Monday, April 13, 2026
USD #333 USD333 Board of Education Regular Meeting

AGENDA FOR UNIFIED SCHOOL DISTRICT NO. 333
CLOUD COUNTY, KANSAS
6:00 PM
USD #333 Board of Education Administrative Offices, 217 W. 7th St., Concordia, KS 66901

A. **OPENING ITEMS**
   1. Call To Order
   2. Pledge of Allegiance
   3. Members Present

B. **CONSENT ITEMS**
   1. Adopt Agenda for Meeting
   2. Approval of Minutes
   3. Accept Gifts and Donations
   4. Approval of Encumbrances as listed in the Superintendent's Report
   5. Approval of Financial/Treasurer's Report/CapitalOne
   6. Administrator/Building Reports {CES, CMS, CHS}

Building Report April 2026 - CES 3
Building Report April 2026 - CMS 7
Building Report April 2026 - CHS 11

   7. Vote on Consent Items

C. **PUBLIC COMMENTS**

Open Forum Guidelines 13

D. **INFORMATION/UPDATE/COMMUNICATION**
   1. Dennis Hoth -- Land Development (CES)
   2. Jarin Brown -- JAG

BOE Meeting 16

   3. Cell Phone Policy
   4. Summer School
   5. 2027-2028 District Calendar
   6. Winter Head/Assistant Coaches
   7. **Superintendent's Report**

Report April 2026 - Superintendent 18

   8. **Operations Director's Report**

Report April 2026 - Operations Director 20

   9. **Curriculum Director's Report**

Report April 2026 - Curriculum Director 21

10. **Foundation Report**
    USD 333 Ed Fund Update 2026.04 22

11. **LCNCK Director's Report**

E. **EXECUTIVE SESSION**

F. **BOARD ACTION ITEMS**

1. Curriculum Approval
2. Roof bid for CHS
   CHS Roof Bid Totals Sheet 23
3. Open Enrollment Requirements
   26_27 Web Post_ Enrollment Projections & Nonresident Enrollment Capacity (1) 24
4. LCNCK IDEA Assurances
   LCNCK IDEA Assurances 26
   LCNCK IDEA Assurances - Signed 38
5. Instructional Coach
   Instructional Coach Job Description 50

G. **CERTIFIED and CLASSIFIED PERSONNEL**

1. New Hires/Transfers/Resignations/Terminations of **CERTIFIED STAFF** for the **2025-2026** School Year (if needed)
   Certified List4 52
2. New Hires/Transfers/Resignations/Terminations of **CLASSIFIED STAFF** for the **2025-2026** School Year (if needed)
   Classified List3 54
3. Superintendent Contract Renewal

H. **FUTURE AGENDA ITEMS**

I. **COMMENTS & ANNOUNCEMENTS**

J. **ADJOURN**

Concordia Elementary School

CES Board Report

April| 2026



PreK	88.53
Kdg	91.34
1st	93.73
2nd	94.65
3rd	93.11
4th	94.5

Not a lot of movement this month. Still lots of illness.

Calendar

April 8th and 9th ELA state Assesments
14th & 16 3rd Grade Kite Math
16th 17th 4th Kite Math
15th No School Teacher PLC-Band Festival
17th KDG Roundup
20th-24th Book Fair
23rd 4th grade spelling bee
24th Grandparents day
27th Pie Meeting
30th 4th grade Music



Featured articles

Every day is a great day at CES.
Seed counting science, Read Across America Week, Rolling HIlls Visit









PIE

April 2025

President: Michelle Ringer
VP: Mistie Stupka
Treasure: Jolene Pfeil
Secretary: Traci Snyer
Media: Ashely Hagen

Holiday Shop $804.07 Profit
Carnival $1,968.94

Looking for new members for next year

Balance

Checking: $10,580
Savings: $12522.07

Expeditures

Upcoming Events

T-Shirts

Meetings Last Monday of the month 5:30

Next Meeting 4/27





I am ready for a great day!

I believe in myself!

