FY 2023 CRP ASSURANCES AFFIRMATION

As a legal authorized representative of the applicant agency or school, where applicable, I hereby certify that to the best of my knowledge, the information contained in this application is correct and that the applicant agency will comply with all assurances, as stated below, and all applicable provisions of waivers, consortium participation, and cooperative agreements included as part of this application.

Check the programs for which you are submitting an application:

☐ Title I-A  ☐ Title I-D  ☐ Title II-A  ☐ Title III

☐ Title IV-A  ☐ IDEA Part B  ☐ IDEA Preschool

Superintendent of Schools (blue ink preferred) ___________________________ Date ______________

Name of School District/Charter School (please print)

GENERAL ASSURANCES

In accordance with Section 8306 of the Elementary and Secondary Education Act (ESEA), the applicant Local Educational Agency (LEA) assures the Rhode Island Department of Education (RIDE) that this single set of assurances applicable to each program for which a plan is submitted under this Consolidated Resource Plan (CRP) provides that:

(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

(2) (A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency or in an eligible private agency, institution, organization, or Indian tribe, if the law authorizing the program provides for assistance to those entities; and

          (B) the public agency, eligible private agency, institution, or organization, or Indian tribe will administer the funds and property to the extent required by the authorizing statutes;

(3) the applicant will adopt and use proper methods of administering each such program, including
(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program; and

(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation;

(4) the applicant will cooperate in carrying out any evaluation of each such program conducted by or for the State Educational Agency (SEA), the Secretary, or other Federal officials;

(5) the applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the applicant under each such program;

(6) the applicant will

(A) submit such reports to the SEA (which shall make the reports available to the Governor) and the Secretary as the SEA and Secretary may require to enable the SEA and the Secretary to perform their duties under each such program; and

(B) maintain such records, provide such information, and afford such access to the records as the SEA (after consultation with the Governor) or the Secretary may reasonably require to carry out the SEA’s or the Secretary’s duties; and

(7) before the application was submitted, the applicant afforded a reasonable opportunity for public comment on the application and considered such comment.

CIVIL RIGHTS ASSURANCES

All recipients of assistance under these grants made pursuant to the ESEA shall comply with the following Federal and State civil rights statutes and regulations:

(a) 42 USC, Sections 1981 and 1983 (acts prohibited on the basis of race);

(b) Title VI and VII of the Civil Rights Act of 1964 (acts prohibited on the basis of race, color, religion, sex, or national origin);

(c) Title IX of the Education Amendments of 1972, as amended, 20 United States Code 1681 et. Seq. (acts prohibited on the basis of sex);

(d) 42 USC, Section 1601 et seq. (acts prohibited on the basis of age);

(e) Section 504 of the Rehabilitation Act of 1973, as amended, 20 USC 794 (acts prohibited on the basis of handicap);

(f) 24 USC, Section 12100 et seq. [The Americans with Disabilities Act] (acts prohibited on the basis of disability);

(g) Section 16-38-1 of the Rhode Island General Laws, as amended (discrimination because of race or age);
(h) Section 16-38-1.1 of the Rhode Island General Laws, as amended (discrimination because of sex);

(i) Chapter 42-87 of the Rhode Island General Laws, as amended (Civil Rights of People with Disabilities); and

(j) Sections 28-5.1-13 and 28-5.1-14 of the Rhode Island General Laws, as amended (Private education institutions – compliance with state policy of non-discrimination and affirmative action).

**ESSA PARENTS RIGHT TO KNOW ASSURANCES**

At the beginning of the school year, the LEA will notify parents of each student attending any school receiving funds under ESSA that the parents may request, and the LEA will provide (upon request and in a timely manner), information regarding the professional qualifications of the student's classroom teachers and paraprofessionals, including at a minimum, the following:

**Teachers - Whether the student’s teacher:**
- has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;
- is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived; and
- is teaching in the field of discipline of the certification of the teacher.

