

Tupelo Public School District
4120
SIGNED STATEMENT OF ASSURANCES

ASSURANCE STATEMENTS

The school district/agency is required to certify compliance with the Individuals with Disabilities Education Improvement Act of 2004 (IDEA), P.L. 108-446 and any and all State laws (MS Code, 1972, Annotated) pertaining to the education of students with disabilities.

1. The school district/agency will determine local in-service needs relative to serving students with disabilities. Such local in-service needs will be determined through information from the following: regular educators, paraprofessionals, Title I teachers, principals, related service personnel and special education teachers. This information will be used in the development of the district/agency's overall Professional Development Plan as required by the State Board of Education and Accountability Standards and in response to the MDE's request for information regarding the agency's Comprehensive System of Personnel Development. Training on topics determined to be district/agency needed priorities to ensure the provision of free appropriate educational services will be provided. In-service sessions planned by the MDE may be utilized to meet the needs of district/agency personnel; therefore, district/agency personnel will be provided an opportunity to participate in these sessions.
2. The funds under Part B will not be commingled with State funds. Separate accounting systems that include an audit trail of the expenditures of the Part B funds will be utilized in accordance with Section 34 Code of Federal Regulations (CFR) 76.702 (Fiscal control and funding accounting procedures).
3. The funds allocated under Part B will be used only to pay the excess cost of providing special education and related services to children with disabilities consistent with Section 300.202 of 34 CFR Final Regulations.
4. Part B funds will be used to supplement State, local and other Federal funds and not to supplant those funds except as provided in Section 300.203 of 34 CFR Final Regulations.
5. Except as provided in Sections 300.202 and 300.203 of 34 CFR Final Regulations, funds under Part B will not be used to reduce the level of expenditures for the education of children with disabilities made from local funds below the level of those expenditures for the preceding fiscal year.
6. The amount of Part B funds for any fiscal year utilized to carry out a school-wide program under section 1114 of the Elementary and Secondary Education Act of 1965 will not exceed:

The amount received by the LEA under Part B of the Act for that fiscal year; divided by the number of children with disabilities in the jurisdiction of the LEA and multiplied by the number of children with disabilities participating in the school-wide program. The funds are subject to the following conditions: The funds must be considered as Federal Part B funds for purpose of the calculations required by Section 300.202 (a)(2) and (a)(3) of the Draft of June 21, 2005, Federal Regulations. The funds may be used without regard to the requirements of Section 300.202 (a)(1) of 34 CFR Final Regulations. All other requirements of Part B of the Act must be met by an LEA using Part B funds in accordance with paragraph (a) of this section, including ensuring that children with disabilities in school-wide program schools receive services in accordance with a properly developed IEP; and are offered all of the rights and services guaranteed to children with disabilities under the Act.

7. The requirements of Part B as addressed in numbers 3-6 above, as well as the applicable requirements of Part B, will not be violated if the district/agency utilized Part B funds to:
 - a. Allow one or more non-disabled children to benefit from special education, related services and supplementary aids and services, for the costs of providing such services in a regular class or other education-related setting to a child with a disability in accordance with the IEP of the child and/or
 - b. Develop and implement a fully integrated and coordinated services system in accordance with Section 300.244 of 34 CFR Final Regulations.
8. The district/agency will provide the MDE with correct information and reports relative to IDEA, Part B and Preschool as requested. The district/agency will provide information requested relevant to the performance goals for the State and information required regarding the participation of children with disabilities in general State and agency-wide assessments. The district/agency will keep such records as are required and will afford access thereto as the MDE may find necessary to assure their correctness and to verify any parts of such records.
9. If the LEA has an approved Charter School, the LEA will serve children with disabilities attending such schools in the same manner as it serves children with disabilities in its other schools and will provide funds under Part B to those schools in the same manner as it provides those funds to its other schools.
10. Parents of children with disabilities have been involved in the development of the district/agency's plan in accordance with the procedures outlined in this application.
11. All documents related to the eligibility of the agency under Part B will be maintained on file and made available to parents of children with disabilities and to the general public.
12. The district/agency will, in the conduct of this program or project, coordinate its activities with such programs conducted by other agencies in its area.
13. The district/agency adheres to the provisions under Title VI of the Civil Rights Act of

1964, as amended 45 U. S. Code (U.S.C.) 2000d et seq. U. S. Department of Education: 34 CFR Subtitle B, Parts 100-199, which prohibit discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance.

14. The district/agency adheres to the provisions under Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, which prohibit discrimination on the basis of disability in programs and activities receiving Federal financial assistance.
15. The district/agency adheres to the provisions under Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 et seq., which prohibit discrimination on the basis of sex in education programs and activities receiving Federal financial assistance.
16. The district/agency adheres to the provisions under The Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 et seq., which prohibit discrimination on the basis of age in programs or activities receiving Federal financial assistance.
17. The district/agency ensures that all equipment previously purchased using IDEA, Part B or Preschool funds is on an agency inventory and is being utilized in the provision of special education services; any deviations from this are explained in an attachment.
18. The district/agency adheres to the applicable provisions of the Education Department General Administrative Regulations (EDGAR): P.L. 108-446 and 34 CFR Subtitle A, Parts 1-99.
19. The district/agency assures that the funds made available under Preschool will only be used for providing services to 3, 4 and 5 year old children with disabilities.
20. The district/agency assures that it will use fiscal control and fund accounting procedures that ensure proper distribution of and accounting for Federal funds. (Office of Management and Budget (OMB) Circular A-87 (Cost Principles for State, Local, and Indian Tribes Governments)).
21. The district/agency assures that it will submit corrective action plans and clarifications, as requested, in response to final site visit reports for the most recent special education progress monitoring report.
22. The district/agency adheres to the following requirements of Section 436 GEPA, 20 U.S.C., Section 123e, in order to comply with the provisions contained in P.L. 108-446.
 - a. The district/agency will administer each program in accordance with all statutes, regulations, program plans and applications applicable to that program.
 - b. The control of funds under each program and title to property acquired with those funds will be in a public agency and a public agency will administer those funds and property.
 - c. The district/agency will use fiscal control and fund accounting procedures that will

ensure proper disbursement of and accounting for Federal funds paid to it under each program.

