



## 2024-2025 Assurances and GEPA Statement Programs Under ESSA & IDEA

The Federal Programs Assurances are for **Local Education Agency (LEA)** use in their process of requesting district funds for covered programs under the *Elementary and Secondary Education Act of 1965 (ESEA)*, as amended by the *Every Student Succeeds Act of 2015(ESSA)* and *Individuals with Disabilities Education Act. (IDEA)*. The LEA's Superintendent and Board President must provide an original signature to acknowledge their acceptance and compliance with all Federal Program-Specific provisions, requirements, and assurances incorporated into the ESEA as amended by ESSA and IDEA Law.

Funding allocations to individual LEAs are determined based on statutory formulas under ESSA and IDEA. Please make sure to check **only the program sections applicable to the district.**

**Once your State and Federal Programs Assurances have been signed and the school board meeting listed, then upload this document into the 2024-25 Form Upload folder in the Indistar. Due Date: June 28, 2024.**

Fort Smith Public Schools	660100
DISTRICT NAME	LEA NUMBER

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

### **SECTION 1: CERTIFICATIONS**

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

The information provided in this application to support the following assurances is correct, as far as I am able to determine.

- The LEA will abide by the provisions of the approved plan/application for Elementary and Secondary Education Act (ESEA) funds.
- 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 any 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, 2 CFR Part 180)
- 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.
- 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://www.ecfr.gov/current/title-34/subtitle-A/part-82/appendix-Appendix%20B%20to%20Part%2082>
- 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.

### **SECTION 2: GENERAL ASSURANCES**

☒ ***I, the undersigned Superintendent for the above named LEA, hereby, assure the Arkansas Department of Education that it will comply with the assurances set forth below as stated in the***



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***General Education Provisions Act in compliance with 20 U.S.C.A. §1232 e(b)(3),(5),(7),(A)&(B),(8) and (9) (34 CFR §99). The general application submitted by the public agency under subsection (a) incorporates by explicit agreement these assurances:***

- A. Each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications. *ESEA § 8306(a)(1).*
- B. The LEA will comply with all applicable supplement not supplant and maintenance of effort requirements under Section 8521. *ESEA § 1118.*
  - 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 (*ESEA § 8306(a)(3)*), 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. *ESEA § 8306(a)(4).*
- 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. *ESEA § 8306(a)(5).*
- F. The LEA will [*ESEA § 8306(a)(6)*]:
  - 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 before the application was submitted, the applicant afforded a reasonable opportunity for public comment on the application and considered such comment. *ESEA § 8306(a)(7).*
- H. Any application, evaluation, periodic program plan or report relating to each program will be made readily available to parents and other members of the general public;
- I. The LEA has adopted effective procedures for acquiring and disseminating to teachers and administrators participating in each program significant information from educational research, demonstrations, and similar projects, and for adopting, where appropriate, promising educational practices developed through such projects; and
- J. 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 an organization.

**SECTION 3: FEDERAL PROGRAMS ASSURANCES (Formula Grants Only)**

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

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

- 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. *ESEA § 1112(c)(1).*
- B. Provides 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. *ESEA § 1112(c)(2).*

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- 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)). *ESEA § 1112(c)(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. *ESEA § 1112(c)(4)*.
- 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 LEA, in writing, that the agency has designated an employee to serve as a point of contact for the LEAs. *ESEA § 1112(c)(5)(A)*.
  - 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, (*ESEA § 1112(c)(5)(B)*) 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
- F. 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. *ESEA § 1112(c)(6)*.
- G. In the case of a 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)). *ESEA § 1112(c)(7)*
- H. Ensure that parents receive information regarding the professional's qualifications; teacher's State qualification and licensing status; if the teacher is teaching in the field of discipline of his/her certification; information on the level of achievement and academic growth of the student, if applicable, and available, on each of the State academic assessments; and 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. *ESEA § 1112(e)(1)*.
- I. LEA understands its obligation to reserve at least 1 percent of its Title I, Part A allocation for engagement purposes should such total allocation amount to \$500,000 or more. *ESEA § 1112(a)(3)(A)*.
- J. LEA understands that all Title I, Part A funded engagement activities, and strategies should remain consistent with all information set forth in *ESEA § 1116(a)(3)(D)*.
- K. LEA understands its obligation to submit to the State any comments from parents who deem the schoolwide plan unsatisfactory. *ESEA § 1116(b)(4)*.
- L. LEA understands its obligation to ensure each school served under Title I shall jointly develop with and distribute to parents and family members of participating children a written parent and family engagement policy, agreed on by such parents, that shall describe the means for carrying out the requirements described in *ESEA § 1116(b)* through (f).
- M. LEA understands its obligation to provide other reasonable support for engagement activities to ensure the effective involvement of parents and to support a partnership among the school involved, parents, and the community to improve student academic achievement. *ESSA § 1116(e)(14)*.



