

**DEPARTMENT OF DEFENSE****Department of the Army****Intent To Grant an Exclusive License of U.S. Government-Owned Patent**

**AGENCY:** Department of the Army, DoD.

**ACTION:** Notice.

**SUMMARY:** In accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i), announcement is made of the intent to grant an exclusive, royalty-bearing, revocable license to U.S. Patent application 12/421,124 filed on April 9, 2009, entitled "System and Method for the Deconvolution of Mixed DNA Profiles Using a Proportionately Shared Allele Approach" to Niche Vision Forensics, LLC, with its principal place of business at 526 South Main Street Suite 714 G, Akron, OH 44311.

**ADDRESSES:** Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR-JA, 504 Scott Street, Fort Detrick, MD 21702-5012.

**FOR FURTHER INFORMATION CONTACT:** For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619-7808. For licensing issues, Dr. Paul Mele, Office of Research & Technology Assessment, (301) 619-6664, both at telefax (301) 619-5034.

**SUPPLEMENTARY INFORMATION:** Anyone wishing to object to the granting of this license can file written objections along with supporting evidence, if any, within 15 days from the date of this publication. Written objections are to be filed with the Command Judge Advocate (See **ADDRESSES**).

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

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**BILLING CODE 3710-08-P**

**DEPARTMENT OF EDUCATION**

**Office of Elementary and Secondary Education; Overview Information; Enhanced Assessment Instruments Grants Program—Enhanced Assessment Instruments; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2009 Funds**

*Catalog of Federal Domestic Assistance (CFDA) Number: 84.368A.*

**DATES:** Applications Available: April 12, 2010.

*Deadline for Transmittal of Applications: May 27, 2010.*

**Full Text of Announcement****I. Funding Opportunity Description**

*Purpose of Program:* The purpose of this program is to enhance the quality and validity of assessment instruments and systems used by States for measuring the achievement of all students. The grant funds may be used for the development of new assessment products or procedures, such as innovative test formats, empirical analysis of variations in test formats or procedures, or statistical models useful for combining data from multiple measures, or charting student progress over time.

*Background:* In addition to this competition, the Department recently announced that it will use approximately \$350 million under the Race to the Top Fund for a Race to the Top Assessment program to award grants to consortia of States for the development of common, high-quality assessments aligned with an applicant consortium's common set of K-12 standards that are internationally benchmarked and that build toward college and career readiness by the time of high school completion. We plan to publish a notice inviting applications for that competition in the near future.

In addition, the Department intends to announce shortly a competition under the Individuals with Disabilities Education Act (IDEA) General Supervision Enhancement Grants (GSEG) program, inviting consortia of States to apply for support to develop common alternate assessments based on alternate academic achievement standards for students with the most significant cognitive disabilities who are eligible for such assessments. We encourage you to conduct a comprehensive review of these announcements and design your respective applications accordingly.

*Priorities:* This competition includes four absolute priorities and three competitive preference priorities. In accordance with 34 CFR 75.105(b)(2)(iv), the absolute priorities are based on those established in section 6112 of the Elementary and Secondary Education Act of 1965, as amended (ESEA) (20 U.S.C. 7301a). The competitive preference priorities are those established in Appendix E to the notice of final requirements for optional State consolidated applications submitted under section 9302 of the ESEA, published in the **Federal Register** on May 22, 2002 (67 FR 35967).

*Absolute Priorities:* For FY 2009 funds to be awarded through a competition conducted in 2010, these priorities are absolute priorities. Under 34 CFR

75.105(c)(3), we consider only applications that meet one or more of these priorities.

These priorities are:

*Absolute Priority 1.* Collaborate with institutions of higher education, other research institutions, or other organizations to improve the quality, validity, and reliability of State academic assessments beyond the requirements for these assessments described in section 1111(b)(3) of the ESEA.

*Absolute Priority 2.* Measure student academic achievement using multiple measures of student academic achievement from multiple sources.

*Absolute Priority 3.* Chart student progress over time.

