. A description any other funding sources contributing to the proposed project, including any anticipated program income
 - e. A description of the methodology used to allocate each shared expense.
- 2. Budget Workbook** - An Excel Budget Workbook has been provided as part of this request. Enter the applicant information on the Getting Started tab of the Workbook (tab 1). The point of contact should be the person responsible for preparing the project budget and available to answer budget-related questions. Tabs 4-9 contain worksheets for each specific budget category. The left column on each budget category worksheet requires line item detail including the calculation and justification for each expense. Enter the amount of each line item in the right column. Charges should be rounded up to the nearest whole dollar. You may insert additional rows if necessary. Tab 3, MAIN, is pre-formatted to automatically pull totals from the subsequent budget category worksheets. These cells will be locked. The total of all budget categories will calculate on this page. The budget total should match the amount of funds requested on the application coversheet. The workbook includes worksheets for each of the following budget categories (Category definitions are also included on Tab 2 of the Budget Workbook):
- a. Salaries (100) - This category is for full-time and part-time staff directly employed by the applicant. Salary expenses must be identified by position and percentage of gross salary. Salaries paid to staff not directly employed by the applicant should not be included in this category.
 - b. Benefits (200) - Employee benefits must be identified by type and percentage of salaries. Employer contributions or expenses for social security, employee life and health insurance plans, unemployment insurance, and/or pension plans are allowable budget items. Applicant may use fixed percentages of salaries to calculate benefits.
 - c. Travel (300) - Travel expenses such as meals, lodging, airfare, mileage, car rental, and parking/tolls.
 - d. Equipment (400) - Equipment means an article of non-expendable, tangible personal property having a useful life of more than one year and an acquisition cost which equals or exceeds the lesser of the capitalization level established by the applicant for financial statement purposes, or \$5,000. Equipment purchases must have the prior approval of CJA staff.

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- e. Operating (500) - This category is for day-to-day operational expenses. Rent, telephone, utilities, postage/freight, printing/copying, equipment rental, professional fees and services, bank service charge, dues/subscriptions, and staff training are category 500 expenses. Additionally, office supplies such as copy paper, pens, postage, etc. fall into this category. Operating expenses may include specific items directly charged to the project, and in some cases, an indirect cost allowance. Expenses must be grant-related and encumbered during the grant period. Equipment purchases with an acquisition cost less than \$5,000 fall into this category.

- f. Contractual (600) - This category is designed for expenses paid to individuals who receive payment for services but are not included on your regular monthly/bi-weekly payroll. This group may include temporary supports services, faculty, consultants, speaker fees, etc.

F. Pre Award Questionnaire

The Pre Award Questionnaire form is provided as an attachment to this request. Complete the information as indicated on the form. Include the form as part of application submission.

G. Nonprofit Determination Letter

A copy of the applicant's nonprofit determination letter should be included as part of the application submission, if applicable.

H. Audit

A copy of the applicant's most recent audit report should be included as part of the application submission.

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PART III – POLICIES AND PROCEDURES

- A. Selection of Application for Funding**
 - B. Finalizing the Grant Award Agreement**
 - C. General Grant Terms and Conditions**
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A. Selection of Application for Funding

1. Application Score and Ranking

Eligible applications received by the deadline will be evaluated and scored by a 3-4 member team. The reviewers will average the scores and then rank the applications. The grant application review form used for this process is included as an attachment to this request and should be used for information purposes only.

2. Funding Recommendation

The review team will make funding recommendations to the CJA Task Force based on the following:

- a. The ranked score of the application
- b. Considerations of distinctive project elements specific to this RFA
- c. Prior negative administrative and programmatic performance, if applicable
- d. Applicants' ability to effectively manage federal funds, as indicated by responses to Pre Award Questionnaire.

3. Notification Process

The CJA Task Force will make final funding decisions at its Task Force meeting, April 23, 2010. The successful applicant will be notified in writing following that meeting. Applicants not selected for funding will receive a denial letter containing their average score and additional comments on their application.

B. Finalizing the Grant Award Agreement

- 1. Approval of the Application** - Funding is subject to approval by the Children's Justice Act Task Force. The Texas Center for the Judiciary does not have authority to award funding until the application has been approved by the CJA Task Force and the Grant Award Agreement has been fully executed. Expenditures incurred prior to authorization are made at the applicant's own risk and may be disallowed. When the fully executed grant agreement is received, the applicant may begin to submit monthly requests for reimbursement (RFR).

