

**ARKANSAS DEPARTMENT OF EDUCATION STATEMENT  
OF ASSURANCES FOR PROGRAMS UNDER  
THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965,  
AS AMENDED BY THE EVERY STUDENT SUCCEEDS ACT**

The Federal Programs Assurances are for local education agency (LEA) use in requesting district funds for covered programs under the *Elementary and Secondary Education Act*. To assure the LEA’s eligibility for funds, the Superintendent must provide an original signature attesting to compliance with all assurances applicable to each program for which the plan is submitted.

Please read and consider each item carefully as the LEA will be held accountable.

Each section of assurances must be checked or initialed as applicable to the LEA. Please note that for each Section not checked/initialed, funding will not be allocated.

Fort Smith Public Schools	6601000
<b>DISTRICT NAME</b>	<b>LEA NUMBER</b>

**CERTIFICATIONS**

***I, the undersigned Superintendent for the above named LEA, hereby, assure the Arkansas Department of Education that:***

- A. The information provided in this application to support the following assurances is correct, as far as I am able to determine.
- B. The LEA will abide by the provisions of the approved plan/application for Elementary and Secondary Education Act (ESEA) funds.
- C. As the prospective lower tier participant neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by and Federal department or agency. 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. (Executive Order 12549, 34 CFR Part 85, Section 85.510)
- D. 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 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.
- E. 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 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. <https://eca.state.gov/files/bureau/sfill.pdf>
- F. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

**GENERAL ASSURANCES**

***I, the undersigned Superintendent for the above named LEA, hereby, assure the Arkansas Department of Education that:***

- A. Each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications.
- B. The LEA will comply with all applicable supplement not supplant and maintenance of effort requirements under Section 9521 – IV.B.1:
  - 1. The control of funds provided under each program and title to property acquired with program funds will be in a public agency, a non-profit private agency, institution, organization, or Indian tribe, if the law authorizing the program provides for assistance to those entities and;
  - 2. The public agency, non-profit private agency, institution or organization, or Indian tribe will administer the funds and property to the extent required by the authorizing law.
- C. The LEA will adopt and use proper methods of administering each such program, including:
  - 1. The enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program and;
  - 2. The correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation.
- D. The LEA will cooperate in carrying out any evaluation of each such program conducted by, or for, the State Educational Agency, (SEA), the Secretary, or Federal officials.
- E. The LEA will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the LEA under each such program.
- F. The LEA will:
  - 1. 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 Secretary to perform their duties under each such program; and
  - 2. 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 duties.
- G. The LEA has consulted with teachers, school administrators, parents, and others in the development of the local consolidated application/LEA Plan.
- H. Before the application was submitted, the LEA afforded a reasonable opportunity for public comment on the application and considered such comment.

**TITLE I, PART A – Improving Basic Programs Operated by LEAs**

***I, the undersigned Superintendent for the above named LEA, hereby, assure the Arkansas Department of Education that:***

- A. 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;
- B. 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;

- C. 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));
- D. Coordinate and integrate services provided under this part with other educational services at the local educational agency 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;
- E. Collaborate with the State or local child welfare agency to:
  - 1. Designate a point of contact if the corresponding child welfare agency notifies the local educational agency, in writing, that the agency has designated an employee to serve as a point of contact for the local educational agency; and
  - 2. By not later than one year after the date of enactment of the Every Student Succeeds Act, 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, arrange, and funded for the duration of the time in foster care, which procedures shall—
    - a. 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
    - b. Ensure that, if there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, the local educational agency will provide transportation to the school of origin if—
      - i. The local child welfare agency agrees to reimburse the local educational agency for the cost of such transportation;
      - ii. The local educational agency agrees to pay for the cost of such transportation; or
      - iii. The local educational agency and the local child welfare agency agree to share the cost of such transportation; and
  - 3. 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
  - 4. In the case of a local educational agency 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)).

**TITLE I, PART D – Children of Youth who are Neglected, Delinquent or At-Risk**

(Applicable to those LEAs that have projects funded under this part)

**X** *I, the undersigned Superintendent for the above named LEA, hereby, assure the Arkansas Department of Education that:*

- A. The local educational agency developed and will implement the local flexibility demonstration agreement in consultation with teachers, principals, other school leaders (including charter school leaders in a local educational agency that has charter schools), administrators of federal programs impacted by the agreement, parents, community leaders, and other relevant stakeholders;
- B. The local educational agency will use fiscal control and sound accounting procedures S. 1177—107 that ensure proper disbursement of, and accounting for, eligible federal funds consolidated and used under such system;
- C. The local educational agency will continue to meet the requirements of sections 1117, 1118, and 8501; and

- D. The local educational agency will meet the requirements of all applicable federal civil rights laws in carrying out the agreement and in consolidating and using funds under the agreement.

**TITLE II, PART A – Preparing, Training and Recruiting High Quality Teachers and Principals**

***I, the undersigned Superintendent for the above named LEA, hereby, assure the Arkansas Department of Education that:***

- A. The local educational agency will comply with section 8501 (regarding participation by private school children and teachers);
- B. The local educational agency will coordinate professional development activities authorized under this part with professional development activities provided through other federal, state, and local programs; and
- C. The local educational agency will prioritize funds to schools served by the agency that are implementing comprehensive support and improvement activities and targeted support and improvement activities under section 1111(d) and have the highest percentage of children counted under section 1124(c).