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- N. LEA understands that district will be limited to a 15% carryover of Title I Part A funds into every school year. ESEA § 1127(a)
- O. LEA ensures that any eligible Federal funds allocated will meet the purposes of each Federal program supported by such funds, including serving students from low-income families, English learners, migratory children, and children who are neglected, delinquent, or at risk, as applicable. ESEA § 1501(d)(1)(F).
- P. The LEA 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. ESEA § 1501(d)(1)(G).
- Q. The local educational agency will use fiscal control and sound accounting procedures sections 1117, 1118, and 8501 that ensure proper disbursement of, and accounting for, eligible federal funds consolidated and used under such system. ESEA § 1501(d)(1)(I)
- R. The LEA 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. ESEA § 1501(d)(1)(J)

**TITLE I - 1003 – Improving the Academic Achievement of the Disadvantaged**

(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. The LEA assures that each school will attend state-designated 1003 professional development(s).
- B. The LEA assures that each school the district proposes to serve will receive all of the State and local funds it would have received in the absence of funds received under 1003.
- C. The LEA is aware that the district is responsible for monitoring the school and implementing additional actions as needed for successful implementation.
- D. The LEA certifies that the expenditures are for the purposes and objectives set forth in the terms and conditions of the 1003 grant award.
- E. The LEA is aware that any false, fictitious, or fraudulent information or the omission of any material fact may subject me to criminal, civil, or administrative penalties for fraud, false statements, false claims, or otherwise.
- F. The LEA is aware that the district will be limited to a 5% carryover of 1003 funds into the next school year. *Arkansas approved the ESSA Plan.*
- G. The LEA is aware that by accepting these funds, the district will enter into level 2 collaborative support with the Arkansas Department of Education. This support will include monitoring by the Department.

**TITLE I, PART C – Migrant Education Program**

(Applicable to those Subgrantee (LEAs/ CoOps) 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. The subgrantee assures it will implement the SEA recruitment plan year round to ensure timely and effective identification and recruitment of all eligible migrant students in its geographic area (34 CFR 200 §200.82).
- B. The subgrantee assures it will identify and recruit eligible migratory children, as defined in Section 1309(2) of PL 107-110, within the boundaries of the LEA and document said eligibility with the Certificate of Eligibility (COE) provided by the SEA.
- C. The subgrantee assures that the results of the program evaluation carried out under [34 CFR Part 200 §220.84] will be used to improve services to migratory children [34 CFR part 200 §220.85].