**Paraprofessionals**
- The qualifications of any paraprofessional providing services to their child.

The LEA will assure each of its schools receiving funds under ESSA provides to each individual parent of a child who is a student in such school, with respect to such student:

(i) information on the level of achievement and academic growth of the student, if applicable and available, on each of the State academic assessments required under this part; and

(ii) timely notice that the student has been assigned, or has been taught for 4 or more consecutive weeks by, a teacher who does not meet applicable State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned.
TITLE I PART A ASSURANCES

The LEA will—

(1) ensure that migratory children and formerly migratory children who are eligible to receive services under this part are selected to receive such services on the same basis as other children who are selected to receive services under this part;

(2) provide services to eligible children attending private elementary schools and secondary schools in accordance with section 1117, and timely and meaningful consultation with private school officials regarding such services;

(3) participate, if selected, in the National Assessment of Educational Progress in reading and mathematics in grades 4 and 8 carried out under section 303(b)(3) of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622(b)(3));

(4) coordinate and integrate services provided under this part with other educational services at the LEA or individual school level, such as services for English learners, children with disabilities, migratory children, American Indian, Alaska Native, and Native Hawaiian children, and homeless children and youths, in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program;

(5) collaborate with the State or local child welfare agency to—
   (A) designate a point of contact if the corresponding child welfare agency notifies the LEA, in writing, that the agency has designated an employee to serve as a point of contact for the local educational agency; and
   (B) by not later than 1 year after the date of enactment of the ESSA, develop and implement clear written procedures governing how transportation to maintain children in foster care in their school of origin when in their best interest will be provided, arranged, and funded for the duration of the time in foster care, which procedures shall—
      (i) ensure that children in foster care needing transportation to the school of origin will promptly receive transportation in a cost-effective manner and in accordance with section 475(4)(A) of the Social Security Act (42 U.S.C. 675(4)(A)); and
      (ii) ensure that, if there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, the LEA will provide transportation to the school of origin if—
         (I) the local child welfare agency agrees to reimburse the LEA for the cost of such transportation;
         (II) the LEA agrees to pay for the cost of such transportation; or
         (III) the LEA and the local child welfare agency agree to share the cost of such transportation;

(6) ensure that all teachers and paraprofessionals working in a program supported with funds under this part meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification; and
(7) if the LEA that chooses to use funds under this part to provide early childhood education services to low-income children below the age of compulsory school attendance, ensure that such services comply with the performance standards established under section 641A(a) of the Head Start Act (42 U.S.C. 9836a(a)).

(8) to ensure that State and local funds will be used in schools served under this part to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving funds under this part, assure that it has established and implemented an LEA-wide salary schedule; a policy to ensure equivalence among schools in teachers, administrators and other staff; and a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.

(9) the LEA assures it maintains control of the Title I-A program for children enrolled in private schools, specifically:

(A) the control of funds, and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds, materials, equipment, and property in accordance with ESEA section 1117(d)(1);

(B) the provision of services shall be provided by employees of a public agency; or through contract by such public agency with an individual, association, agency, or organization. In the provision of such services, such employee, individual, association, agency, or organization shall be independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency in accordance with ESEA section 1117(d)(2);

(C) consultation with appropriate private school officials, including about how the services will be academically assessed and how the results of that assessment will be used to improve those services in accordance with ESEA section 1117(b)(1)(D); and

(D) ensuring that teachers and families of the children participate, on an equitable basis, in services and activities developed pursuant to Section 1116 of the Elementary and Secondary Education Act, as amended, in accordance with section 1117(a)(1)(B) of the Act.

TITLE I-PART D ASSURANCES (For State Agencies, if applicable)

The State Agency provides an assurance that:

(1) the State agency will assist in locating alternative programs through which students can continue their education if the students are not returning to school after leaving the correctional facility or institution for neglected or delinquent children and youth;

(2) the State agency will work with parents to secure parents’ assistance in improving the educational achievement of their children and youth, and preventing their children’s and youth’s further involvement in delinquent activities;
(3) the State agency will work with children and youth with disabilities in order to meet an existing individualized education program and an assurance that the agency will notify the child’s or youth’s local school if the child or youth—
(A) is identified as in need of special education services while the child or youth is in the correctional facility or institution for neglected or delinquent children and youth; and
(B) intends to return to the local school;
(4) the State agency will work with children and youth who dropped out of school before entering the correctional facility or institution for neglected or delinquent children and youth to encourage the children and youth to reenter school and attain a regular high school diploma once the term of the incarceration is completed or provide the child or youth with the skills necessary to gain employment, continue the education of the child or youth, or attain a regular high school diploma or its recognized equivalent if the child or youth does not intend to return to school;
(5) certified or licensed teachers and other qualified staff are trained to work with children and youth with disabilities and other students with special needs taking into consideration the unique needs of such students.