**TITLE III, PART A – Language Acquisition and Language Enhancement**

(Applicable to those LEAs that have projects funded under this part)

***I, the undersigned Superintendent for the above named LEA, hereby, assure the Arkansas Department of Education that:***

- A. Each local educational agency that is included in the eligible entity is complying with section 1112(e) prior to, and throughout, each school year as of the date of application;
- B. The eligible entity is not in violation of any state law, including state constitutional law, regarding the education of English learners, consistent with sections 3125 and 3126;
- C. The eligible entity 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 such plan; and
- D. The eligible entity will, if applicable, coordinate activities and share relevant data under the plan 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 – STUDENT SUPPORT AND ACADEMIC ENRICHMENT**

***I, the undersigned Superintendent for the above named LEA, hereby, assure the Arkansas Department of Education that:***

In accordance with ESEA section 4106(e) (2) and (f), the applicant provides assurances that it will:

- A. Prioritize the distribution of funds to schools served by the LEA based on one or more of the following criteria:
1. Are among the schools with the greatest needs;
  2. Have the highest percentages or numbers of children counted under section 1124(c) (i.e., children counted for purposes of basic grants to LEAs under Title I, Part A of the ESEA);
  3. Are identified for comprehensive support and improvement under section 1111(c)(4)(D)(i) (i.e., are among the lowest-achieving schools);

4. Are implementing targeted support and improvement plans as described in section 1111(d)(2) (i.e., have consistently underperforming student subgroups); or
  5. Are identified as a persistently dangerous public elementary school or secondary school under section 8532. (ESEA section 4106(d).
- B. Consult with a range of stakeholders during the design and development of the program (ESEA section 4106(c)(1). LEAs must additionally continue to consult with stakeholders to improve program activities and to coordinate implementation with other related activities in the community. (ESEA 4106(c)(2).

For an LEA that receives \$30,000 or more, conduct a comprehensive needs assessment. (ESEA section 4106(e)(2)(A)).

For an LEA that receives \$30,000 or more, use-

1. Not less than 20 percent of funds to support one or more of the activities authorized under section 4107 pertaining to well-rounded educational opportunities;
  2. Not less than 20 percent of funds to support one or more activities authorized under section 4108 pertaining to safe and healthy students; and
  3. A portion of funds to support one or more activities authorized under section 4109(a) pertaining to the effective use of technology.
- C. Use not more than 15 percent of funds designated for supporting the effective use of technology to purchase technology infrastructure, including devices, equipment, software, and digital content.
- D. Comply with section 8501-8504, regarding equitable participation of private school children and teachers. (ESEA section 4106(e)(2)(B)).
- E. The LEA or consortium will comply with section 8501 (regarding equitable participation by private school children and teachers);
- F. The LEA or consortium will 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 subparagraphs (C) through (E).
- G. SPECIAL RULE.—Any local educational agency 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 subparagraphs (C), (D), and (E) of subsection(e)(2).
- H. Gun-Free Schools Act (GFSA) (Section 8561)
1. The LEA has a Gun Free School Policy as required by A.C.A. §6-21-608.
  2. The LEA will report required data elements in APSCN. (Section 8561(d)(2)) (i.e., name of school, number of students expelled and type of firearm, etc.)
- I. Non-Smoking Policy for Children’s Services (Section 8573)
1. The LEA has a policy prohibiting smoking, the use of tobacco or tobacco products, or the use of e-cigarettes as required by A.C.A. §6-21-609.

**McKinney-Vento Homeless Education Program** (42 U.S.C. 11431 et seq.)

**X**

***I, the undersigned Superintendent for the above named LEA, hereby, assure the Arkansas Department of Education that:***

- A. The local educational agency 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.

- B. The local educational agency will designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a local educational agency liaison for homeless children and youths, to carry out the duties described in McKinney-Vento.
- C. The local educational agency will adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin, as determined in accordance with the following, as applicable:
  - 1. If the homeless child or youth continues to live in the area served by the local educational agency in which the school of origin is located, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the local educational agency in which the school of origin is located.
  - 2. If the homeless child's or youth's living arrangements in the area served by the local educational agency of origin terminate and the child or youth, though continuing his or her education in the school of origin, begins living in an area served by another local educational agency, the local educational agency of origin and the local educational agency in which the homeless child or youth is living shall agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally.

**BOARD APPROVAL AND SUPERINTENDENTS SIGNATURE**

The School Board of Fort Smith School District approved and recorded in its minutes the set of assurances stated above at a meeting held on August 22, 2022 and further authorized the Superintendent to sign such assurances as required by Section 8306 and to submit a budget to the Arkansas Department of Education as required.

Please sign and date:

SUPERINTENDENT SIGNATURE	DATE

Dr. Terry Morawski
PRINT OR TYPE SUPERINTENDENT NAME

*NOTE: Make sure that each program section mentioned in this document has been checked or initialed that is applicable to the district. Once SOA has been signed and school board meeting listed, upload this document into the 2022-23 Form Upload folder in the Indistar software.*