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- D. The subgrantee assures that all services it provides to eligible migratory students comply with the Comprehensive Needs Assessment and Service Delivery Plan [34 CFR 200 §220.83 (4)(c)].
- E. The subgrantee will assure equal access to migratory students for public preschool programs, extended school programs, Title I, Title II, and other supplemental programs during the school day [Section 1306(b)(2)].
- F. The subgrantee assures that programs and projects funded for Migrant Education Program will be carried out in a manner consistent with the objectives of section 1114, subsections (b) and (d) of section 1115, subsections (b) and (c) of section 1118, and Part F [ESEA section 1304(c)(1)].
- G. The subgrantee assures that in the planning and operation of programs and projects, there is appropriate consultation with parents of migratory children, including Migrant Parent Advisory Council for programs of at least one year in duration, and that all such programs and projects are carried out in a manner that provides for the same parental involvement as is required for programs and projects under section 1116, unless extraordinary circumstances make such provision impractical; and in a format and language understandable to parents. [ESEA section 1304(c)(3)].
- H. The subgrantee assures that in planning and carrying out such programs and projects, there will be adequate provision for addressing the unmet educational needs of preschool migratory children and migratory children who have dropped out of school, Out of School Youth (OSY) [ESEA section 1304(c)(4)].
- I. The subgrantee assures that it will provide instructional and support services to eligible Migratory Out of School Youth (OSY) within district/region boundaries during the regular school year and summer if specific OSY funds are received. *ESEA § 1304(d)*.
- J. The subgrantee assures such programs and projects will provide for advocacy and outreach activities for migratory children and tier families, to inform such children and families of other education, health, nutrition, and social services to help them to connect with such services [ESEA section 1304(c)(5)].
- K. The subgrantee assures to the extent feasible, such programs and projects will provide access to family literacy programs; the integration of technology into educational and related programs; and programs that facilitate the transition of secondary school students to postsecondary education or employment; including facilitating professional development to migrant personnel [ESEA section 1304(c)(7)].
- L. The subgrantee assures priority will be given to migratory children who have made a qualifying move within the previous 1-year period who:
  - 1. are falling, or most at risk of falling, to meet the challenging State academic standards; or
  - 2. have dropped out of school [ESEA Section 1304(d)].
- M. The subgrantee assures that Migrant data collection will be conducted year-round to ensure the timely transfer of student records [Section 1308(b)(2)].
- N. The subgrantee assures it will conduct the transfer of migrant student records according to the SEA required policies and procedures including actively participating with and meeting all Migrant Student Information Exchange System requirements (MSIX) [34 CFR 200.85(d). 20 USC 6398(b)(2)].
- O. The sub-grantee assures that records concerning financial accounting and program evaluation will be maintained by the applicant agency and will be available for review by the SEA and Legislative Audit for a period of 5 (5) years [GEPA section 81.31(c)].
- P. Subgrantee shall give students and staff of non-public schools an opportunity for equitable participation in activities and/or services provided by Title I Part C funds [34 CFR §300.38].
- Q. Sub-grantee assures that Migrant staff will be released to attend required local/statewide training (MEP Non-Regulatory Guidance Chapter III, A9 and Chapter X, F4)
- R. A program meets the intent and purposes of part C of Title I if it meets the following requirements:
  - (a) The program is specifically designed to meet the unique educational needs of migratory children, as defined in section 1309 of the ESEA.
  - (b) The program is based on performance targets related to educational achievement that are similar to those used in programs funded under part C of Title I of the ESEA and is evaluated in a manner consistent with those program targets.
  - (c) The sub-grantee keeps, and provides access to, records that ensure the correctness and verification of these requirements.
  - (d) The grantee (SEA) monitors program performance to ensure that these requirements are met. (Approved by the Office of Management and Budget under control number 1810-0662)  
(Authority 20 U.S.C. 6321(d)) [ 67 FR 71736, Dec. 2, 2002; 68 FR 19152, Apr. 18, 2003]





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**TITLE I, PART D Subpart 2 – Children or 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 LEA understands its shared obligation with delinquent facilities to carry out high-quality education programs to prepare youth for secondary school completion, training, employment, or further education. *ESEA § 1421(1)*
- B. The LEA, alongside the delinquent facility, will provide activities to facilitate the transition of such youth from the correctional program to further education or employment. *ESEA § 1421(2)*
- C. The LEA ensures that children and youth are participating in an education program comparable to one operating in the local school such youth would attend. *ESEA § 1421(3)*
- D. The LEA, alongside the delinquent facility, will operate dropout prevention programs for youth who are at risk and youth returning from correctional facilities. *ESEA § 1421(3)*
- E. The LEA, alongside the delinquent facility, will administer the Title I part D program to assist students residing in a facility for delinquent children in accordance with *ESEA § 1421*.
- F. The LEA, alongside the delinquent facility, will make services available to children and youth in adult correctional institutions, with priority given to such children and youth who are likely to be released from being incarcerated within a two-year period. *ESEA § 1414(c)(2)*
- G. The LEA, alongside the delinquent facility, will assist in locating alternative programs through which students can continue their education if the students are not returning to school after leaving the facility or institution for neglected or delinquent children and youth. *ESEA § 1414(c)(2)*
- H. The LEA, alongside the delinquent facility, will work with parents to secure parents' assistance in improving the educational achievement of their children and youth, and preventing their children from becoming further involved in delinquent activities. *ESEA § 1414(c)(13) & 1423(13)*
- I. The LEA, alongside the delinquent facility, 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 youth's local school if the child or youth [*ESEA § 1414(c)(15)*]:
  - 1. 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
  - 2. Intends to return to the local school.
- J. The LEA, alongside the delinquent facility, 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 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 achieve a secondary school diploma or its recognized equivalent if the child or youth does not intend to return to school. *ESEA § 1414(c)(16)*
- K. LEA ensures that certified or licensed teachers and other qualified staff are trained to work with children and youth with disabilities and other students with special needs, considering the unique needs of such students. *ESEA § 1414(c)(17)*
- L. LEA ensures that it will coordinate the program under this subpart with any programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) or other comparable programs if applicable. *ESEA § 1414(c)(18)*