**TITLE II-PART A ASSURANCES**

The LEA hereby assures that it will:

(A) Comply with section 8501 (regarding participation by private school children and teachers; and
(B) Coordinate professional development activities authorized under Title II Part A with professional development activities provided through other Federal, State and local programs.
(C) The LEA assures that its application for funding is developed with meaningful consultation with teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, charter school leaders, parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this title, in accordance with ESEA section 2102(b)(3), and priorities have been determined based on the outcome of a comprehensive needs assessment.
(D) The LEA assures it has developed and implemented systems of professional growth and improvement, such as induction for teachers, principals or other school leaders and a description of the LEA’s opportunities for building the capacity of teachers and provided opportunities for building he capacity of teachers and to develop meaningful teacher leadership in accordance with ESEA section 2102(b)(2)(B).
(E) The LEA has an established plan to gather and review data that will determine if low-income and minority students are served at disproportionate rates by ineffective, inexperienced, or out-of-area teachers, and how those disparities will be addressed in accordance with ESEA section 2103(b)(3)(B).
TITLE III ASSURANCES

The LEA hereby assures that:

(A) it will comply with section 1112(e);
(B) it is not in violation of any State law, including State constitutional law regarding the education of ELs, consistent with sections 3125 and 3126;
(C) it consulted with teachers, researchers, school administrators, parents and family members, community members, public or private entities, and institutions of higher education, in developing and implementing its Title III program;
(D) it will, if applicable, coordinate activities and share relevant data with local Head Start and Early Head Start agencies, including migrant and seasonal Head Start agencies, and other early childhood education providers.

TITLE IV-PART A ASSURANCES

The LEA will:

(A) prioritize the distribution of funds to schools served by the LEA that——
   (i) are among the schools with the greatest needs, as determined by such LEA;
   (ii) have the highest percentages or numbers of children counted under section 1124(c);
   (iii) are identified for comprehensive support and improvement under section 1111(c)(4)(D)(i);
   (iv) are implementing targeted support and improvement plans as described in section 1111(d)(2); or
   (v) are identified as a persistently dangerous public elementary school or secondary school under section 8532;
(B) comply with section 850 (regarding equitable participation by private school children and teachers);
(C) use not less than 20 percent of funds received under this subpart to support one or more of the activities authorized under section 4107;
(D) use not less than 20 percent of funds received under this subpart to support one or more of the activities authorized under section 4108;
(E) use a portion of funds received under this subpart to support one or more activities authorized under section 4109(a), in compliance with section 4109(b);
(F) annually report to the State for inclusion in the report described in section 4104(a)(2) how funds are being used under this subpart to meet the requirements of sub-paragraphs (C) through (E).

Note: any LEA receiving an allocation under section 4105(a)(1) in an amount less than $30,000 shall be required to provide only one of the assurances described in sub-paragraphs (C), (D) and (E) above.
IDEA ASSURANCES

The LEA hereby assures that:

♦ A free appropriate public education is available to all eligible resident children with disabilities between the ages of 3 and 21, inclusive, including children with disabilities enrolled by their parents in private elementary and secondary schools, including religious schools.

♦ All eligible children with disabilities, including children with disabilities who are in need of special education and related services, are identified, located, and evaluated within timelines required under the Individuals with Disabilities Education Act (IDEA). This includes all children enrolled by their parents in private, including religious, schools or facilities. (34 CFR § 300.131) Children with disabilities are evaluated in accordance with subsections (a) through (c) of 20 U.S.C. 1414. (20 U.S.C. 1412(a)(7))

♦ Children participating in early intervention programs assisted under Part C, and who will participate in preschool programs assisted under this part, experience a smooth and effective transition to those preschool programs in a manner consistent with 20 U.S.C. 1437(a)(9). By the third birthday of such a child, an individualized education program (IEP) has been developed and is being implemented for the child. The LEA participates in transition planning meetings collaboratively arranged with early intervention agencies under 20 U.S.C. 1435(a)(10). (20 U.S.C. 1412(a)(9))

♦ The LEA collaborates with families and public and private agencies to ensure timely and smooth transitions for young adults with disabilities from school to post-school activities beginning no later than 14 years old, including transition to post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. Upon each student's exit from public education due to graduation, aging out, or dropping out, the LEA provides the student with a summary of his or her academic and functional skills performance, accompanied by recommendations.