*Absolute Priority 4.* Evaluate student academic achievement through the development of comprehensive academic assessment instruments, such as performance- and technology-based academic assessments.

*Competitive Preference Priorities:* Under 34 CFR 75.105(c)(2)(i), we award up to an additional 35 points to an application, depending on how well the application meets these competitive preference priorities.

For FY 2009 funds to be awarded through a competition conducted in 2010, these priorities are:

*Competitive Preference Priority 1.* Accommodations and alternate assessments (20 points). Applications that can be expected to advance practice significantly in the area of increasing accessibility and validity of assessments for students with disabilities or limited English proficiency, or both, including strategies for test design, administration with accommodations, scoring, and reporting.<sup>1</sup>

*Competitive Preference Priority 2.* Collaborative efforts (10 points). Applications that are sponsored by a consortium of States.

*Competitive Preference Priority 3.* Dissemination (5 points). Applications that include an effective plan for dissemination of results.

*Program Authority:* 20 U.S.C. 7301a and 7842.

*Applicable Regulations:* (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 81, 82, 84, 85, 86, 97, 98, and 99. (b) The notice of final requirements published in the

<sup>1</sup> As noted above, the Department also intends to announce shortly a competition under the General Supervision Enhancement Grants (GSEG) program that will invite State consortia to apply for funding to support the development of common alternate assessments based on alternate academic achievement standards for students with the most significant cognitive disabilities.

**Federal Register** on May 22, 2002 (67 FR 35967).

**Note:** The regulations in 34 CFR part 86 apply to institutions of higher education only.

## II. Award Information

*Type of Award:* Discretionary grants.

*Estimated Available Funds:*

\$10,732,000 in FY 2009 funds.

Contingent upon the availability of funds and the quality of applications, we may make additional awards with FY 2010 funds from the list of unfunded applicants from this competition.

*Estimated Range of Awards:*

\$750,000–\$2,000,000.

*Estimated Average Size of Awards:*

\$1,500,000.

*Estimated Number of Awards:* 7.

**Note:** The Department is not bound by any estimates in this notice.

*Project Period:* Up to 24 months.

## III. Eligibility Information

1. *Eligible Applicants:* State educational agencies (SEAs) as defined in section 9101(41) of the ESEA and consortia of such SEAs.

2. *Cost Sharing or Matching:* This competition does not require cost sharing or matching.

3. *Other:* An application from a consortium of SEAs must designate one SEA as the fiscal agent.

## IV. Application and Submission Information

### 1. Address to Request Application

*Package:* Address to Request Application Package: To obtain an application package via the Internet use the following address: <http://www.ed.gov/programs/eag/applicant.html>. To obtain an application package from the U.S. Department of Education use the following address: Collette Roney, Enhanced Assessment Grants Program, U.S. Department of Education, 400 Maryland Avenue, SW., room 3W210, Washington, DC 20202–6200. Telephone: (202) 401–5245 or by e-mail: [collette.roney@ed.gov](mailto:collette.roney@ed.gov).

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or computer diskette) by contacting the person listed under *Accessible Format* in section VIII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition. Page Limit: The application narrative (Part IV of the application) is where you, the applicant,

address the selection criteria that reviewers use to evaluate your application and the absolute and competitive preference priorities. You must limit the application narrative (Part IV) to the equivalent of no more than 40 pages, using the following standards:

- A “page” is 8.5” x 11”, on one side only with 1” margins at the top, bottom, and both sides.

- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, and captions, as well as all text in charts, tables, figures, and graphs.

- Use a font no smaller than 11.0 point for all text in the application narrative, including titles, headings, footnotes, quotations, and captions, as well as all text in charts, tables, figures, and graphs. (Font sizes that round up to 11, such as 10.7 point, will be considered as smaller than 11.0.)

- Any screen shots included as part of the application narrative should follow these standards or, if other standards are applied, be sized to equal the equivalent amount of space if these standards were applied.

