



Office of Public Instruction
 8 YbjgY>i bYU , Superintendent
 PO Box 202501
 Helena, MT 59620-2501

March 2002
COMMON ASSURANCES FOR FEDERAL
PROGRAMS—CERTIFICATION

District or Agency Name:

CO:

The authorized representative for federal programs listed below is the:

LE:

In addition, if a member of a special education cooperative, the authorized representative for federal special education funds is the:

Each legal entity, district, cooperative or agency that participates in one or more of the programs listed below MUST complete and return this form to the Office of Public Instruction (OPI) prior to the award of funds for any U.S. Department of Education administered program. **Submission of this form is not an application for funds and does not obligate the applicant or OPI for the programs. The following pages consolidate common assurances required by federal law that apply to the federal programs listed below. Additional specific program assurances may be included in the application or program plan for that individual program. If you have questions, please contact the OPI specialist listed as contact on the program descriptions that accompany this form.**

COMMON ASSURANCES

The Common Assurances listed in items 1-21 apply to all programs administered by the U.S. Department of Education through the Office of Public Instruction, including all programs found in the following Acts:

- ESEA Reauthorized by the No Child Left Behind Act of 2001, Pub. L. No. 107-110, 115 Stat. 1425
- Individuals with Disabilities Education Act (IDEA), Part B, 20 USC §1400
- Carl D. Perkins Vocational and Technical Education Act, 20 USC §2301
- Workforce Investment Act, 29 USC §2801
- Adult Basic Literacy Education, 42 USC §4959
- General Education Provisions Act (GEPA), 20 USC §1221
- Pro-Children's Act of 2001, Pub. L. No. 107-110, §9532, 115 Stat. 1984

Certification: I certify that the Common Assurances for Federal Programs and Specific Program Assurances for those programs in which this legal entity, district, cooperative, or agency participates are accepted as the basic conditions for local participation and assistance in the operation of the projects/programs listed above. I also authorize the representative(s) designated above to make representations and commitments on behalf of the applicant under the provisions of each program.

Printed Name of Board Chair or Executive Officer

District/Applicant Name

Signature of Board Chair or Executive Officer

Date

Retain a copy of this entire document.

Please return this page no later than May 30, 2002, to:

Office of Public Instruction
 Attn: Carol Gneckow
 PO Box 202501
 Helena, MT 59620-2501

Return only this page to OPI.



COMMON ASSURANCES FOR FEDERAL PROGRAMS

2002

The applicant, by signature of its Board Chair or Executive Officer on page 1 of this document, hereby assures the Montana Office of Public Instruction that the applicant will adhere to the following:

General

1. That each program will be administered in accordance with all applicable statutes, regulations, program plans, and applications [see Pub. L. No. 107-110 §9306(a)(1), 115 Stat. 1971].
2. That the applicant will adopt and use proper methods of administering each such program, including the enforcement of any obligations imposed by law on agencies, institutions, organizations and other recipients responsible for carrying out each program; and the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation [see Pub. L. No. 107-110 §9306(a)(3), 115 Stat. 1971].
3. No policy of the district prevents, or otherwise denies participation in, constitutionally protected prayer in public elementary and secondary schools per guidance of the Secretary of the U.S. Department of Education [see Pub. L. No. 107-110 §9524, 115 Stat. 1980].
4. No school or district that has a designated open forum or a limited public forum denies equal access or a fair opportunity to meet with, or discriminate against, any group officially affiliated with the Boy Scouts of America, or any other youth group listed in title 36 of the United States Code, that wishes to conduct a meeting within that designated open forum or limited public forum including denying such access or opportunity or discriminating for reasons based on the membership or leadership criteria or oath of allegiance to God and country of the Boy Scouts of America or of the youth group listed in title 36 of the United States Code [see Pub. L. No. 107-110 §9525, 115 Stat. 1981].
5. None of the funds under ESEA will be used for schools to develop or distribute, or operate programs or courses of instruction directed at youth that promotes or encourages sexual activity, distribute or aid in the distribution of obscene materials to minors on school grounds, provide sex education or HIV-prevention education unless that instruction is age appropriate and includes the health benefit of abstinence or to operate a program of contraceptive distribution in schools [see Pub. L. No. 107-110 §9526, 115 Stat. 1982].
6. Notwithstanding section 444(a)(5)(B) of the General Education Provisions Act and except that a student or parent of a student may request that the information not be released without written parental consent, each school receiving assistance under ESEA shall provide, on a request made by military recruiters or an institution of higher education, access to secondary student names, addresses, and telephone listings. Each school shall provide military recruiters the same access to secondary students as is provided generally to postsecondary educational institutions or to prospective employers of those students. Each district shall notify parents of the option to not release student information without prior written parental consent and shall comply with any request to do so [see Pub. L. No. 107-110, §9528, 115 Stat. 1983].
7. Any student determined to be attending a "persistently dangerous school" as defined by the Office of Public Instruction or who becomes a victim of a violent criminal offense, as determined by state law, while in or on the grounds of a public elementary or secondary school that the student attends, will be allowed to attend a safe public elementary or secondary school within the local school district [see Pub. L. No. 107-110 §9532, 115 Stat. 1984].
8. That no person shall permit smoking within any indoor facility (or portion of such facility) owned or leased or contracted for, and utilized by such person for the provision of routine or regular kindergarten, elementary or secondary education, library services, routine health care, day care or early childhood development services [see Pub. L. No. 107-110 §4303, 115 Stat. 1774].