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2. **Grant Award Conditions** – TCJ may add grant award conditions to the Grant Award Agreement prior to or after funding. If conditions are added, these will be discussed with the applicant and a copy of the conditions will be sent to the recipient.
3. **Grant Award Agreement** – An electronic copy of the executed Grant Award Agreement and pertinent attachments will be sent to the Project Director following its execution.

B. General Grant Terms and Conditions

The following requirements apply to projects selected for funding and are explained below the recipients planning purposes. Failure to comply with these terms and conditions may result in the loss of Federal funds and may be considered grounds for the suspension or termination of the grant award.

1. Program Standards

The provisions of Section 107 of the Child Abuse Prevention and Treatment Act and the Victims of Crime Act of 1984, as amended.

2. Administrative Requirements

- a. Uniform Grant Management Standards (UGMS), 2004.
- b. The following regulations from Title 45 of the Code of Federal Regulations (CFR):

45 CFR Part 16	Procedures of the Departmental Grant Appeals Board;
45 CFR Part 30	Claims Collections;
45 CFR Part 76	Debarment and Suspension from Eligibility for Financial Assistance (Nonprocurement);
45 CFR Part 80	Nondiscrimination Under Programs Receiving Federal Assistance through the Department of Health and Human Services, Effectuation of Title IV of the Civil Rights Act of 1964;
45 CFR Part 81	Practice and Procedures for Hearings Under Part 80 of this Title;
45 CFR Part 84	Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving Federal Financial Assistance;
45 CFR Part 86	Nondiscrimination on the Basis of Sex in Education Program and Activities Receiving or Benefiting from Federal Financial Assistance;

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- 45 CFR Part 87** Equal Treatment for Faith-Based Organizations;
- 45 CFR Part 91** Nondiscrimination on the Basis of Age in Health and Human Services Programs or Activities Receiving Federal Financial Assistance;
- 45 CFR Part 93** New Restrictions on Lobbying;
- 45 CFR Part 97** Consolidation of Grants to the Insular Areas;
- 45 CFR Part 100** Intergovernmental Review of Department of Health and Human Services Programs and Activities.

c. If Subgrantee is a nonprofit organization or an institution of higher learning:

- 45 CFR Part 74** Uniform Administrative Requirements For Grants and Agreements with Institutions of Higher Educations, Hospitals, and other Non-Profit Organizations;
- 2 CFR Part 230** Cost Principles for Nonprofit Organizations.

d. If Subgrantee is a state or local government:

- 45 CFR Part 92** Uniform Administrative Requirements for Grants and Cooperative Agreements to State, and Local, and Tribal Governments;
- 2 CFR Part 225** Cost Principles for State, Local and Indian Tribal Governments.

e. The following Circular from the Office of Management and Budget:

- OMB Circular A-133** Audits of States, Local Governments, and Non-Profit Organizations and the **Single Audit Act of 1984**, as amended.

3. Religious Activities

Direct Federal grants, subawards, or contracts under this program shall not be used to support inherently religious activities such as religious instruction, worship, or proselytization. Therefore, organizations must take steps to separate, in time or location, their inherently religious activities from the services funded under this program. Regulations pertaining to the prohibition of Federal funds for inherently religious activities can be found on the HHS website at: <http://www.os.dhhs.gov/fbc/waisgate21.pdf>.

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4. Prohibition Against Lobbying

Federal grant funds provided under this award may not be used by the grantee or any subgrantee to support lobbying activities to influence proposed or pending Federal or State legislation or appropriations. This prohibition is related to the use of Federal grant funds and is not intended to affect an individual's right or that of any organization, to petition Congress, or any other level of Government, through the use of other resources. (See 45 CFR Part 93.)

5. Public Law 103-333

In accordance with Public Law 103-333, the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act of 1995," the following provisions are applicable to this grant award:

Section 507: "Purchase of American-Made Equipment and Products – It is the sense of Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made."

Section 508: "When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all States receiving Federal funds, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state (1) the percentage of the total costs of the program or project which will be financed with Federal money, (2) the dollar amount of Federal funds for the project or program, and (3) percentage and dollar amount of the total costs of the project or program that will be financed by nongovernmental sources."