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

**X**

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

- A. The LEA will comply with section 8501-8504, regarding equitable participation of private school children and teachers. (ESEA section 4106(e)(2)(B)).



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- B. The LEA will coordinate professional development activities authorized under this part with professional development activities provided through other federal, state, and local programs that; a.) increase student achievement consistent with the challenging State academic standards ESSA §2103(b)(3)(E); b.) improves the quality and effectiveness of teachers, principals, and other school leaders ESSA § 2103(b)(3)(E); c.) increases the number of teachers, principals, and other school leaders who are effective in improving student academic achievement in schools ESSA §2103(b)(3)(E); and/or d.) provides low-income and minority students greater access to effective teachers, principals, and other school leaders. ESSA §2103(b)(3)(B) e.) The LEA provides professional development and other activities for teachers, paraprofessionals, and other school personnel to improve instruction and use of data from academic assessments. ESSA §1114(b)(7)(iii)(IV)
- C. The LEA 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)
- D. The LEA will provide meaningful consultation with teachers, principals, other school leaders, paraprofessionals, support personnel, parents, family, community partners, and stakeholders. ESSA §2102(b)(3)

**TITLE III, PART A – Language Instruction for English Learners and Immigrant Students**

(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 LEA 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; ESSA §3116(b)(4)(A)
- B. The eligible entity is not in violation of any state law, including state constitutional law, regarding the education of English learners, consistent with ESEA sections 3125 and 3126; ESSA §3116(b)(4)(B)
- 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 ESSA §3116(b)(4)(C)
- 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. ESSA §3116(b)(4)(D)
- E. The LEA assures that all teachers in any language instruction educational program for English Learners that is, or will be, funded under this part are fluent in English and any other language used for instruction, including having written and oral communications skills. ESSA §3116(c).
- F. Federal funds made available under this subpart shall be used so as to supplement the level of Federal, State, and local public funds that, in the absences of such availability, would have been expended for programs for English learners and immigrant children and youth and in no case to supplant such Federal, state, and local public funds. ESSA §3115(g)
- G. The Title III English Learner Subgrant Assurances. Under Title VI of the Civil Rights Act of 1964 and the EEOA, all States and LEAs must ensure that ELs can participate meaningfully and equally in educational programs and services.

**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);



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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)).
- C. For an LEA that receives \$30,000 or more, conduct a comprehensive needs assessment. (ESEA section 4106(e)(2)(A)). [CNA needs to be completed every 3 years]
- D. For an LEA that receives \$30,000 or more, use-
1. No 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.
- E. For an LEA that receives \$30,000 or more, 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.
- F. Comply with section 8501-8504, regarding equitable participation of private school children and teachers. (ESEA section 4106(e)(2)(B)).
- G. The LEA or consortium will comply with section 8501 (regarding equitable participation by private school children and teachers);
- H. 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).
- I. SPECIAL RULE. —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 subparagraphs (C), (D), and (E) of subsection (e)(2).
- J. 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.)
- K. 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.
- L. Internet Safety (Section 4121): The LEA has a policy of Internet safety for minors that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through computers to visual depictions that are obscene, child pornography, or harmful to minors and is enforcing the operation of such technology protection measures during any use of such computers by minors.
- M. Professional Development (Section 4109): The LEA emphasizes professional development activities which should be sustained (not-stand-alone, one day, or short term workshops), job-embedded, data driven and classroom-focused.
- N. Supplement, Not Supplant (Section 4110)  
The LEA assures that all funds will supplement, and not supplant, non-federal funds that would otherwise be used for these activities.





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**TITLE V, PART B – Rural Low-Income Schools (RLIS)**

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

In accordance with ESEA sections 5221 to 5223 and 8302, the applicant provides assurances that it will:

- A. Comply with all applicable requirements of all Federal laws, regulations, and policies governing this program.