Funding, Fiscal Controls, Record Keeping and Reports

9. That 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 a nonprofit private agency institution, organization, or Indian tribe, if the law authorizing the program provides for assistance to such entities; and the public agency nonprofit private agency, institution or

organization, or Indian tribe will administer such funds and property to the extent required by authorizing statutes [see Pub. L. No. 107-110 §9306(a)(2)(A)(B), 115 Stat. 1971].

10. That the applicant will cooperate in carrying out any evaluation of each such program conducted by or for the state superintendent of public instruction and the secretary or other federal officials [see Pub. L. No. 107-110 §9306(a)(4), 115 Stat. 1971].

That expenditures of \$300,000 or more in a year in federal awards shall have a single or program-specific audit conducted for that year in accordance with the provisions of OMB Circular A-133 (OMB Circular A-133).

That federal awards are expended only for allowable activities and that the costs of goods and services charged to federal awards are allowable and in accordance with the applicable cost principles (20 USC 3474; OMB Circular A-102).

That the draw down of federal cash is only for immediate needs (20 USC 3474; OMB Circular A-102).

That proper records are maintained for equipment acquired with federal awards, equipment is adequately safeguarded and maintained, disposition or encumbrance of any equipment or real property is in accordance with federal requirements, and the federal awarding agency is appropriately compensated for its share of any property sold or converted to non-federal use (20 USC 3474; OMB Circular A-102).

That matching, level of effort, or earmarking requirements are met using only allowable funds or costs which are properly calculated and valued (20 USC 3474; OMB Circular A-102).

That federal funds are used only during the authorized period of availability (20 USC 3474; OMB Circular A-102) [Pub. L. No. 107-110 §9201, 115 Stat. 1966].

That procurement of goods and services are made in compliance with the provisions of the A-102 Common Rule or OMB Circular A-110, as applicable, and that no subaward, contract, or agreements for purchases of goods or services is made with any debarred or suspended party (20 USC 3474; OMB Circular A-102).

That program income is correctly earned, recorded, and used in accordance with the program requirements (20 USC 3474; OMB Circular A-102).

That reports of federal awards submitted to the pass-through entity include all activity of the reporting period, are supported by underlying accounting or performance records, and are fairly presented in accordance with program requirements (20 USC 3474; OMB Circular A-102).

That required audits are obtained and appropriate corrective action is taken on audit findings (20 USC 1221e-3 & 3474; OMB Circulars A-102, & A-133).

