



## **SPECIAL EDUCATION ASSURANCES AND AGREEMENTS SCHOOL YEAR 2019-2020**

**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.

**Adjustment to Local Fiscal Effort:** If eligible to do so, the applicant, in accordance with 20 U.S.C.A. §1413, assures that funds it uses to offset maintenance of effort requirements comply with the provisions of Part B of IDEA 2004.

**Assistive Technology:** The applicant assures that assistive technology devices or assistive technology services, or both, as defined in 20 U.S.C.A. §1401, are made available to a child with a disability if required.

**Complaint Procedures of the State:** The applicant, in accordance with 20~U.S.C.A. §1415, 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.

**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.

**Excess Cost:** The applicant, in accordance with 20 U.S.C.A. §1413, assures that funds provided under Part B of IDEA 2004 will be used only for excess costs.

**Extended School Year:** The applicant, in accordance with 20 U.S.C.A. §1415, shall ensure that extended school year services are available as necessary to provide a free appropriate public education.

**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.

**Information for State Education Agency:** The applicant, in accordance with 20 U.S.C.A. §1413, assures that information necessary for the state education agency to carry out its duties under 20 U.S.C.A. §1412 shall be provided.

# SPECIAL EDUCATION ASSURANCES AND AGREEMENTS

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**Least Restrictive Environment:** The applicant, in accordance with 20 U.S.C.A. §1412, 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.

**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 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.

**Maintenance of Effort:** The applicant assures, in accordance with 20 U.S.C.A. §1413, 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.

**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.

**Non-supplanting:** The applicant, in accordance with 20 U.S.C.A. §1412, 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.

**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 are consistent with, and adhere to, state and federal law and regulation.

**Policies and Programs Consistent with Eligibility Provisions:** The applicant, in accordance with 20 U.S.C.A. §1413, 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.

**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.

**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.

## **SPECIAL EDUCATION ASSURANCES AND AGREEMENTS**

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**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 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.

**Records, Reports, and Public Information:** The applicant, in accordance with 20 U.S.C.A. §1413, 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. 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.

**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.

**School-Wide Programs Under Title I of ESEA:** The applicant, in accordance with 20 U.S.C.A. §1413, 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.

**Transition Services:** The applicant assures that transition services, as defined at 20 U.S.C.A. §1414, 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.

**Treatment of Charter Schools and Their Students:** The applicant, in accordance with 20 U.S.C.A. §1413, 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.

**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 (Arkansas Department of 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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**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.

**General Education Provisions Act:** The applicant assures that it will comply with the assurances set forth below as stated in the General Education Provisions Act in compliance with 20 U.S.C.A. §1232 e(b)(3),(5),(7),(A)&(B),(8) and (9). The general application submitted by the public agency under subsection (a) incorporates by explicit agreement these assurances:

- 1) That the local education agency will administer each program covered by the application in accordance with all applicable statutes, regulations, program plans and applications;
- 2) That the control of funds provided to the local education agency under each program and title to property acquired with those funds will be in a public agency and that a public agency will administer those funds and property;
- 3) That the local education agency will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds paid to that agency under each program;
- 4) That the local education agency will make reports to the State agency or board and to the Commissioner as may reasonably be necessary to enable the State agency or board and the Commissioner to perform their duties and that the local educational agency will maintain such records, including the records required under Section 437, and provide access to those records, as the State agency or board or the Commissioner deem necessary to perform their duties;
- 5) That the local education agency will provide reasonable opportunities for the participation by teachers, parents, and other interested agencies, organizations, and individuals in the planning for an operation of each program;
- 6) That 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;
- 7) That the local educational agency 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
- 8) 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 an organization.

**Special Education  
Assurances and Agreements School-Age Services  
Fiscal Year 2019-2020**

**CERTIFICATION**

**I, THE UNDERSIGNED AUTHORIZED REPRESENTATIVE, HEREBY CERTIFY THAT THE APPLICANT AGENCY'S GOVERNING BODY HAS ADOPTED THE ABOVE ASSURANCES AND IS AWARE OF REQUIRED ACTIONS BY THE SEA RELATIVE TO DIRECT SERVICES AND LEA COMPLIANCE.**

Fort Smith Public Schools  
**Public Agency Name**

6601  
**LEA #**

\_\_\_\_\_  
**Director/Superintendent's Signature**

\_\_\_\_\_  
**Date**

## CERTIFICATION REGARDING LOBBYING

Applicants must review the requirements for certification regarding lobbying included in the regulations cited below before completing this form. Applicants must sign this form to comply with the certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying." This certification is a material representation of fact upon which the Department of Education relies when it makes a grant or enters into a cooperative agreement.

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

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;
- (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;
- (c) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-grants and contracts under grants and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certification.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
Fort Smith Public Schools	
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
Dr. Doug Brubaker	
SIGNATURE	DATE

## 2019-2020 District School Age Contact Information

6601 Fort Smith Public Schools

**LEA#/DISTRICT NAME**

Dr. Doug Brubaker

**Superintendent**

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Phone#

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**E-mail Address**

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**E-mail Address**