The page limit does not apply to: The cover sheet or table of contents; Part I (including the response regarding research activities involving human subjects); Parts II and V (the budget sections, including the chart and narrative budget justification); Part III (one-page project abstract); Part VI (other attachments forms, including references for the application narrative, personnel résumés, letters of commitment and support, copy of indirect cost rate agreement, and indication in the list of ESEA Programs included in the Consolidated State Application); and Part VII (the assurances and certifications, including the General Education Provisions Act 427 response). Applicants are encouraged to limit each résumé to no more than 5 pages. The project narrative (Part IV) must include a discussion of how the application meets the absolute priorities, how well the application meets the competitive preference priorities, and how well the application addresses each of the selection criteria; therefore, the page limit applies to this discussion. The page limit also applies to any attachments to the project narrative other than references. In other words, the entirety of Part IV of the application, including the aforementioned discussion and any attachments to the narrative, must be limited to the equivalent of no more than 40 pages. Applicants should include in their applications only the

other attachments (Part VI) outlined in the application package. Additional attachments other than those included in the project narrative will not be accepted or reviewed.

Our reviewers will not read any pages of your application that exceed the page limit or exceed the equivalent of the page limit if you apply other standards.

### 3. Submission Dates and Times:

*Applications Available:* April 12, 2010.

*Deadline for Transmittal of Applications:* May 27, 2010.

Applications for grants under this competition must be submitted electronically using the Electronic Grant Application System (e-Application) accessible through the Department’s e-Grants site. For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 6. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII in this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual’s application remains subject to all other requirements and limitations in this notice.

4. *Intergovernmental Review:* This competition is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section in this notice.

6. *Other Submission Requirements:* Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.* Applications for grants under the Enhanced Assessment Instruments Competition—CFDA Number 84.368A must be submitted electronically using e-Application, accessible through the Department’s e-Grants Web site at: <http://e-grants.ed.gov>.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement*.

While completing your electronic application, you will be entering data online that will be saved into a database. You may not e-mail an electronic copy of a grant application to us.

Please note the following:

- You must complete the electronic submission of your grant application by 4:30:00 p.m., Washington, DC time, on the application deadline date. E-Application will not accept an application for this competition after 4:30:00 p.m., Washington, DC time, on the application deadline date.

Therefore, we strongly recommend that you do not wait until the application deadline date to begin the application process.

- The hours of operation of the e-Grants Web site are 6:00 a.m. Monday until 7:00 p.m. Wednesday; and 6:00 a.m. Thursday until 8:00 p.m. Sunday, Washington, DC time. Please note that, because of maintenance, the system is unavailable between 8:00 p.m. on Sundays and 6:00 a.m. on Mondays, and between 7:00 p.m. on Wednesdays and 6:00 a.m. on Thursdays, Washington, DC time. Any modifications to these hours are posted on the e-Grants Web site.

- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

- You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. You must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three

file types specified in this paragraph or submit a password protected file, we will not review that material.

- Your electronic application must comply with any page limit requirements described in this notice.

- Prior to submitting your electronic application, you may wish to print a copy of it for your records.

- After you electronically submit your application, you will receive an automatic acknowledgment that will include a PR/Award number (an identifying number unique to your application).

- Within three working days after submitting your electronic application, fax a signed copy of the SF 424 to the Application Control Center after following these steps:

- Print SF 424 from e-Application.

- The applicant's Authorizing Representative must sign this form.

- Place the PR/Award number in the upper right hand corner of the hard-copy signature page of the SF 424.

- Fax the signed SF 424 to the Application Control Center at (202) 245-6272.

- We may request that you provide us original signatures on other forms at a later date.

*Application Deadline Date Extension in Case of e-Application Unavailability:* If you are prevented from electronically submitting your application on the application deadline date because e-Application is unavailable, we will grant you an extension of one business day to enable you to transmit your application electronically, by mail, or by hand delivery. We will grant this extension if—

- You are a registered user of e-Application and you have initiated an electronic application for this competition; and

- (a) E-Application is unavailable for 60 minutes or more between the hours of 8:30 a.m. and 3:30 p.m., Washington, DC time, on the application deadline date; or

- (b) E-Application is unavailable for any period of time between 3:30 p.m. and 4:30:00 p.m., Washington, DC time, on the application deadline date.