11. That the applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, federal funds paid to such applicant under each such program [Pub. L. No. 107-110 §9306(a)(5), 115 Stat. 1971] in accordance with state school accounting and reporting policies as applicable (School Accounting Manual).
12. That the local education agency will make reports to the state superintendent of public instruction and to the secretary as may reasonably be necessary to enable the state education agency and the secretary to perform their duties and that the local education agency will maintain such records for three years and the current year or as required in school districts in the School District Records Schedule (Schedule No. 7) published by the Montana Department of Administration and provide access to those records, as the superintendent or secretary deem necessary to perform their duties [see Pub. L. No. 107-110 §9306(a)(6), 115 Stat. 1971].
13. That in the case of any project involving construction, the project is not inconsistent with overall state plans for the construction of school facilities, and in developing plans for construction due consideration will be given to excellence of architecture and design and to compliance with Appendix A of Part 36 of Title 28, Code of Federal Regulations (Americans With Disabilities Accessibility Guidelines for Buildings and Facilities) or Appendix A of Part 101-19.6 of Title 41, Code of Federal Regulations (Uniform Federal Accessibility Standards).
14. That none of the funds expended under any applicable program will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity or its employees or any affiliate of such organization [see Title XX of GEPA, 20 USC §2342(c)(11)].

15. Laborers and mechanics employed by contractors or subcontractors to work on construction projects financed using federal assistance must be paid wages not less than those established for the local project area by the Secretary of Labor. [Davis Bacon Act, 40 Stat. 1494, 40 USC 276a-276a-s]

Participation

16. That before each application is submitted, the applicant will afford a reasonable opportunity for public comment on the application and has considered such comment [see Pub. L. No. 107-110, §9306](a)(7), 115 Stat. 1971].
17. That the applicant is in compliance with the federal regulations 34 CFR 75.650 [see Pub. L. No. 107-0, §9501(a)(1), 115 Stat. 1975] governing private school participation which require that public school subgrantees provide students enrolled in private schools with a genuine opportunity for equitable participation should private schools in the subgrantee's district wish to participate in federal programs. That the applicant who is in receipt of ESEA funding is in compliance with nonpublic school requirements including timely and meaningful consultation with appropriate nonpublic school officials (Title IX, Part E, ESEA).

Nondiscrimination

18. That the applicant assures that it will comply with Title VI of the Civil Rights Act of 1964, as amended, 42 USC §2000d et seq., which prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance; and Section 504 of the Rehabilitation Act of 1973, as amended, 29 USC §794, which prohibits discrimination on the basis of handicap in programs receiving federal financial assistance; and Title IX of Education Amendments of 1972, as amended, 20 USC §1681 et seq., which prohibits discrimination on the basis of sex in education programs receiving federal financial assistance; and the Age Discrimination Act of 1975, as amended, 42 USC §6101 et seq., which prohibits discrimination on the basis of age in programs receiving federal financial assistance; and all regulations, guidelines, and standards lawfully adopted under the above statutes by the U.S. Department of Education.

Gun-Free Schools

19. That the applicant is in compliance with the Gun-Free Schools Act requirements of §20-5-202, MCA.

Debarment and Suspension

20. That the applicant certifies that it is not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation by any federal department or agency, and agrees that it will not knowingly enter into any subcontract or subgrant with a person or agency who is debarred, suspended, declared ineligible or voluntarily excluded from participation by any federal department or agency. If the applicant is unable to provide this certification, an explanation must be attached (see statutory detail in 34 CFR §85.105 and 8510).

Lobbying and Political Activity

21. That the applicant certifies that federal funds will not be used for partisan political purposes of any kind by any person or organization involved in the administration of federally assisted programs. [Hatch Act (5 USC 1501-508) and Intergovernmental Personnel Act of 1970, as amended by Title VI of Civil Services Reform Act (Pub. L. No. 95-454, §4728)]:
 - a. federal funds received for programs covered by this common assurance form will not be used to influence or attempt to influence an officer or employee of any agency, a Member, officer, or employee of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with awarding of any federal contract; making any federal grant or loan; entering into any cooperative agreement; and extending, continuing, renewing, amending, or modifying any federal contract, grant, loan, or cooperative agreement.
 - b. if funds other than federally appropriated funds have been or will be paid to any person for influencing or attempting to influence any of the parties named above, Standard Form LLL, "Disclosure Form to Report Lobbying" will be completed and submitted in accordance with its instructions and returned to OPI.
 - c. the language of this section will be included in any subcontracts entered into for funds received under programs covered by this common assurance form, and ensure that all subcontractors certify and disclose accordingly (see statutory detail 34 CFR §82).