I trust that I will accomplish



SAVE THE DATE

Thursday, April 2: 3rd Grade Music Concert
Friday, April 3 - Monday April 6: No School
Wednesday, April 15: No School
Wednesday, April 15: Early Childhood Safari at Broadway Plaza
Friday, April 17: Kindergarten Round Up (Kindergarten: No School)
Monday, April 20-Friday, April 24: Book Fair
Friday, April 24: Grandparents Day
Thursday, April 30: 4th Grade Music Concert
Monday, May 4: 3rd/4th Grade Track Meet
Monday May 11: 1st/2nd Grade Track Meet
Wednesday, May 13: Kindergarten Fun Day
Monday, May 18: Kindergarten Music Concert & Graduation

My Goals and Dreams!

APRIL 2026

USD 333

CMS-APRIL

March Attendance

5th Grade- 95%
6th Grade- 92.4%

Current Enrollment

5th Grade - 71 Students
6th Grade - 83 Students

Upcoming Events

April 14 and 16-5th Grade Math-State Assessment
April 16 and 17- 6th Grade ELA State Assessment
April 17-5th Grade to Ameritowne
April 20th @ 6 PM- Community Engagement Night
April 21 and 22- 6th Grade Math State Assessment
April 27th-6th Grade Field Trip to Rolling Hills Zoo
April 28th-5th and 6th Grade Music and Band Concert
April 29th-5th Grade to Pawnee Indian Village
May 6th- CMS Track Meet



📢 SAVE THE DATE! 📢

Community Engagement Night

Join us for an important evening focused on helping our students navigate challenging issues with confidence, empathy, and support. This event is designed for parents and their students.

Date: 4/20/2026

Time: 6:00 pm

Location: Concordia Middle School

Topics May Include:

- Bullying & peer relationships
- Mental health & emotional well-being
- Social media & digital safety
- Building resilience and confidence

More details coming soon!

STUDENT OF THE MONTH

March

Student of the MONTH

5th Grade Student for March

MYA STEPHENS

Mya is our March Student of the Month! She is kind to everyone around her and is always willing to lend a helping hand to her classmates. Mya comes to school each day with a smile on her face and a positive attitude that brightens our classroom. Even when tasks are challenging, she works hard and pushes through without giving up. We are so proud of the effort, determination, and kindness she shows every day!

Homeroom: Bogart

CONCORDIA MIDDLE SCHOOL



Way to go Mya!

Student of the MONTH

6th Grade Student for March

TRENT MUETING

Trent consistently demonstrates what it means to be a positive role model in 6th grade. He is always on task and gives his best effort in everything he does. He comes prepared, stays focused, and takes pride in his work. In addition to being responsible, he is kind and respectful to everyone around him. He is always willing to lend a helping hand to classmates and contributes positively to our classroom community each day. We are proud to recognize Trent Mueting as our Student of the Month!

CONCORDIA MIDDLE SCHOOL



Way to go Trent!

STUDENT OF THE MONTH

April

Student of the MONTH

5th Grade Student for April

KYNSLEY MILLER

Kynsley Miller is our March Student of the Month! Kynsley is a smart, kind, and helpful student who always does her best in class. She follows directions carefully and works hard on everything she does. Kynsley stays focused during lessons and takes pride in her learning. She also enjoys helping others, making her a wonderful classmate and role model.

CONCORDIA MIDDLE SCHOOL



Way to go Kynsley!

Student of the MONTH

6th Grade Student for April

BROOKLYN ROBESON

Brooklynn Robeson is our 6th grade Student of the Month! Brooklynn consistently demonstrates what it means to be a positive role model in and out of the classroom. She is always kind and respectful to others, making those around her feel included and valued. Her willingness to help classmates and her genuine care for others truly set her apart. Brooklynn also gives her best effort in everything she does. She approaches her work with determination, stays focused, and never gives up when faced with challenges. Her strong work ethic and positive attitude make her a joy to teach.

CONCORDIA MIDDLE SCHOOL



Way to go Brooklyn!

Board Report CJSHS 4/13/26

Building Enrollment Count

7: 95
8: 85
9: 85
10: 89
11: 104
12: 68

Total: 526 (Down 4)

Highlights from CJSHS

Senior Interview Day took place on March 24th. This is a highlight for seniors in the spring and we very much appreciate all of the work that staff, students, and our community members put in to make this a valuable experience for our graduates. Special thanks to Concordia graduate Jared Goedert for delivering our keynote speech to our seniors on his experiences here as a CHS student and his professional path. Work ethic and willingness to pivot to new opportunities were central themes.