♦ An IEP is developed, implemented, reviewed, and revised for each eligible child with a disability in accordance with 20 U.S.C. 1414(d). (20 U.S.C. 1412(a)(4))

♦ To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily in accordance with 20 U.S.C. 1412(a)(5)(A)-(B).
Preschool students with disabilities are provided access to the general early education curriculum to ensure that preschool children with disabilities achieve high developmental standards and have access to learning opportunities and assessment in the general early childhood curriculum, including the development of IEPs aligned to state and district standards.

Children with disabilities and their parents are afforded the procedural safeguards required by 20 U.S.C. 1415 and in accordance with 20 U.S.C. 1412(a) (6).

The LEA ensures that:
Every parent, as defined by IDEA, of a student with a disability is fully informed of and assisted in accessing his/her due process rights in accordance with IDEA, through use of understandable explanation in his/her native language or mode of communication, as well as through written guidance;

and

In response to each due process hearing request, it makes available to the parent(s) a resolution session in accordance with timelines and procedures under IDEA.

The LEA complies with requirements of the IDEA and the Family Educational Rights and Privacy Act (FERPA) in protecting the confidentiality of records and information pertaining to students with disabilities.

To the extent consistent with the number of children with disabilities enrolled by their parents in private elementary and secondary schools, including religious schools, located in the school district, provision is made for the participation of those children in the program assisted or carried out under IDEA by providing for such children special education and related services in accordance with the requirements found in 20 U.S.C. 1412(a) (10) (A)-(C).

For such purposes, the district reserves a proportionate share of its IDEA funds and consults with representatives of both private schools and parents of parentally-placed private school children with disabilities in its municipality. Topics discussed during this consultation process include how the process will operate throughout the year, how Child Find will be conducted in each school, how the proportionate amount of federal funds were determined for that school, how, where, and by whom services will be provided, how decisions will be made with that school with a signed affirmation of the consultation with each school, and in cases of disagreement, how the district will provide written documentation to the private school explaining its reasons for not adopting the private school officials' recommendations (34 CFR § 300.134)

The LEA develops and implements a service plan for each private school child with a disability who has been designated by the LEA where the private school is located to receive special education and related services. (34 CFR 300.132(b)

The LEA maintains records related to parentally-placed private school children including the number of children evaluated, the number of children with disabilities, and the number of children served. (34 CFR § 300.132(c)
♦ All children with disabilities are included in all general State and district wide assessment programs, including assessments described under section 1111 of the Elementary and Secondary Education Act of 1965, with appropriate accommodations and alternate assessments where necessary and as indicated in their respective IEPs as noted in 20 U.S.C. 1412(a)(16)(A)-(E).

♦ The LEA adopts the National Instructional Materials Accessibility Standard for the purposes of providing instructional materials to blind persons or other persons with print disabilities, in a timely manner after the publication of the National Instructional Materials Accessibility Standard in the Federal Register in accordance with 20 U.S.C. 1412(a)(23)(A) and (D); 34 CFR §300.172.

♦ If the LEA chooses not to coordinate with the Rhode Island Instructional Materials Access Center, it provides instructional materials to students who are blind or who have print disabilities in a timely manner.

♦ Policies and procedures designed to prevent/reduce disproportionate representation, by race and ethnicity, of students with disabilities due to inappropriate identification are being revised in cooperation with RIDE. (20 U.S.C. 1412(a) (24); 34 CFR §300.173

♦ Personnel are prohibited from requiring a child to obtain a prescription for a substance covered by the Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition of attending school, receiving an evaluation under subsection (a) or (c) of 20 U.S.C. 1414, or receiving services under the IDEA as described in 20 U.S.C. 1412(a)(25)(A)-(B).

♦ The district restricts to those limits allowable under IDEA its expenditures of IDEA funds for incidental benefit to all students, such as expenditures for early intervening services and other prevention activities for students K-12. Expenditures budgeted for early intervening services are identified in this plan and accompanied by an articulated system for tracking all student beneficiaries of such services.

♦ Fiscal control and fund accounting procedures are in place that insure proper disbursement of and accounting for Federal funds under IDEA. (34 CFR §76.702)

♦ Expenditures of these federal funds comply with requirements of IDEA Part B and Section 619 (preschool) and the Education Department General Administrative Regulations (EDGAR) and are utilized to offset the excess cost of operating the LEA special education program and providing special education and related services to students with disabilities.