SPECIFIC PROGRAM ASSURANCES

If participating in any of the programs listed below the applicant, by signature of its Board Chair or Executive Officer on the first page of this document, assures the Montana Office of Public Instruction that the applicant will adhere to the following specific program assurances in addition to the previously listed common assurances:

MONTANA READING EXCELLENCE ACT PROGRAM

1. The local education agency (district):
 - a. will carry out professional development for the classroom teacher and other instructional staff on the teaching of reading based on scientifically based reading research;
 - b. will provide family literacy services based on programs such as Even Start Family Literacy model authorized under Part B of Title I, to enable parents to be their child's first and most important teacher [Pub. L. No. 107-110, §1111(c)(14), 115 Stat. 1444];
 - c. will carry out programs to assist those kindergarten students who are not ready for the transition to first grade, particularly students experiencing difficulty with reading skills; and
 - d. will use supervised individuals (including tutors), who have been appropriately trained using scientifically based reading research, to provide additional support, before school, after school, on weekends, during noninstructional periods of the school day or during the summer, for children preparing to enter kindergarten and students in kindergarten through grade three who are experiencing difficulty reading.
2. The local education agency (district) shall make available, upon request and in an understandable and uniform format, to any parent of a student attending any school selected to receive assistance under subsection (d)(1) in the geographic area served by the local educational agency information regarding the professional qualifications of the student's classroom teacher to provide instruction in reading.

TITLE I: Improving the Academic Achievement of the Disadvantaged Part A—Improving Basic Programs Operated by Local Education Agencies

1. That the applicant will inform eligible schools and parents of schoolwide project authority and the ability of such schools to consolidate funds from federal, state, and local sources [Pub. L. No. 107-10 §1112(c)(1)(A), 115 Stat. 1465].
2. That the applicant will provide technical assistance and support to schoolwide programs [Pub. L. No. 107-10 §1112(c)(1)(B), 115 Stat. 1465].
3. That the applicant will work in consultation with schools as the schools develop the schools' plans pursuant to Pub. L. No. 107-110 §1112(c)(1)(C), 115 Stat. 1465 and assist schools as the schools implement such plans or undertake activities pursuant to Pub. L. No. 107-10 §1112(c)(1)(C), 115 Stat. 1465 so that each school can make adequate yearly progress toward meeting the state content standards and state student performance standards.
4. That the applicant will fulfill such agency's school improvement responsibilities under Pub. L. No. 107-110 §1116, 115 Stat. 1478, including taking corrective actions under paragraphs (7) and (8) of Pub. L. No. 107-100 §116(b), 115 Stat. 1478 [Pub. L. No. 107-110, §1112(c)(1)(D), 115 Stat. 1465].
5. That the applicant will provide services to eligible children attending private elementary and secondary schools in accordance with Pub. L. No. 107-110 §1120, 115 Stat. 1508 [Pub. L. No. 107-110 §1112(c)(1)(E), 115 Stat. 1465], and timely and meaningful consultation with private school officials regarding such services.
6. That the applicant will take into account the experience of model programs for the educationally disadvantaged, and the findings of relevant scientifically based research indicating that services may be most effective if focused

SPECIFIC PROGRAM ASSURANCES (CONT.)

on students in the earliest grades at schools that receive funds under this part [Pub. L. No. 107-10 §1112(c)(1)(F), 115 Stat. 1465].