Our juniors took the ACT test on February 24th here at CHS. Mrs. Jamie Meyer has been conducting ACT prep classes during 2nd hour MTSS over the course of the year to help prepare our juniors. We had 73 students take the over 3 hour test with our composite average this year being an 18.5 which was up significantly from last year's scores.

Our winter sports season ended with our Lady Panthers basketball team qualifying for the 4A state basketball championship in Wichita. The girls played an excellent game but fell in the first round to the overall #1 seed Wellington. CHS was well represented with students who either rode the pep bus or traveled on their own to support their fellow classmates. Special thanks to Mr. Hittle for arranging the pep bus and helping to handle the logistics of the tournament.

Spring sports are in full swing with baseball, softball, track and field, tennis, and golf being offered to high school students. Track and field is the only option available for our JH students in the spring. Over 225 students are actively participating in athletics this spring!

Our 7th grade students were able to participate in a field trip to the state capitol the week after spring break. This had been a tradition at CJSHS prior to COVID that we were able to revive this year due to the efforts of our 7th grade teachers. It was an excellent trip for our students as all of our grade level teachers pretaught topics that were either seen or heard on the tours.

We are in the middle of our state assessment testing at CJSHS this month. Science was tested in the 8th and 11th grades the first week of April. ELA and Math both test our current 7th, 8th and 10th grade students with ELA testing the week of April 6th and Math testing the week of April 13th. These would be considered high stakes testing for our students and staff and a great deal of preparation has gone into trying to provide students not only with the knowledge, but also the confidence and motivation to give their best efforts. We are hopeful to receive these results sometime in May.

It is hard to believe but graduation is looming on the horizon for the Class of ‘2026 with graduation day being May 10th. Senioritis can be a real affliction and we are working with students, counselors, and teachers to keep a close eye on students as they near the finish line of their public school years.

Concordia USD 333

Board of Education Meeting

Open Forum Guidelines

Guidelines for the Open Forum

1. Any person wishing to address the Board in public forum must sign up on the sign-up sheet. The presiding officer of the public meeting will moderate the open forum anticipating the forum will be limited to thirty minutes.
2. As a courtesy and as a part of the public record, each speaker should identify themselves with name and address. Each speaker will be allowed three (3) minutes to address the Board. The Board may engage the speaker for clarification of the issue. The three minutes time limit may go longer based on Board questions.
3. The Board will not debate past decisions made by the current governing body or any past governing body.
4. The Board seeks only constructive criticisms and suggestions.
5. The Board will only allow one speaker at a time and a proper decorum will be enforced.
6. Speakers should keep their comments short and to the point.
7. Engaging in active debate with the Board or anyone in the audience will not be allowed.
8. All remarks and suggestions must be respectful and courteous, free of name-calling and/or personal attacks.
9. Persons making comments which violate the privacy rights of district employees or students will be asked to stop speaking or cease their remarks immediately. If a patron or parent has a concern with one or more employee(s), the Board will refer that person to the appropriate employee or the Superintendent.
10. No remarks will be allowed that contain vulgarities or inappropriate language.
11. No speakers may have the floor more than one time until all who wish to speak have been given the opportunity. The presiding officer will determine the order of speakers.
12. All comments must be directed to the Board as a whole, not to any specific member or to any person who is not a Board member.

Procedures to address the Board during Open Forum:

1. Print your name on the sign-up sheet and list the topic of your presentation.
2. The sign-up sheet will be given to the Board President at the beginning of the meeting.
3. The Board President will call each person on the sign-up sheet during the public forum agenda.
4. State your name, address, and summarize your concerns/suggestions. Limit your presentation to approximately three minutes. This may go longer based on Board questions.

BCBI **Public Participation at Board Meetings** (See BCAE and KN) **BCBI**

Open Forum

The president or presiding officer may ask patrons attending if they would like to speak during the open forum. Rules for the public forum will be available from the clerk prior to the board meeting and at the meeting itself. The board president may impose a limit on the time a visitor may address the board. The board president may ask groups with the same interest to appoint a spokesperson to deliver the group's message. Except to ask clarifying questions, board members shall not interact with speakers at the open forum.