**IDEA Part B (611) & (619) Funds**

☒

*I, the Special Education Supervisor (if applicable) for the above named LEA, hereby, assure the Arkansas Department of Education that:*

- A. **Statement of Intent:** This application is submitted in fulfillment of Ark. Code Ann. 6-20-2202 (34 CFR, Subpart B); the Individuals with Disabilities Education Act (IDEA); and the rules and regulations promulgated by the Arkansas State Board of Education, which are applicable. Upon approval by the Arkansas Department of Education, Special Education Unit, this document shall certify the public agency's authority to expend state and federal funds for the education of children with disabilities in accordance with the assurances, budget, and program of services set forth herein. On this date, the agency has adopted *Special Education and Related Services: Procedural Requirements and Program Standards*, and *Special Education Eligibility Criteria and Program Guidelines for Children with Disabilities, Ages 3-21*, and subsequent rules and regulations adopted by the State Board of Education, as regulations for the administration of the special education program.
- B. **Adoption of Procedures:** The applicant agrees to implement *Special Education and Related Services: Procedural Requirements and Program Standards* and *Special Education Eligibility Criteria and Program Guidelines for Children with Disabilities, Ages 3-21* to ensure that it provides special education services to enable children with disabilities to participate in regular educational programs and that each child has a properly developed individualized education program.
- C. **Adjustment to Local Fiscal Effort:** If eligible to do so, the applicant, in accordance with 20 U.S.C.A. §1413 (34 CFR, Subpart C), assures that funds it uses to offset maintenance of effort requirements comply with the provisions of Part B of IDEA 2004.
- D. **Assistive Technology:** The applicant assures that assistive technology devices or assistive technology services, or both, as defined in 20 U.S.C.A. §1401(34 CFR, Subpart A), are made available to a child with a disability if required.
- E. **Complaint Procedures of the State:** The applicant, in accordance with 20 U.S.C.A. §1415 (34 CFR, Subpart E), assures that it will provide a copy of the written procedures for Complaint Management to parents of students with disabilities when they are notified of their procedural safeguards.
- F. **Coordination of Projects:** The applicant, in accordance with EDGAR 34 CFR 76.580, assures, to the extent possible, it coordinates each of its projects with other activities that are in the same geographic area served by the project and targeted groups.
- G. **Excess Cost:** The applicant, in accordance with 20 U.S.C.A. §1413 (34 CFR, Subpart C), assures that funds provided under Part B of IDEA 2004 will be used only for excess costs.
- H. **Extended School Year:** The applicant, in accordance with 20 U.S.C.A. §1415 (34 CFR, Subpart E), shall ensure that extended school year services are available as necessary to provide a free appropriate public education.
- I. **Highly Qualified Personnel:** The applicant assures that all personnel necessary to carry out Part B of IDEA 2004 within the jurisdiction of the agency are appropriately and adequately prepared and trained consistent with the requirements of 20 U.S.C.A. §1412 (34 CFR, Subpart B).
- J. **Information for State Education Agency:** The applicant, in accordance with 20 U.S.C.A. §1412 (34 CFR, Subpart B),
- K. , assures that information necessary for the state education agency to carry out its duties under 20 U.S.C.A. §1412 (34 CFR, Subpart B) shall be provided.
- L. **Least Restrictive Environment:** The applicant, in accordance with 20 U.S.C.A. §1412 (34 CFR, Subpart B), assures it has adopted the policies and procedures of *Special Education and Related Services: Procedural Requirements and Program Standards*, Section 13, pages 1 and 2; and Section 17, pages 1-3.
- M. **Responsibility of District:** The applicant assures that any child with a disability who is placed in or referred to a private school or facility by the public agency is provided special education and related services in conformance with