7. That if an LEA chooses to use funds under this part, the applicant will provide early childhood development services to low-income children below the age of compulsory school attendance, and ensure that such services comply with the performance standards established under Section 641A(a) of the Head Start program [Pub. L. No. 107-110 §1112(c)(1)(G), 115 Stat. 1465].
8. That the applicant will work in consultation with schools as the schools develop and implement their plans or activities under Pub. L. No. 107-110 §1118 and §1119, 115 Stat. 1501-1508 [Pub. L. No. 107-110 §1112(c)(1)(H), 115 Stat. 1465].
9. That the applicant will comply with the requirements of Pub. L. No. 107-1 10 §1119, 115 Stat. 1505 [Pub. L. No. 107-110 §1112(c)(1)(I), 115 Stat. 1465] regarding the qualifications of teachers and paraprofessionals and professional development.
10. That the applicant will inform eligible schools of the local educational agency's authority to obtain waivers on the school's behalf under Title IX [Pub. L. No. 107-110 §1112(c)(1)(J), 115 Stat. 1465].
11. That the applicant will coordinate and collaborate to the extent feasible and necessary, as determined by the local education agency (LEA), with the state education agency and other agencies providing services to children, youth, and families with respect to a school in school improvement, corrective action, or restructuring under Pub. L. No. 107-110, §1116, 115 Stat 1478 if such a school requests assistance from the local educational agency in addressing major factors that have significantly affected student achievement at the school [Pub. L. No. 107-110 §1112(c)(1)(K), 115 Stat. 1465].
12. That the applicant will ensure, through incentives for voluntary transfers, the provision of professional development, recruitment programs, or other effective strategies, that low-income students and minority students are not taught at higher rates than other students by unqualified, out-of-field, or inexperienced teachers [Pub. L. No. 107-110 §1112(c)(1)(L), 115 Stat. 1465].
13. That the applicant will participate, if selected, in the State National Assessment of Educational Progress in 4th and 8th grade reading and mathematics carried out under section 41(b)(2) of the National Education Statistics Act of 1994 [Pub. L. No. 107-110 §1112(b)(F), 115 Stat. 1465].
14. That the applicant will use the results of the student academic assessments required under Pub. L. No. 107-10, 115 Stat. 1425 and other measures or indicators available to the agency to review annually the progress of each school served by the agency and receiving funds under this part to determine whether all of the schools are making the progress necessary to ensure that all students will meet the state's proficient level of achievement on the state academic assessments described in Pub. L. No. 107-1 10, 115 Stat. 1425 within 12 years from the baseline year described in Pub. L. No. 107-110 §1112(c)(1)(M), 115 Stat. 1466.
15. That the applicant will ensure that the results from the academic assessments required under Pub. L. No. 107-10 §1111(b)(3), 115 Stat. 1454 will be provided to parents and teachers as soon as is practicably possible after the test is taken, in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand [Pub. L. No. 107-110, §1112(c)(1)(N), 115 Stat. 1466].
16. That the applicant assist each school served by the agency and assisted under this part in developing or identifying examples of high-quality, effective curricula consistent with Pub. L. No. 107-110 §1111(b)(8)(D) [Pub. L. No. 107-110 §1112(c)(1)(O), 115 Stat. 1466].
17. That the applicant has established and implemented: (1) a local educational agency wide salary schedule; (2) a policy to ensure equivalence among schools in teachers, administrators, and other staff; and (3) a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies [Pub. L. No. 107-110 §1120A(c)(2), 115 Stat. 1512].

SPECIFIC PROGRAM ASSURANCES (CONT.)

18. That the state educational agency or local educational agency shall use federal funds received under this part only to supplement the funds that would, in the absence of such federal funds, be made available from non-federal sources for the education of pupils participating in programs assisted under this part, and not to supplant such funds.

TITLE I, Part C-Education of Migratory Children

That the applicant assures that the special education and/or supportive services needs of migratory children have been identified, addressed and met prior to using any Part C funds for a schoolwide program and that migrant parental consent has been given and documented before using MEP funds for schoolwides. Additionally, any use of MEP funds in schoolwides must be done in consultation and with the approval of the SEA MEP [Pub. L. No. 107-110 §1304, 115 Stat. 1574].

TITLE II: Preparing, Training and Recruiting High Quality Teachers and Principals Part A-Teacher and Principal Training and Recruiting Fund

1. That the applicant will target Title II, Part A funds to schools with the lowest proportion of highly qualified teachers; have the largest class sizes; or are identified for school improvement under Title I [Pub. L. No. 107-110 §2122(b)(3), 115 Stat. 1628]. A highly-qualified teacher is one certified by the State of Montana and endorsed in the grade levels and subjects taught [Pub. L. No. 107-110 §9101(23), 115 Stat. 1959].
2. That Title II, Part A services for students enrolled in both private and public schools are provided on an equitable basis and that annually the district will make every reasonable effort to offer Title II services to children enrolled in known private schools within the district [Pub. L. No. 107-110 §2122(b)(11), 115 Stat. 1629].
3. That all Title II, Part A professional development activities will be decided by a committee and will be based upon scientifically researched practices and a data-driven local needs assessment [Pub. L. No. 107-110 §2122(b)(6), 115 Stat. 1628]. That the committee will be composed of teachers, paraprofessionals, principals, other relevant school staff, and parents [Pub. L. No. 107-110 §2122(b)(7), 115 Stat. 1628].
4. That the district will use Title II, Part A funds only to supplement, not supplant, funds from non-Federal sources that would otherwise be used for activities authorized under Title II, Part A [Pub. L. No. 107-110 §2123(b), 115 Stat. 1632].
5. That teachers hired with these funds are highly qualified and meet the requirements of the law [Pub. L. No. 107-110 §2123 (a)(2) and (7), 115 Stat. 1629 and 1631]. A highly qualified teacher is one certified by the State of Montana and endorsed in the grade levels and subjects taught [Pub. L. No. 107-110 §9101(23), 115 Stat. 1959].