6. Public Law 103-227, Part C

In accordance with Part C of Public Law 103-227, the "Pro-Children Act of 1994," smoking may not be permitted in any portion of any indoor facility owned or regularly used for the provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments. Federal programs include grants, cooperative agreements, loans and loan guarantees, and contracts. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions or facilities and used for inpatient drug and alcohol treatment.

The above language must be included in any subawards that contain provisions for children's services and that all subgrantees shall certify compliance accordingly. Failure to comply with the provisions of this law may result in the imposition of a civil monetary penalty of up to \$1,000 per day.

7. Debarment and Suspension

No organization may participate in this project in any capacity or be a recipient of Federal funds designated for this project if the organization has been debarred or suspended or otherwise found to be ineligible for participation in Federal assistance programs under Executive Order 12549, "Debarment and Suspension." (See 45 CFR 92.35 and 45 CFR 74.13.)

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8. Monitoring

TCJ will monitor Subgrantee's compliance with the performance obligations and fiscal requirements of this Agreement using appropriate and necessary monitoring and inspections. If Subgrantee is designated as high-risk, TCJ reserves the right to impose additional monitoring requirements. TCJ has the right to examine all records, books, papers, or documents related to this Agreement.

9. Method of Payment

Payment under this Agreement will be on a reimbursement basis. Subgrantee agrees to submit monthly Requests for Reimbursement within thirty (30) days after the end of the billing period. Subgrantee agrees to use the Request for Reimbursement form provided by TCJ. To be eligible for reimbursement under this Agreement, a cost must be incurred in accordance with the plan of action, applicable Cost Principles, and within the grant period.

10. Source Documentation

Subgrantee agrees to maintain all checks supported by appropriate documentation. Documentation may include copies of contracts, invoices, purchase orders, canceled checks, etc. and must be kept in accordance with generally accepted accounting principles and state and federal procurement and purchasing requirements. Staff salaries and wages must be supported by personnel activity reports, as prescribed in the applicable Cost Principles.

11. Performance Reporting

Subgrantee shall submit biannual performance reports. The first report will cover the first six months of funding, and is due no later than thirty (30) days following the close of the reporting period. A final performance report covering all twelve months of funding must be submitted no later than thirty (30) days following the close of the grant period. TCJ reserves the right to require more frequent reporting. Subgrantee will use the Performance Report form provided by TCJ.

12. Financial Reporting

Subgrantee shall submit biannual financial reports. The first report will cover the first six months of funding, and is due no later than thirty (30) days following the close of the reporting period. A final financial report covering all twelve months of funding must be submitted no later than thirty (30) days following the close of the grant period. TCJ reserves the right to require more frequent reporting. Subgrantee will use the Financial Status Report form provided by TCJ.

13. Other Reporting

Subgrantee shall promptly advise TCJ in writing of events that will have a significant impact upon this Agreement, including: (1) Problems, delays, or adverse conditions, including a change of project director or other changes in Subgrantee personnel, that will materially affect the ability to attain objectives and performance measures, prevent the meeting of time schedules and objectives, or preclude the attainment of project objectives or performance measures by the

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established time periods. This disclosure shall be accompanied by a statement of the action taken or contemplated and any TCJ or federal assistance needed to resolve the situation; and (2) Favorable developments or events that enable meeting time schedules and objectives sooner than anticipated or achieving greater performance measure output than originally projected.

14. Logo Credit

Logo credit must be given to the Texas Children's Justice Act program in all promotional and educational materials distributed in association with any CJA-funded program, including brochures, pamphlets, flyers, postcards, etc.

15. Prior Approvals

Subgrantee will abide by the applicable administrative requirements (45 CFR 74 and 92), cost principles (2 CFR Parts 220, 225 and 230), and the terms and conditions of the Grant Award Agreement regarding prior approval requirements.

16. Audit Requirements

Subgrantees who expend \$500,000 or more in federal grant money annually shall engage an independent, licensed Certified Public Accountant to conduct an annual OMB Circular A-133 audit. Subgrantee shall submit a copy of the audit report no later than fifteen (15) days after receipt from the audit firm.

17. Disallowance

In the event Subgrantee claims and receives payment from TCJ for a service, reimbursement for which is later disallowed, Subgrantee shall promptly refund the disallowed amount to TCJ on request, or at its option, TCJ may offset the amount disallowed from any payment due or to become due to Subgrantee under this Agreement or any other agreement. Similarly, a disallowance under a prior agreement may be offset against this Agreement.

