



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Assistant Secretary for Health
Office of Adolescent Health
Rockville, MD 20852

TO: OAH TPP Research and Demonstration Grantees

FROM: Evelyn Kappeler, Director
Office of Adolescent Health

DATE: May 21, 2014

SUBJECT: OAH Grantee Guidance, OAH 2014-1: Frequently Asked Questions Regarding the Packaging and Dissemination Expectations for OAH Teen Pregnancy Prevention (TPP) Research and Demonstration Grantees

The purpose of this document is to answer questions from TPP Research and Demonstration grantees about OAH's packaging and dissemination expectations.

On September 9, 2013, the Office of Adolescent Health (OAH) released OAH Grantee Guidance, [OAH 2013-1: Packaging and Dissemination Expectation for OAH Teen Pregnancy Prevention \(TPP\) Research and Demonstration Grantees](#). This guidance outlined OAH expectations for program packaging, program dissemination, and evaluation dissemination.

OAH's expectation is that all programs developed and evaluated with funding from the TPP Research and Demonstration Program be (1) packaged, (2) implementation-ready and (3) available for replication by the end of the five-year cooperative agreement. In addition, grantees are strongly encouraged to develop a plan for program dissemination to groups (e.g., schools, organizations, etc.) interested in replication of the program. Furthermore, OAH expects all TPP Research and Demonstration grantees to disseminate their evaluation results widely, including through presentations and publications of findings in peer-reviewed journals.

On November 6 and 7, 2013, OAH hosted a workshop for TPP Research and Demonstration grantees in which questions were solicited regarding OAH Grantee Guidance, OAH 2013-1: Packaging and Dissemination Expectations. This document is a collection of the frequently asked questions from grantees and answers from OAH regarding the packaging and dissemination expectations.

Evelyn M. Kappeler
Director, Office of Adolescent Health

Attachment: Frequently Asked Questions Regarding the Packaging and Dissemination Expectations for OAH Teen Pregnancy Prevention Research and Demonstration Grantees

Frequently Asked Questions Regarding the Packaging and Dissemination Expectations for OAH Teen Pregnancy Prevention (TPP) Research and Demonstration Grantees May 2014

1. What product is OAH looking for from TPP Research and Demonstration Grantees at the end of the 5-year cooperative agreement?

We assume that the term “product” in the inquiry refers to the final program package as mentioned in the Teenage Pregnancy Prevention: Research and Demonstration Programs (Tier 2) Funding Opportunity Announcement (FOA) and detailed in the September 9, 2014 guidance document [OAH Grantee Guidance, OAH 2013-1: Packaging and Dissemination Expectations for OAH Teen Pregnancy Prevention \(TPP\) Research and Demonstration Grantees](#).

As stated in the [OAH Grantee Guidance, OAH 2013-1: Packaging and Dissemination Expectations for OAH Teen Pregnancy Prevention \(TPP\) Research and Demonstration Grantees](#), OAH’s expectation is that all programs developed and evaluated with funding from the TPP Research and Demonstration grant award be packaged so they are implementation-ready and available for replication by the end of the five-year cooperative agreement. OAH also expects all TPP Research and Demonstration grantees to disseminate their evaluation results, including publication of findings in a peer-reviewed journal.

The OAH Grantee Guidance, OAH 2013-1 explains in detail what is expected of OAH grantees for the final program package at the end of the five year grant period. As stated in the guidance, the final program package is expected to include 1) evidence of the program’s effectiveness, 2) core components, 3) logic model and theory, 4) information on how the program was implemented, 5) facilitator guide, 6) curriculum, 7) training materials, 8) guidance on allowable adaptations, 9) tools for monitoring fidelity, and 10) evaluation instruments. Grantees will be expected to submit a copy of the final program package to OAH electronically before the end of the cooperative agreement.

In addition to the final program package, all grantees are expected to widely disseminate the results of their evaluation through presentations and publications. Grantees will develop a final evaluation report to summarize the evaluation design and results for posting on the OAH website. Grantees are also expected to publish the results of the evaluation in a peer-reviewed journal and to present the results, as appropriate, at the local, state, and national level.

2. When should OAH grantees have their final program package ready?

OAH grantees are expected to submit their final program package to OAH prior to the end of the five-year cooperative agreement. The final program package should include all of the components listed in the [OAH Grantee Guidance, OAH 2013-1: Packaging and Dissemination Expectations for OAH TPP Research and Demonstration Grantees](#). The final program package should be submitted electronically.

Further guidance will be communicated as part of (1) the OAH TPP Year 5 Continuation Application Terms and Conditions and (2) the OAH TPP Grant Closeout Instructions.

Grantees are strongly encouraged to share a draft of their program package with their OAH Project Officer well in advance of the end of the grant year. Grantees should work with their Project Officer to complete and refine the final program package.