TITLE II, Part D-Enhancing Education Through Technology

1. That the applicant will have a new or updated local long-range strategic educational technology plan that is consistent with the objectives of the statewide educational technology plan [Pub. L. No. 107-110 §2414, 115 Stat. 1676]. The technology plan shall also include:
 - a. a description of how the applicant will use Title II, Part D funds to improve student academic achievement, including the technology literacy of all students, and to improve the capacity of teachers to integrate technology effectively into curricula and instruction;
 - b. the applicant's specific goals for using advanced technology to improve student academic achievement, aligned with state content and performance standards;
 - c. the steps that will be taken to ensure that all students and teachers have increased access to educational

SPECIFIC PROGRAM ASSURANCES (CONT.)

technology, including how the LEA will use funds under Title II, Part D with funds from other sources to ensure that:

- 1) Students in high-poverty and high-needs schools will have access to technology, and
- 2) Teachers are prepared to integrate technology effectively into curricula and instruction;

- d. a description of how the applicant will identify and promote curricula and teaching strategies that integrate technology effectively into curriculum instruction, based on a review of relevant research, leading to improvements in student academic achievement;
 - e. provide ongoing, sustained professional development for district staff to further the effective use of technology in the classroom or library media center (a minimum of 25 percent of funds received must be used for professional development);
 - f. a description of the type and costs of technologies to be acquired under this funding including services, software and digital curricula, and including specific provisions for interoperability among components of such technologies;
 - g. a description of how the activities provided with funds from this part will be coordinated with funds available from other federal, state and local sources;
 - h. a description of how technology will be integrated into curricula and instruction and a timeline for such integration;
 - i. a description of how the applicant will encourage the development and utilization of innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including distance learning technologies, particularly for areas that would not otherwise have access to such courses and curricula due to geographical isolation or insufficient resources;
 - j. a description of how the applicant will ensure the effective use of technology to promote parental involvement and increase communication with parents, including how parents will be informed of the technology being applied in their child's education so that the parents are able to reinforce at home the instruction their child receives at school;
 - k. a description of how programs will be developed, where applicable, in collaboration with adult literacy service providers to maximize the use of technology;
 - l. a description of the process and accountability measures that will be used to evaluate the extent to which activities funded are effective in integrating technology into the curricula and instruction, increasing the ability of teachers to teach, and enabling students to meet challenging state academic content and performance standards; and
 - m. a description of the supporting resources (services, software and other electronically delivered learning materials, and print resources) that will be acquired to ensure successful and effective uses of technology.
2. That the applicant will certify (annually) that if funds under this part are used to purchase computers, software, services, supplies or materials to access the Internet, or pay for direct costs associated with accessing the Internet, the LEA has in place a policy of Internet safety [Pub. L. No. 107-110 §2441, 115 Stat. 1685, Internet Safety] for minors and staff members that:
 - a. Protects (filters) against access through such computers to visual depictions that
 - 1) Contain obscenity;
 - 2) Contain child pornography; and
 - 3) Would be harmful to minors.
 - b. Ensures the operation of such technology protection measures (filter) during use of such computers (especially by minors).
 3. That the applicant will certify that funds received under this part will supplement, not supplant, state and local funds.

SPECIFIC PROGRAM ASSURANCES (CONT.)

TITLE III: Language Instruction for Limited English Proficient and Immigrant Students Part A-English Language Acquisition, Language Enhancement and Academic Achievement

1. That the LEA will consult with parents of the children to be served in developing the program, and that parental permission will be obtained to serve students in the program.
2. That the LEA will assess limited English proficient students annually [Pub. L. No. 107-1 10 §3116(d), 115 Stat. 1700].