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- an IEP that meets state and federal requirements, at no cost to the parents, is provided an education that meets the standards that apply to education provided by the SEA/DISTRICT, and has all of the rights of a child with a disability who is served by a public agency.
- N. **Maintenance of Effort:** The applicant assures, in accordance with 20 U.S.C.A. §1413 (34 CFR, Subpart C), that funds provided under Part B of IDEA 2004 will not be used to reduce the level of financial effort for the education of children with disabilities from local funds below the level of those expenditures for the preceding fiscal year and that additional state funds made available to the special education program through Acts of the Arkansas General Assembly will not be used to reduce the preceding level of financial effort.
- O. **Nondiscrimination and Employment of Individuals with Disabilities:** The applicant assures that the program assisted under Part B of IDEA 2004 will operate in compliance with Title 45 of the Code of Federal Regulations, Part 84.
- P. **Non-supplanting:** The applicant, in accordance with 20 U.S.C.A. §1412 (34 CFR, Subpart B), assures that funds provided under Part B of IDEA 2004 will be used to supplement the level of State and Local funds expended for the education of children with disabilities, and in no case to supplant those State and Local funds
- Q. **Permissive Use of Funds (PUF):** The applicant assures that any Part B funds utilized under the PUF provisions of 20 U.S.C.A. §1413 (34 CFR, Subpart C) are consistent with, and adhere to, state and federal law and regulation.
- R. **Policies and Programs Consistent with Eligibility Provisions:** The applicant, in accordance with 20 U.S.C.A. §1413 (34 CFR, Subpart C), assures that it has in effect policies, procedures and programs that are consistent with State policies and procedures established under 20 U.S.C.A. §1412 (34 CFR, Subpart B).
- S. **Procedural Safeguards:** The applicant incorporates by reference the procedures of the state education agency in *Special Education and Related Services: Procedural Requirements and Program Standards*, Sections 4 through 16.
- T. **Protection in Evaluation Procedures:** The applicant adopts by reference the procedures of the state education agency in *Special Education and Related Services: Procedural Requirements and Program Standards*, Sections 4, 6 and 7.
- U. **Public Control of Funding:** The applicant assures that control of funds provided under Part B of IDEA 2004 and State/Local funds committed to Special Education in accordance with Ark. Code Ann. 6-20-310 (34 CFR Part 76) and title to property acquired with those funds is in a public agency for the uses and purposes authorized and as provided in the Arkansas Department of Education, School and Educational Service Cooperative Financial Accounting Manual.
- V. **Records, Reports, and Public Information:** The applicant, in accordance with 20 U.S.C.A. §1413 (34 CFR, Subpart C), assures that it will provide information as may be necessary to enable the state education agency to perform its duties under 20 U.S.C.A. §1412 (34 CFR, Subpart B). The applicant assures that such records as the state educational agency may require ensuring the correctness and verification of the information are maintained and available. The applicant assures that all documents relating to the eligibility of the applicant under Part B of IDEA 2004 are available to parents of children with disabilities and to the public.
- W. **Retention of Records:** Education Department General Administrative Regulations (EDGAR) 34 CFR §80.42(b), requires that recipients of federal funds retain all financial records and programmatic records, supporting documents, statistical records, and other records of LEAs for three years and 90 days (at a minimum) from the end of the liquidation period for the applicable grant.
- X. **School-Wide Programs Under Title I of ESEA:** The applicant, in accordance with 20 U.S.C.A. §1413 (34 CFR, Subpart C), assures that funds it uses to carry out a school-wide program under Section 1114 of the Elementary and Secondary Act of 1965 will conform to the conditions for the use of the funds under Part B of the IDEA 2004.
- Y. **Transition Services:** The applicant assures that transition services, as defined at 20 U.S.C.A. §1414 (34 CFR, Subpart D), are designed within a results-oriented process that is focused on improving academic and functional achievement of children with disabilities to facilitate the child's movement from school to post-school activities, including post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation and is based on the individual child's needs.
- Z. **Treatment of Charter Schools and Their Students:** The applicant, in accordance with 20 U.S.C.A. §1413 (34 CFR, Subpart C), assures that with respect to charter schools that are public schools of the local educational agency, the local educational agency serves children with disabilities attending those charter schools in the same manner as the local educational agency serves children with disabilities in its other schools and provides funds under Part B of IDEA 2004 to those charter schools in the same manner and at the same time as it provides those funds to its other schools.
- AA. **Access To and Purchase of Instructional Materials:** The applicant, in accordance with 34 Code of Federal Regulations §300.210 (a) and (b), assures that it will coordinate with the State education agency (Division of Elementary & Secondary Education, Special Education) and the National Instructional Materials Access Center (NIMAC) and will take all reasonable steps to provide instructional materials to blind persons or other persons with print disabilities in a timely manner.



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**BB. Records Regarding Migratory Children with Disabilities:** The agency must cooperate in the Secretary's effort 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.