Patron-Requested Agenda Items

Any patron may request addition of a specific agenda item and shall notify the superintendent {seven} days prior to the meeting and state the reason(s) for the request. The superintendent shall determine whether the request can be solved by staff without the patron's appearance before the board. If not, the superintendent shall consult with the board president, and the patron's request may be placed on the next regular board meeting agenda.

Handling Complaints

The superintendent may refer complaints to the board only if a satisfactory adjustment cannot be made by a principal, the superintendent, or other appropriate staff members.

Approved: KASB Recommendation – 1/01; 4/07

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Concordia
TRUST OWNERSHIP CULTURE

Unified School District No. 333
Administrative Offices
217 West 7th Street Concordia, Kansas 66901-2803
Phone: (785) 243-3518 Fax: (785) 243-8883
www.usd333.com

QUENTIN BREESE
Superintendent

KELLY STRUEBING
Director of Operations

Chad Eshbaugh
CJSHS Principal

Skyler Hittle
CJSHS AD/Asst. Principal

Curtis Noon
CMS Principal

Ashley Blain
CES Principal

Krystal Breese
Curriculum & Assessment

BOARD OF EDUCATION

BRAD BERK
President

MIKE CLEVELAND
Vice President

JOHN CULLEY

NANCY OWEN

JENNY PARKER

AMBER LAMBERTZ

LINDSAY METCALF

REQUEST TO ADD AN AGENDA ITEM

This form must be completed and returned to the Clerk of the Board or the Superintendent at least **7 days** prior to the meeting at which you wish to speak.

Your request will be reviewed, and one of two recommendations will be made:

1. Referral of your request to the appropriate administrator.
2. Decision by the Board of Education to add as an agenda item.
   - Presentation shall not exceed **5 minutes**.
   - Subjects, other than policy issues, will generally be referred to the administration.
   - Comments shall be limited to issues and not refer to individual staff or students.
   - Presentation must be in good taste befitting the occasion and dignity of the board meeting.
   - Typed copy or outline of your presentation should be included with this requested form.

Permission to appear before the board at a regular meeting is subject to the above guidelines.

Name: _____

Address: _____ Phone: _____

Individual or Organization you represent: _____

Organization's Address: _____

Signature: _____ Date: _____

District Official's Signature: _____

Date Received: _____ Time Received: _____

CONCORDIA HIGH SCHOOL JAG-K

Community Service



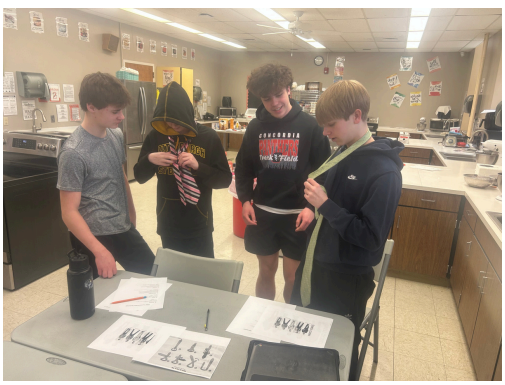
- CES Fall BBQ
- CES Thanksgiving
- Senior Center Meal Prep
- Park & School Clean Up
- CHS Trophy Case



Career Readiness

- Dress for Success
- Cover Letter
- Resume
- Interview
- Career Prep Presentation





CONCORDIA HIGH SCHOOL JAG-K

LDC & 2DC



- LDC - Leadership Development
- Local CDC -
  - Brain & Amanda Strait
  - Will Stormmen
  - Kourtni Hittle





Employer Engagement

- Tim Bemis - Cloud Corp
- Brandt Hutchinson
- KS Highway Patrol
- Amry Branches
- Will Strommen - Lawyer





Presenters: President - Alexis Winters | Director of Community Service - Grace Rowland | Career Specialist - Jarin Brown

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Andrea Rairden
CJSHS Assistant Principal/Assistant Athletic Director

Skyler Hittle
CJSHS Athletic Director/CJSHS Assistant Principal

Katie Jackson
CMS Principal

Curtis Noon
CES Principal

Mistie Knox
CES Assistant Principal

BOARD OF EDUCATION

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Lindsay Metcalf
Vice President

Nancy Owen

Amber Lambertz

Jenny Parker

Garett Hood

Cheryl Holmes

Date: April 13th, 2026
Report By: Tom DeBauche

Enrollment Update:

4/7/2026 Headcount Table

	CES Headcount 9/20/25	CES Headcount 12/3/25	CES Headcount 1/12/26	CES Headcount 2/3/26	CES Headcount 3/4/26	CES Headcount 4/7/26
Pre-K	57	63	62	61	61	60
Kindergarten	75	74	72	72	73	74
1st Grade	72	70	71	71	71	71
2nd Grade	81	79	78	78	77	77
3rd Grade	64	67	67	67	69	67
4th Grade	89	91	91	90	90	90
CES TOTAL	**438**	**444**	**441**	**439**	**441**	**439**

	CMS Headcount 9/20/25	CMS Headcount 12/3/25	CMS Headcount 1/12/26	CMS Headcount 2/3/26	CMS Headcount 3/4/26	CMS Headcount 4/7/26
5th Grade	73	71	70	70	71	71
6th Grade	83	84	84	84	84	84
CMS TOTAL	**156**	**155**	**154**	**154**	**155**	**155**

	CJSHS Headcount 9/20/25	CJSHS Headcount 12/3/25	CJSHS Headcount 1/12/26	CJSHS Headcount 2/3/26	CJSHS Headcount 3/4/26	CJSHS Headcount 4/7/26
7th Grade	98	95	95	96	96	95
8th Grade	88	87	87	87	87	86
9th Grade	87	85	85	85	85	85
10th Grade	91	91	91	89	89	89
11th Grade	106	107	105	105	105	104
12th Grade	71	71	71	71	71	68
CJSHS TOTAL	**541**	**536**	**534**	**533**	**533**	**527**

	9/20/2025	12/3/2025	1/12/2026	2/3/2026	3/4/2026	4/7/2026
District Totals	**1,135**	**1,135**	**1,129**	**1,126**	**1,129**	**1,121**

Strategic Plan
-Our next session will be April 14th from 9:00-12:00 with board leadership and admin. We will narrow down the focus of the feedback gathered at our two community nights and work on actionable steps towards our goals for the next 5 years.

Legislative Update
-Cell Phone Bill- Will be discussed in the information section of the meeting.

Instructional Coach
- We are working on hiring an instructional coach for CES/CHS. This position has two main components. 1. It will help teachers in both buildings instructionally by supporting teachers, including new teachers. 2. It will be a person that is working on

an endorsement in building leadership to help develop skills towards this area. This position aligns with much of the feedback from the strategic plan community night. It is targeted towards helping with teacher and administrator retention and also helping improve our instructional practices through research based methods, thus impacting student achievement.

Negotiations

Letters were exchanged after spring break.

Current Staff Openings

-DLT -Science -CHS ELA -CAP Co-Director

Attendance Update:

About a 14% Chronic Absenteeism Rate according to Ion.



CHS Sewer — Randy resolved our most pressing sewer issue. Due to the existing pipe condition, the lining took more time than originally anticipated. I do not yet have an updated bill from Randy; however, I anticipate additional labor costs once that arrives.

During the installation, Randy also identified a wye that had been installed in the wrong direction. I am unsure how long it had been in place, it may be original, or possibly dating back to the 1970s. With the deterioration of the pipe and the backward wye, we had multiple factors contributing to our sewer backups.

CJSHS - Cupola Geisler's addressed our storm damage on the cupola. I had a couple of concerns with the installation, and they are going to address those minor issues.

CES Windows – Looking for an installation day. 4 windows remaining.

CHS Roof Bid – Due April 9th

In Progress:

- CHS roof bid specs *ongoing
- Concrete Gutter System at CHS
- CES Windows – excessive weather rot
    - 4 remaining – Windows are in
- CHS 2026-2030 Chromebook Rotation (7-12) - On order

Upcoming Projects:

- CES Roof – Summer ~ 26' Looking for the right solutions, estimated cost is around 1.2-1.4 million
- CHS Retaining wall

Additional Notes:

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March 9, 2026
Curriculum Director Report for BOE

Curriculum Updates

- ELA Curriculum Recommendation
  - HMH (7-12) and Amplify (K-6)
- HGSS Curriculum Recommendation
  - SAVVAS, Pearson, Gibbs and McGraw Hill