TITLE IV: 21st Century Schools Part A-Safe and Drug-Free Schools and Communities

1. That 20 USC §7115 and §7116 of the Safe and Drug-Free Schools and Communities Act regarding:
 - timely, meaningful, and continued consultation with state and local government, school staff, parents, community based organizations and others;
 - analyzing current use of tobacco, alcohol and controlled, illegal and addictive or harmful substances and violence, safety and discipline problems among students who attend the schools of the applicant, and that the analysis is based on ongoing local assessment or evaluation activities;
 - adopting and implementing a comprehensive drug and violence prevention program in the schools that conveys a clear and consistent message that violence and illegal drug use are wrong and harmful, that complies with the Principles of Effectiveness and fosters a safe and drug-free learning environment.
 - developing an evaluation and reporting system that includes the prevalence of drug use and violence by youth in the schools and the community; and
 - coordinating the local plan for drug and violence prevention with other IASA federally funded programs in which the district participates and with other community programs.
2. That the applicant assures that it has reviewed curricula it intends to use and that such curricula will meet the needs of the schools served by the applicant; and assures that the LEA program is an age-appropriate, developmentally based drug abuse and violence education and prevention program for students throughout all grades of the schools (from early childhood through grade 12) operated or served by the applicant [Pub. L. No. 107-1 10 §4115, 115 Stat. 1745].
3. That the applicant assures that its local drug and violence prevention program is a comprehensive program designed for all students and employees to create a disciplined environment conducive to learning, prevent violence and promote school safety, prevent the use, possession and distribution of tobacco, alcohol and illegal drugs by students, and prevent the illegal use, possession and distribution of those substances by employees [Pub. L. No. 107-110 §4115, 115 Stat. 1745].
4. That the applicant assures that it has a safe schools plan in place that includes: school discipline policies, security procedures at school and while students are on the way to and from school, a crisis management plan for responding to traumatic incidents on school grounds, and a code of conduct policy for all students [Pub. L. No. 107-110 §4114(d)(7), 115 Stat. 1744].
5. That the funds will be used to supplement and not supplant other non-federal funds that would be otherwise available.

TITLE IV: 21st Century Schools Part B-21st Century Community Learning Centers

1. That the program will take place in a safe and easily accessible facility [Pub. L. No. 107-110 §4204(b)(2)(A), 115 Stat. 1770].

SPECIFIC PROGRAM ASSURANCES (CONT.)

2. That the program was developed and will be carried out in active collaboration with the schools the students attend [Pub. L. No. 107-110 §4204(b)(2)(D), 115 Stat. 1770].
3. That the program complies with the Principles of Effectiveness and fosters a safe and drug-free learning environment [Pub. L. No. 107-110 §4204(b)(2)(E), 115 Stat. 1770].
4. That the program will primarily target students who attend schools eligible for schoolwide programs under Pub. L. No. 107-110 §1114, 115 Stat. 1471 and the families of such students [Pub. L. No. 107-110 §4204(b)(2)(F), 115 Stat. 1770].
5. That the funds will be used to supplement and not supplant other non-federal funds that would be otherwise available [Pub. L. No. 107-110 §4203(a)(9), 115 Stat. 1768].

TITLE V: Promoting Informed Parental Choice and Innovative Programs Part A-Innovative Programs

1. That Title V, Part A services for students enrolled in both private and public schools are provided on an equitable basis and that annually the district will make every reasonable effort to offer Title V, Part A services to children enrolled in known private schools within the district [Pub. L. No. 107-110 §5133(b)(5), 115 Stat. 1783].
2. That all Title V, Part A activities will be decided through systematic consultation with school personnel and parents; will be based upon scientifically researched practices and a data-driven local needs assessment; and will be evaluated annually [Pub. L. No. 107-110 §5133(b)(7) and (8), 115 Stat. 1783].
3. That the district will use Title V, Part A funds only to supplement, not supplant, funds from non-federal sources that would otherwise be used for activities authorized under Title V [Pub. L. No. 107-110 §5144, 115 Stat. 1788].