3. Who would own the product? Will it require legal fees on behalf of the grantee to figure this out?

We assume the inquiry refers to copyright ownership of works produced by grantees under the TPP Research and Demonstration grant award. Grantees should consult legal counsel on the copyright ownership of their work. To the extent that legal consultation on this issue results in an additional expense, the costs of legal services are generally considered to be allowable costs under a grant, with limitations noted in 45 CFR Part 74, Appendix E (#28 Professional services costs) and the HHS Grants Policy Statement (GPS), page II-36 (<http://www.hhs.gov/asfr/ogapa/aboutog/hhsgps107.pdf>). Neither federal grant funding nor the terms of the TPP Research and Demonstration grant award affect copyright ownership. In other words, copyright ownership of the program materials is for the grantee to determine and is not affected by either the receipt of Federal funding or the specific terms of the TPP cooperative agreement.

OAH grantees are encouraged to familiarize themselves with the U.S. Copyright Office circulars and factsheets which provide basic information to interested parties (<http://www.copyright.gov/circls/>).

4. How does OAH plan to use the final program packages received from grantees?

OAH would like to showcase TPP Research and Demonstration grantee final program packages and evaluation results on the OAH website. The method of posting the final program package on the OAH website will be read-only. Persons interested in learning more about the program or in obtaining materials or training would be directed to the appropriate contact (e.g., developer, publisher, and supplies).

OAH does not plan to be a purveyor of TPP Research and Demonstration grantee products, but instead plans to showcase the final program package on the OAH website in a read-only format. OAH does not intend to sell or directly market any program developed by a TPP Research and Demonstration grantee.

Although OAH does not have plans to use TPP Research and Demonstration grantee program packages for commercial purposes, OAH reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use the work first developed¹ by a recipient (or subrecipient) under the TPP Research and Demonstration grant award for Federal purposes, and to authorize others to do so. 45 CFR §§ 74.36(a), 92.34.

5. When can grantees start selling their program packages? When can they take them to market?

There are no restrictions in place for when grantees can begin selling their program packages, either before or after the grant period. According to the HHS Grants Policy Statement, page II-71, grantees should notify OAH in advance of issuing a press release concerning the outcomes of HHS grant-supported activities (<http://www.hhs.gov/asfr/ogapa/aboutog/hhsgps107.pdf>).

Grantees participating in the OAH Federal evaluations are restricted from publishing their evaluation results until after the Federal government has published the evaluation report, as stated in the Data Rights Agreements signed by participating grantees, their local evaluator, and OAH.

6. Some curricula were developed prior to receiving OAH funds. If interventions were developed completely before the grant cycle, and if only minor tweaks were made during the grant, how does this impact the rights of the grantee/developer? To publish? To disseminate?

For the rights of grantees and developers, please consult legal counsel regarding the copyright status of work developed under the TPP Research and Demonstration grant award, and how your rights to publish or disseminate that work may be affected by the incorporation of or derivation from pre-existing work (your own or a third party's). To the extent that legal consultation on this issue results in an additional expense, the costs of legal services are generally considered to be allowable costs under a grant, with limitations noted in 45 CFR Part 74, Appendix E (#28 Professional services costs) and the HHS Grants Policy Statement (GPS), page II-36 (<http://www.hhs.gov/asfr/ogapa/aboutog/hhsgps107.pdf>). Neither federal grant funding nor the terms of the TPP Research and Demonstration grant award affect copyright ownership.

Grantees may also find it useful to consult Copyright Office circulars for general background information, available at <http://www.copyright.gov/circs/> -- for example, Circular #1 (Copyright Basics) and Circular #14 (Copyright Registration for Derivative Works; Copyright in Derivative Works and Compilations). Please also see answers to Question #3.

As part of the grant award terms and conditions, OAH will still require grantees to submit a final program package as detailed in the [OAH Grantee Guidance, OAH 2013-1: Packaging and Dissemination Expectations for OAH TPP Research and Demonstration Grantees](#).

7. What is the likelihood that OAH will go into direct competition with a grantee using copyrighted work?

OAH has no plans to commercially compete with grantees in the marketplace. Please see answer to Question #4. Nonetheless, the grant regulations do explicitly state that OAH does have the right to reproduce, publish, and otherwise use the work first developed¹ under the TPP Research and Demonstration grant award for Federal purposes, and to authorize others to do so. As with all works developed under an OAH award, OAH may consider exercising those rights in the future.

8. Will OAH get/receive a portion of any funds collected after dissemination?

We understand this question to ask whether OAH will receive a portion of any funds that a TPP Research and Demonstration grantee may receive after disseminating a work developed under a TPP Research and Demonstration grant award. In other words, if a grantee were to sell work developed under the TPP Research and Demonstration grant award, would the grantee be obligated to pay some portion to OAH? No.