♦ An LEA is eligible for assistance under Part B of the Act for a fiscal year if the agency submits a plan that provides assurances to the SEA that the LEA meets each of the conditions in §§ 300.201 through 300.213. (Authority: 20 U.S.C. 1413(a))
The LEA, in providing for the education of children with disabilities within its jurisdiction, must have in effect policies, procedures, and programs that are consistent with the State policies and procedures established under 34 CFR §§ 300.101 through 300.163, and §§ 300.165 through 300.174. (Authority: 20 U.S.C. 1413(a)(1))

Except as provided in §§ 300.204 and 300.205, funds provided to an LEA under Part B of the Act must not be used to reduce the level of expenditures for the education of children with disabilities made by the LEA from local funds below the level of those expenditures for the preceding fiscal year.

(1) Except as provided in paragraph (b)(2) of this section, the SEA must determine that an LEA complies with paragraph (a) of this section for purposes of establishing the LEA's eligibility for an award for a fiscal year if the LEA budgets, for the education of children with disabilities, at least the same total or per-capita amount from either of the following sources as the LEA spent for that purpose from the same source for the most recent prior year for which information is available:
   (i) Local funds only.
   (ii) The combination of State and local funds.

(2) An LEA that relies on paragraph (b)(1)(i) of this section for any fiscal year must ensure that the amount of local funds it budgets for the education of children with disabilities in that year is at least the same, either in total or per capita, as the amount it spent for that purpose in the most recent fiscal year for which information is available and the standard in paragraph (b)(1)(i) of this section was used to establish its compliance with this section.

(3) The SEA may not consider any expenditures made from funds provided by the Federal Government for which the SEA is required to account to the Federal Government or for which the LEA is required to account to the Federal Government directly or through the SEA in determining an LEA's compliance with the requirement in paragraph (a) of this section. (Authority: 20 U.S.C. § 1413(a)(2)(A))

Notwithstanding the provisions of 34 CFR §§ 300.202 and 300.203 or any other provision of Part B of the Act, an LEA may use funds received under Part B of the Act for any fiscal year to carry out a schoolwide program under section 1114 of the ESEA, except that the amount used in any schoolwide program may not exceed—

(1)(i) The amount received by the LEA under Part B of the Act for that fiscal year; divided by (ii) The number of children with disabilities in the jurisdiction of the LEA; and multiplied by

(2) The number of children with disabilities participating in the schoolwide program. The funds described in paragraph (a) of this section are subject to the following conditions:

(1) The funds must be considered as Federal Part B funds for purposes of the calculations required by § 300.202(a)(2) and (a)(3).
(2) The funds may be used without regard to the requirements of § 300.202(a)(1)(c). Except as provided in paragraph (b) of this section, all other requirements of Part B of the Act must be met by an LEA using Part B funds in accordance with paragraph (a) of this section, including ensuring that children with disabilities in schoolwide program schools—
(1) Receive services in accordance with a properly developed IEP; and
(2) Are afforded all of the rights and services guaranteed to children with disabilities under the Act. (Authority: 20 U.S.C. 1412(a)(2)(D))

- Children with disabilities who attend public charter schools and their parents retain all rights under this part.
  (1) In carrying out Part B of the Act and these regulations with respect to charter schools that are public schools of the LEA, the LEA must—
    (i) Serve children with disabilities attending those charter schools in the same manner as the LEA serves children with disabilities in its other schools, including providing supplementary and related services on site at the charter school to the same extent to which the LEA has a policy or practice of providing such services on the site to its other public schools; and
    (ii) Provides funds under Part B of the Act to those charter schools—
  (A) On the same basis as the LEA provides funds to the LEA’s other public schools, including proportional distribution based on relative enrollment of children with disabilities; and
  (B) At the same time as the LEA distributes other Federal funds to the LEA’s other public schools, consistent with the State’s charter school law.
  (2) If the public charter school is a school of an LEA that receives funding under 34 CFR § 300.705 and includes other public schools—
    (i) The LEA is responsible for ensuring that the requirements of this part are met, unless State law assigns that responsibility to some other entity; and
    (ii) The LEA must meet the requirements of paragraph (b)(1) of this section.
  (C) If the public charter school is an LEA, consistent with § 300.28, that receives funding under § 300.705, that charter school is responsible for ensuring that the requirements of this part are met, unless State law assigns that responsibility to some other entity.
  (D) (1) If the public charter school is not an LEA receiving funding under 34 CFR § 300.705, or a school that is part of an LEA receiving funding under § 300.705, the SEA is responsible for ensuring that the requirements of this part are met. (2) Paragraph (d)(1) of this section does not preclude a State from assigning initial responsibility for ensuring the requirements of this part are met to another entity. However, the SEA must maintain the ultimate responsibility for ensuring compliance with this part, consistent with § 300.149. (Authority: 20 U.S.C. 1413(a)(5))
The LEA must provide the SEA with information necessary to enable the SEA to carry out its duties under Part B of the Act, including, with respect to 34 CFR §§ 300.157 and 300.160, information relating to the performance of children with disabilities participating in programs carried out under Part B of the Act. (Authority: 20 U.S.C. 1413(a)(7))