TITLE VI: Flexibility and Accountability

1. That Title VI services for children enrolled in both private and public schools are provided on an equitable basis in accordance with ESEA, as amended by Section 6402 of Pub. L. No. 103-382, and that annually the district will make every reasonable effort to offer Title VI services to children enrolled in known private schools within the district [Pub. L. No. 107-110 §6141(c)(1)(K), 115 Stat. 1880].
2. That in the design, planning and implementation of programs authorized by Title VI, the district will provide for systematic consultation with parents, teachers, and administrative personnel, and with other groups involved in the implementation of Title VI (such as librarians, school counselors, and other pupil services personnel) as may be considered appropriate by the local education agency [Pub. L. No. 107-110 §6141(c)(1)(C), 115 Stat. 1879].
3. That the district will use Title VI funds only to supplement, not supplant, funds from nonfederal sources (including, to the extent practical, to increase the level of nonfederal funding sources that would be made available in the absence of Title VI funds) [Pub. L. No. 107-110 §6141(c)(1)(L), 115 Stat. 1880].

TITLE X Repeals, Redesignations, and Amendments to Other Statutes Part C-Homeless Education McKinney-Vento Homeless Assistance Act 42 USC 11431, et seq.

1. That the applicant will designate an appropriate staff person, as a local education agency liaison for homeless children and youth in compliance with Pub. L. No. 107-10, Title X, Part C, Subtitle B §722(g)(1)(J), 15 Stat. 1996 and assure that such liaison follows the guidelines in (g)(6)(A).

SPECIFIC PROGRAM ASSURANCES (CONT.)

2. That LEA's in the state will adopt policies and practices to ensure that homeless children and youths are not stigmatized or segregated on the basis of their status as homeless [Pub. L. No. 107-110, Title X, Part C, Subtitle B, §722(g)(1)(J), 115 Stat. 1996].
3. That the LEA will adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian, to and from the school of origin [Pub. L. No. 10740, Title X, Part C, Subtitle B §722(g)(1)(J)(iii), 115 Stat. 1996].

ADULT BASIC LITERACY EDUCATION [Pub. L. No. 105-220]

1. That the eligible agency will award not less than one grant to an eligible provider who ~~for~~ offers flexible schedules and necessary support services (such as child care and transportation) to enable individuals, including individuals with disabilities, or individuals with other special needs, to participate in adult education and literacy activities, which eligible provider shall attempt to coordinate with support services that are not provided under this subtitle prior to using funds for adult education and literacy activities provided under this subtitle for support services.
2. That the funds received under this subtitle will not be expended for any purpose other than for activities under this subtitle.
3. That the eligible agency will expend the funds under this subtitle in a manner consistent with fiscal requirements in Section 241.

SPECIAL EDUCATION

Part B-Individuals with Disabilities Education Act (IDEA)

1. That the applicant will comply with the final regulations under IDEA '97 and state laws and rules governing the provision of special education and related services to eligible children with disabilities;
2. That Part B funds will be used only to pay the excess costs of providing special education and related services to children with disabilities consistent with Sections 300.184-300.185 of IDEA (34 CFR 300.230);
3. Part B funds will be used to supplement state, local and other federal funds and not to supplant those funds (34 CFR 300.230);
4. Part B funds will not be used to reduce the level of expenditures for the education of children with disabilities made by the district(s) from local, or state and local funds below the level of those expenditures for the preceding fiscal year unless the reduction is attributable to any of the exceptions allowed under IDEA (34 CFR 300.231-232);
5. The funds received under Part B will be expended in accordance with applicable provisions of IDEA (34 CFR 300.230);
6. To the extent consistent with their number and location, provision is made for the participation of private school children with disabilities by providing them with special education and related services in accordance with 34 CFR 300.450-300.462;
7. All eligible children with disabilities, beginning on their third birthday, are provided all the rights and protections guaranteed by IDEA and its implementing regulations (34 CFR 300.300); and
8. The applicant and its member districts (if the applicant is a cooperative or an applicant for a consortium) will follow the policies and procedures contained in its Program Narrative as submitted to the Division of Special Education, Office of Public Instruction, spring 2001. If any modifications to the applicant's policies and procedures are deemed necessary by the applicant, the applicant will submit the proposed modifications to the Office of Public Instruction for review prior to their adoption (34 CFR 300.182, 300.220; ARM 10.16.3220).