18. Withholding Payment

TCJ may withhold payment until reports required under the Grant Award Agreement are received and approved by TCJ. TCJ may also withhold payment if Subgrantee is not in compliance with this agreement.

19. Full Cost Recovery of Investigation and Audit Costs

Subgrantee shall reimburse TCJ for all direct and indirect expenditures incurred in conducting an audit/investigation when Subgrantee is found in violation of the terms of the contract. Reimbursement for such costs shall be withheld from any amounts due to Subgrantee pursuant to the payment terms of the grant, or from any other amounts due to Subgrantee from TCJ.

20. Amendments

The Grant Award Agreement may be amended by mutual written consent of both parties.

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21. Records

Subgrantee agrees to maintain all reports, documents, papers, accounting records, books, and other evidence pertaining to costs incurred and work performed hereunder, for three (3) years from the date of final payment under this Agreement, or until completion of all audits or pending litigation has been completely and fully resolved, whichever occurs last.

Duly authorized representatives of TCJ, and their designees shall have access to the records. This right of access is not limited to the three (3) year period but shall last as long as the records are retained.

22. Indemnification

To the extent permitted by law, Subgrantee, if other than a government entity, shall indemnify, hold, and save harmless TCJ and its officers and employees from all claims and liability due to the acts or omissions of Subgrantee, its agents, or employees. Subgrantee also agrees, to the extent permitted by law, to indemnify, hold, and save harmless TCJ from any and all expenses, including but not limited to attorney fees, all court costs and awards for damages incurred by TCJ in litigation or otherwise resisting such claims or liabilities as a result of any activities of Subgrantee, its agents, or employees.

Further, to the extent permitted by law, Subgrantee, if other than a government entity, agrees to protect, indemnify, and save harmless TCJ from and against all claims, demands, and causes of action of every kind and character brought by any employee of Subgrantee against TCJ due to personal injuries or death to such employee resulting from any alleged negligent act, by either commission or omission on the part of Subgrantee.

If Subgrantee is a government entity, both parties to this Agreement agree that no party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds, as well as the acts and deeds of its contractors, employees, representatives, and agents.

23. Disputes and Remedies

The Grant Award Agreement supersedes any prior oral or written agreements. Subgrantee shall be responsible for the settlement of all contractual and administrative issues arising out of procurement made by Subgrantee in support of Agreement work. Disputes concerning performance or payment shall be submitted to TCJ for settlement, with the Executive Director or his or her designee acting as final referee.

24. Termination

The Grant Award Agreement shall remain in effect until Subgrantee has satisfactorily completed all services and obligations described herein and these have been accepted by TCJ, unless:

- a. This Agreement is terminated in writing with the mutual consent of both parties;
- b. There is a written thirty (30) day notice by either party; or

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- c. TCJ determines that the performance of the project is not in the best interest of TCJ and informs Subgrantee that the project is terminated immediately.

Subgrantee shall neither incur nor be reimbursed for any new obligations after the effective date of termination.

25. Inspection of Work

TCJ or any authorized representative thereof, has the right at all reasonable times to inspect or otherwise evaluate the work performed or being performed hereunder and the premises on which it is being performed.

26. Procurement and Property Management

Subgrantee shall establish and administer a system to procure, control, protect, preserve, use, maintain, and dispose of any property furnished to it by TCJ or purchased pursuant to this Agreement in accordance with its own property management procedures, provided that the procedures are not in conflict with applicable Federal administrative requirements.

27. Program Income

Program income earned during the grant period shall be retained by the Subgrantee and deducted from the total project or program allowable cost in determining the net allowable costs on which the Federal share of the cost is based.

28. Conflicting Policies

Subgrantees will follow their own written operating policies and procedures; however, TCJ requires that Subgrantees maintain internal controls in compliance with all applicable federal regulations.

29. Travel Policies

For in-state and out-of-state travel expenses to be reimbursable, Subgrantee must follow its own written travel policies and procedures. If Subgrantee does not have written travel policies and procedures, Subgrantee must follow the federal travel policies and procedures (see the Federal General Services Administration guidelines at <http://www.gsa.gov/>).

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PART IV - APPENDIX

RFA FORMS

Click on the links below to access the corresponding form. Save the form to your hard drive before filling it out.

[Application Coversheet](#)

[Contact Information](#)

[Budget Workbook](#)

[Pre Award Questionnaire](#)

[Application Review Form](#)