We must acknowledge and confirm these periods of unavailability before granting you an extension. To request this extension or to confirm our acknowledgment of any system unavailability, you may contact either (1) the person listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT** (see VII. Agency Contact) or (2) the e-Grants help desk at 1-888-336-8930. If e-Application is unavailable due to technical problems with the system and, therefore, the application

deadline is extended, an e-mail will be sent to all registered users who have initiated an e-Application. Extensions referred to in this section apply only to the unavailability of e-Application. We will not grant an extension for other technical problems unrelated to the unavailability of e-Application.

*Exception to Electronic Submission Requirement:* You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through e-Application because—

- You do not have access to the Internet; or

- You do not have the capacity to upload large documents to e-Application; and

- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application. If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Collette Roney, Enhanced Assessment Grants Program, U.S. Department of Education, 400 Maryland Avenue, SW., room 3W210, Washington, DC 20202-4260. FAX: (202) 260-7764.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: CFDA Number 84.368A, LBJ Basement Level 1, 400 Maryland Avenue, SW., Washington, DC 20202-4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

**Note:** The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

#### c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application, by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: CFDA Number 84.368A, 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202-4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

**Note for Mail or Hand Delivery of Paper Applications:** If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245-6288.

#### V. Application Review Information

*Selection Criteria:* The selection criteria for this competition are from Appendix E to the notice of final requirements published in the **Federal Register** on May 22, 2002 (67 FR 35967) and are listed in the application package.

#### VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section in this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project period, or at the end of your no-cost extension, if any, you must submit a final performance report, including financial information, as directed by the Secretary. Grantees must also submit an interim progress report approximately twelve months after the award date that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to <http://www.ed.gov/fund/grant/apply/appforms/appforms.html>.

4. *Performance Measures:* Under the Government Performance and Results Act of 1993 (GPRA), the Department has developed four measures to evaluate the overall effectiveness of the Enhanced Assessment Instruments Grants program: (1) The number of States that participate in Enhanced Assessment Instruments Grants projects funded by this competition; (2) the percentage of grantees that, at least twice during the period of their grants, make available to SEA staff in non-participating States and to assessment researchers information on findings resulting from the Enhanced Assessment Instruments Grants through presentations at national conferences, publications in refereed journals, or other products disseminated to the assessment community; (3) for each grant cycle and as determined by an expert panel, the percentage of Enhanced Assessment Instruments Grants that yield significant research, methodologies, products, or tools regarding assessment systems or assessments; and (4) for each grant cycle

and as determined by an expert panel, the percentage of Enhanced Assessment Instruments Grants that yield significant research, methodologies, products, or tools specifically regarding accommodations and alternate assessments for students with disabilities and limited English proficient students. Grantees will be expected to include in their interim and final performance reports information about the accomplishments of their projects because the Department will need data on these measures.

#### VII. Agency Contact

*For Further Information Contact:* Collette Roney, Enhanced Assessment Grants Program, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, SW., room 3W210, Washington, DC 20202-6132. Telephone: (202) 401-5245, or by e-mail: [collette.roney@ed.gov](mailto:collette.roney@ed.gov).

If you use a TDD, call the FRS, toll-free, at 1-800-877-8339.

#### VIII. Other Information

*Accessible Format:* Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or computer diskette) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII in this notice.

*Electronic Access to This Document:* You can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: <http://www.ed.gov/news/fedregister>. To use PDF you must have Adobe Acrobat Reader, which is available free at this site.

**Note:** The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: <http://www.gpoaccess.gov/nara/index.html>.

Dated: April 7, 2010.

**Thelma Meléndez de Santa Ana,**

*Assistant Secretary for Elementary and Secondary Education.*

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