The signatures below are verification that the agency has reviewed and adopted the policies and procedures relative to children with disabilities covered in the attached *Special Education Assurances and Agreements*. Any additional policies and procedures adopted by the agency relative to children with disabilities not covered in the *Special Education Assurances and Agreements* are enclosed in this application. The signature of the Board President signifies that the Board has voted approval of the application. Such a vote should be recorded in Board meeting minutes and kept on file at the District.

### **SECTION 3: GEPA STATEMENT**

Section 427 of the General Education Provisions Act (GEPA) (20 U.S.C. 1228a) requires U.S. Department of Education grantees to describe the steps the grantee will take to ensure equitable access to and participation in the Federally-assisted program by addressing the special needs of students, teachers, and other program beneficiaries. The statute highlights barriers that can impede equitable access or participation: gender, race, national origin, color, disability, or age.

Based on local circumstances, a local educational agency (LEA) should determine whether these or other barriers may prevent students, teachers, or other program beneficiaries from such access or participation in the Federally-funded project or activity. There is no minimum word count for a GEPA statement.

**Based on local circumstances, identify which barriers may prevent program beneficiaries from such access or participation in the Federally-funded project or activity (multiple selections allowed).**

☒ Gender      ☒ Race      ☒ National Origin      ☒ Color  
☒ Disability      ☒ Age      ☒ Language      ☒ Other Homelessness, Poverty

**Please indicate what steps the LEA has taken to identify the above listed barriers (multiple selections allowed).**

☒ Comprehensive Needs Assessment      ☒ Unified Improvement Plan  
☒ Diagnostic Review      ☒ Parent/Family Stakeholder Engagement  
☐ Other (add description) \_\_\_\_\_

**Briefly describe the Potential/Existing Barrier including the ESSA/IDEA program in which the barrier may exist (Limited characters):**

Each FSPS student will have equal access to programs, resources, and opportunities regardless of gender, race, national origin, color, language, disability, age, homelessness, or poverty level. We will use federal funds to support both student learning and professional development. Providing technology across the district also helps to ensure that all students have access to all available learning opportunities. Specifically with Federal funds, the District will ensure that all children have the opportunity to obtain a high quality education and reach proficiency on challenging academic standards and state assessments. Our program focuses on promoting academic success in high-poverty schools and ensures student access to scientifically based instructional strategies and challenging academic content.



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Briefly describe specific ways the LEA will mitigate the barrier(s) identified (Limited characters):

We are dedicated to providing an equitable, challenging educational experience by engaging schools, families and community partners as we prepare students to embrace their roles in our culturally diverse community and rapidly changing world. We will accomplish this by providing support and resources such as certified, highly trained, Instructional Specialists in grades K-12, curriculum development, maps/unit plans, lesson protocols, and materials through modeling, coaching cycles, and providing explicit feedback. They will also provide intervention for at-risk students using High Quality Instructional Materials. In addition, material & supplies, as well as purchase services will help support and supplement the District's focus on the "Four Big Rocks" which include Professional Learning Communities, Capturing Kids Hearts, Career and Technical Focus, and High Reliability Schools

Indicate the funds that will support these activities (multiple selections allowed).

- ☒ Title I, Part A      ☒ Title I, Part C      ☒ Title I, Part D
- ☒ Title II, Part A ☒ Title III, Part A      ☒ Title IV, Part A
- ☐ Title V, Part B      ☒ IDEA, Part B

<https://oese.ed.gov/gepa/>

### **SECTION 4: APPROVAL AND SIGNATURE**

**Recommendation:** This form requires annual review and signatures. If the LEA's superintendent changes at any point during the school year, this form should be reviewed, signed, and uploaded in Indistar again.

### **BOARD APPROVAL AND SUPERINTENDENT 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 May 20, 2024 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. By signing my name in the space provided, I hereby certify that all assurances have been read and are understood.

Please sign and date:



**2024-2025 Assurances and GEPA Statement  
Programs Under ESSA & IDEA**

Dr. Terry Morawski

\_\_\_\_\_

***LEA Superintendent Name***

***LEA Superintendent Signature***

***Date:*** \_\_\_\_/\_\_\_\_/\_\_\_\_

Mr. Dalton Person

\_\_\_\_\_

***LEA Board President Name***

***LEA Board President Signature***

***Date:*** \_\_\_\_/\_\_\_\_/\_\_\_\_