9. If another funding opportunity comes along, and a TPP Research and Demonstration grant program is going to be replicated by others:

- a. Would TPP Research and Demonstration Grantees then be reimbursed for training costs (e.g., for Training of Trainers, materials, and travel)? Would grantees/developers have to charge a certain amount, or not be allowed to charge at all?**
- b. Would the program have to be free for new grantees to use because it was developed with federal funds?**
- c. Does OAH have the legal authority to set these provisions?**

We understand all three of these questions to relate to OAH's ability or authority to dictate the terms of or be involved in TPP Research and Demonstration grantees' commercial activities after the grant is over. OAH will not require grantees to provide the work developed under the TPP Research and Demonstration grant award or training-related services to a non-federal entity for free, or at some price suggested by OAH.

On the other hand, OAH does have the right to reproduce, publish, or otherwise use the work first developed¹ under a TPP Research and Demonstration grant award for Federal purposes and to authorize others to do so. As with all works first developed under an OAH award, OAH may consider exercising those rights in the future.

10. What are OAH's copyright guidelines with regard to adaptations of evidence-based programs?

OAH does not have copyright guidelines, nor does it have copyright guidelines specifically for adaptations of evidence-based programs. However, a grantee working on a significant adaptation to an evidence-based program can consult 1) the copyright owner of the evidence-based program and 2) their legal counsel with any questions about copyright. Grantees may

also find it useful to consult information provided at <http://www.copyright.gov> . See also the answers to questions #3 and #6.

11. How will OAH help publicize curricula and programs? Will there be a list where people go to look for information?

HHS does not endorse any commercial products, processes, or services. OAH does plan to showcase TPP Research and Demonstration grantee final program packages and evaluation results on the OAH website. The method of posting the final program package on the OAH website will be read-only. In addition to the final program package, grantees will develop a final evaluation report to summarize the evaluation design and results for posting on the OAH website.

In addition, HHS currently maintains a list of Evidence-Based Teenage Pregnancy Prevention Programs on the OAH website, http://www.hhs.gov/ash/oah/oah-initiatives/teen_pregnancy/db/. Grantees are expected to develop a final evaluation report to summarize the evaluation design and results, and publish the results of the evaluation in a peer-reviewed journal. Both the final evaluation report and peer-reviewed publications will be reviewed for the HHS Pregnancy Prevention Research Evidence Review.

12. OAH received the following general questions relating to copyright law and intellectual property:

- 1. How do you create copyrighted material?**
- 2. How do you establish intellectual property?**
- 3. What if a curriculum is already copyrighted, then would it be “copyrightable?”**
- 4. Some grantees expressed concerns about “who owns what” when a grantee adapts a curriculum owned by a private publisher.**

Grantees should consult legal counsel regarding general questions about copyright law and intellectual property. Grantees working on adaptations to evidence-based programs should consult legal counsel regarding the copyright status of work developed under the TPP Research and Demonstration grant award, and how rights to publish or disseminate work may be affected by the incorporation of or derivation from pre-existing work (grantee’s own or a third party’s). See also the answers to #3 and #6.

General information about establishing copyright can be found in the U.S. Copyright Office circulars, available at <http://www.copyright.gov/circs/>.

13. Are there any recommendations about working with publishers? What are the options? Could grantees hear directly from publishers?

OAH cannot endorse particular publishers but it is recommended that grantees assess their options for program distribution. The OAH Packaging and Dissemination Workshop for TPP Research and Demonstration grantees on November 6 and 7, 2013 covered a number of options for program dissemination. It is recommended to review material covered at the

workshop at http://www.hhs.gov/ash/oah/oah-initiatives/teen_pregnancy/resources/annual-conferences.html#November 6-7, 2013: OAH Tier 2 Workshop, Packaging and Dissemination.

Regardless of the dissemination pathway chosen, OAH reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use the work first developedⁱ under this award for Federal purposes, and to authorize others to do so. 45 CFR §§ 74.36(a), 92.34.

In the event that a grantee chooses to assign its copyright to a publisher (e.g., as part of a publishing agreement), the grantee should note explicitly in the assignment that the transfer is subject to the royalty-free, nonexclusive and irrevocable license to the Federal government for work first developed, as stated in the HHS Grants Policy Statement, “Publications” section (pages II-70 to II-71) (<http://www.hhs.gov/asfr/ogapa/aboutog/hhsgps107.pdf>).

ⁱ For purposes of this FAQ document, work first developed refers to work (i.e., program packages/interventions package) exclusively developed under the Tier 2 award. Work developed prior to the TPP Tier 2 award is not considered to be work first developed.