The LEA must make available to parents of children with disabilities and to the general public all documents relating to the eligibility of the agency under Part B of the Act. (Authority: 20 U.S.C. 1413(a)(8))

The LEA must cooperate in the Secretary’s efforts under section 1308 of the ESEA to ensure the linkage of records pertaining to migratory children with disabilities for the purpose of electronically exchanging, among the States, health and educational information regarding those children. (Authority: 20 U.S.C. 1413(a)(9))

The LEA convenes a local advisory committee on special education, which meets at least four times/year. Parents of students with disabilities compose the majority of committee membership. (RI Regulations Governing the Education of Children with Disabilities (effective date 10/9/2013) § 300.900)

ASSURANCES – NON-CONSTRUCTION PROGRAMS

As the duly authorized representative of the applicant, and by signing the application cover page, I certify that the applicant:

(1) Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.

(2) Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

(3) Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

(4) Will initiate and complete the work within the applicable timeframe after receipt of approval of the awarding agency.

(5) Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM’s Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
(6) Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290(dd)(3) and 290 (ee)(3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

(7) Will comply, or has already complied, with the requirements of Titles II and III of the uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

(8) Will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328), which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.


(10) Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

(11) Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in
accompanyEO11988;(e)assuranceofprojectconsistencywiththeapproved
State management program developed under the Coastal Zone Management Act of
1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clear Air)
Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended
(42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water
under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h)
protection of endangered species under the Endangered Species Act of 1973, as
amended, (P.L. 93-205).

seq.) related to protecting components or potential components of the national wild
and scenic rivers system.

(13) Will assist the awarding agency in assuring compliance with Section 106 of the
(identification and protection of historic properties), and the Archaeological and

(14) Will comply with P.L. 93-348 regarding the protection of human subjects
involved in research, development, and related activities supported by this award of
assistance.

(15) Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as
amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of
warm-blooded animals held for research, teaching, or other activities supported by
this award of assistance.

(16) Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C.
§§4801 et seq.), which prohibits the use of lead-based paint in construction or
rehabilitation of residence structures.

(17) Will cause to be performed the required financial and compliance audits in
accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-
133, Audits of States, Local Governments, and Non-Profit Organizations.

18. Will comply with all applicable requirements of all other Federal laws, executive
orders, regulations and policies governing this program.

CERTIFICATIONS REGARDING LOBBYING

If the applicant is engaged in lobbying pursuant to 31 USC 1352, then it should disclose
those activities using OMB Form 0348-0045, Disclosure of Lobbying Activities.

Applicants should refer to the regulations cited below to determine the certification to
which they are required to attest. Applicants should also review the instructions for
certification included in the regulations before completing this form. Signature of the
Application Cover Page provides for compliance with certification requirements under
34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-
wide Debarment and Suspension (Nonprocurement)." The certifications shall be
treated as a material representation of fact upon which reliance will be placed when

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the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

**LOBBYING**

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over $100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

(c) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub- grants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION — LOWER TIER COVERED TRANSACTIONS**

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

**Instructions for Certification**

(1) By signing the Application Cover Page, the prospective lower-tier participant is providing the certification set out below.

(2) The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
(3) The prospective lower-tier participant shall provide immediate written notice to the person to whom this proposal is submitted if at any time the prospective lower-tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

(4) The terms “covered transaction,” “debarred,” “suspended,” “ineligible,” “lower-tier covered transaction,” “participant,” “person,” “primary covered transaction,” “principal,” “proposals,” and “voluntarily excluded,” as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

(5) The prospective lower-tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower-tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

(6) The prospective lower-tier participant further agrees by submitting this proposal that it will include the clause titled “Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transactions,” without modification, in all lower-tier covered transactions and in all solicitations for lower-tier covered transactions.

(7) A participant in a covered transaction may rely upon a certification of a prospective participant in a lower-tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Non-procurement List.

(8) Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

(9) Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower-tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available
to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

(1) The prospective lower-tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower-tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.