- d. None of these 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.
- e. The district/agency will provide reasonable opportunities for the participation by teachers, parents and other interested agencies, organizations and individuals in the planning for and operation of each program.
- f. 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.
- g. That, in the case of any project involving construction:

(1) The project is not inconsistent with overall State plans for the construction of facilities and in developing plans for construction, due consideration will be given to excellence of architecture and design and to compliance with standards prescribed by the Secretary of Education under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) in order to ensure that facilities constructed with the use of Federal funds are accessible to and usable by individuals with disabilities.

(2) The district/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.

The district/agency will maintain such records, including those pertaining to fiscal audit and program evaluation, and provide access to records upon request to representatives of the MDE or the U.S. Department of Education as such representatives deem necessary to perform their duties.

23. As required by Section 1352, Title 31 of the U.S.C. for persons entering into a grant or cooperative agreement over \$100,000, the applicant assures that:

No Federally-appropriated funds have been paid or will be paid by, or on behalf of the recipient, to any person for influencing or attempting to influence an officer or employee of an 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.

If any funds other than Federally-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 a Federal grant or cooperative agreement, the recipient shall complete and submit Standard Form-LLL "Disclosure Form to Report Lobbying" in accordance with its instructions along with the sub-grant application, contract or cooperative agreement to which the

disclosure applies. This form is available upon request from the Mississippi Department of Education, Office of Special Education.

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

24. The district/agency assures that the regulations pertaining to [Government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug-Free Workplace (Grants)] are implemented, as required.

25. The district/agency assures that all State funds received through the Division of School Building and Transportation will be budgeted/expended before Part B and Preschool funds are expended. That is, IDEA Part B and Preschool funds are not being used instead of available State Transportation Funds.

26. The district/agency assures that all State funds available for professional development will be budgeted/expended before Part B and Preschool funds. That is, IDEA Part B and Preschool funds are not being used instead of available State Professional Development Funds.

27. The district/agency assures that IDEA, Part B and Preschool funds will be used to provide tuition or educational assistance to teachers of children with disabilities only if Local/State sources of funding are not available (e.g., tuition free courses).

28. The district/agency assures that a time sheet will be maintained on file to verify the percentage of time spent on prorated job responsibilities. If the amount of time actually spent varies from the percentage indicated in the Budget Narrative, actual charges to each budget will be modified to match the time sheets. The district/agency assures that salary and wage charges will be supported by proper time reporting documentation that meets the requirements of OMB Circular A-87.

29. The district/agency assures that all available State Textbook Funds allocated to this agency will have been budgeted/expended before IDEA, Part B and Preschool funds are expended. That is, IDEA Part B and Preschool funds are not being used instead of available State Textbook Funds.

30. The district/agency assures that regulations included in 34 CFR Parts 300 and 301, Assistance to States for the Education of Children With Disabilities and Preschool Grants for Children With Disabilities; Final Rule, (Section 300.130 through 300.148) are being followed to assure participation of children with disabilities enrolled by their parents in private school.

31. The district/agency hereby assures that, pursuant to requirements in IDEA, it will provide accessible instructional materials to blind students or other students with print disabilities in a timely manner, either by participating in the National Instructional Materials Accessibility Center (NIMAC) and/or by contracting directly

with curriculum publishers.

32. The district/agency complies with the guidance listed in IDEA 2004, Section 612(a)(16)(A) which states “In general. – All children with disabilities are included in all general State and district-wide assessment programs, including assessments described under section 1111 of the Elementary and secondary Education Act of 1965, with appropriate accommodations and alternate assessments where necessary and as indicated in their respective individualized education programs”.

- The district/agency further assures that: A district-wide assessment is one that (1) is required by the local school system, not the State, (2) is given to all students in (a) every grade in all schools or (b) the same grade in all schools that have that grade, and (3) is not used to determine eligibility for special education as required in the Mississippi Department of Education, Office of Special Education Policies and Procedures.
- If a district, or LEA, has an assessment that meets the criteria above, the LEA must take steps to ensure that the following are true:
 - Procedures must be in place to ensure that each IEP identifies any individual accommodation(s) that may be needed for a child with a disability to participate in the district-wide assessment(s).
 - Alternate assessments must be administered to children with disabilities whose IEP team has determined that they cannot participate in the standard administration of the district-wide assessment(s).
 - If the LEA reports publicly the results of its district-wide assessments, it must also report, with the same frequency and detail as it reports on the assessment of nondisabled children, the following:
 - the number of children with disabilities participating in regular assessments and the number of those children with disabilities who were provided accommodations in order to participate in those assessments; (**Note: If N size is 10 or less, the data should be suppressed.**)
 - the number of children with disabilities participating in alternate assessments that are aligned with the State’s challenging academic content standards and challenging academic achievement standards;
 - the number of children with disabilities participating in alternate assessments based on alternate achievement standards; and
 - the performance of children with disabilities on regular assessments and on alternate assessments compared with and included in with the achievement of all children, including children with disabilities, on those assessments.

Printed Name of Superintendent: Dr. Gearl Loden

Signature of Superintendent: _____

Date: _____