Testing Updates

- All Buildings have started KAP Testing.
- ACT Results

Average Scores	2024-2025	2025-2026
Composite	16.4	18.5
English	15.1	16.5
Math	17.3	19.3
Reading	16.3	19.8
Science	16.4	19.3

Other

- I will attend the KSDE Curriculum Leaders meeting in Maize on April 17th and Greenbush's Standards Alignment Collaboration in Lawrence on April 20th

USD 333 EDUCATION FUND

Engaged Learning
Effective Teaching
Trusting Relationships

APRIL | 2026

Contributions $271,519
New Grants $964,205

[Link to Education Fund Website]







CHS Seniors practiced interviewing, and learned from professionals about career preparation and workplace skills during Senior Interview Day on March 24. CHS 2003 graduate Jared Goedert gave the keynote address.

community foundation
FOR CLOUD COUNTY

GRANTS AND DONOR GIFTS

CFCC $7,200 grant for OptixPlus Vision Screener

The USD 333 Education Fund is providing MidWest Oasis and Little Miss Bs treats for all staff in May.

USD 333 Payroll Deduction Plan - 7 staff members are contributing

APPLICATIONS AND CURRENT PROJECTS

Education Fund Advisory team approved funds for:

- **Bass clarinet**
- **Stained glass grinder**
- **Staff Appreciation in May**

Senior Interview Day held March 24

Submitted Duclos and Cloud Wind Farm proposals for spring 2026.

Kim is a board member on the new KS Education Foundation Assn

Instructional Thermometer Tool created with USD 333 Admin team

Company Name	Amount
Geisler	$221,940.15
Wray	$137,250
Meridian	***$136,943**
Coryell	$306,051.14

*The lowest bidder will be presented to the Board of Education, provided all bid specifications have been met. The lowest bid will be presented to the BOE on Monday (4/13/26) for action.

Enrollment Projections & Nonresident Enrollment Capacity

2026-2027 Enrollment Projections USD 333 Concordia Public Schools

		Grade Level												
School	TTL Cnt	KG	01	02	03	04	05	06	07	08	09	10	11	12
CES	381	91	74	71	77	68								
CMS	161						90	71						
CJSHS	543								84	95	86	85	89	104
	TOTAL	89	74	71	77	68	90	71	84	95	86	85	89	104

Nonresident Student Enrollment Capacity

USD 333 will have the capacity to accept nonresident students for the 2024-2025 school year. Based on the projected enrollment and capacity to operate effectively, USD 333 will accept nonresident students as outlined in the table below. Students living outside of the USD 333 boundary must formally apply for nonresident enrollment and use the application linked below which will be available on or before June 1, 2024. The completed application must be received by no later than June 30, 2024. Applications may also be picked up and returned to the USD 333 District Office at 217 W. 7th Street Concordia, Kansas 66901. All questions about nonresident enrollment shall be directed to Thomas DeBauche, Superintendent Phone: 785-243-3518, Email: thomas.debauche@usd333.com

LINK TO NONRESIDENT ENROLLMENT PROCEDURES & TIMELINE

LINK TO NONRESIDENT ENROLLMENT APPLICATION

LINK TO LEGISLATIVE REQUIREMENT OF POSTING OPEN ENROLLMENT POLICY

2026-2027 Nonresident Enrollment Capacity USD 333 Concordia Public Schools

		Grade Level												
School	TTL Cnt	KG	01	02	03	04	05	06	07	08	09	10	11	12
CES	0	UNL	UNL	UNL	UNL	UNL								
CMS	0						UNL	UNL						
CJSHS	0								UNL	UNL	UNL	UNL	UNL	UNL
	TOTAL	UNL	UNL	UNL	UNL	UNL	UNL	UNL	UNL	UNL	UNL	UNL	UNL	UNL

KEY: UNL = Unlimited capacity for qualified nonresident students.

- By May 1st – The BOE SHALL:
  - Determine student enrollment capacity (annually)
    - for grades K-8, based on student-teacher ratio for each classroom
    - for grades 9-12, based on building and/or program for each building
  - Determine student enrollment projections for the next school year (annually)
  - Determine nonresident student enrollment capacity (annually)

Assurances / Certifications

KANSAS STATE DEPARTMENT OF EDUCATION

Local Education Agency (LEA) Application for

The Individuals with Disabilities Education Act (IDEA) Part B Funds

LEA ASSURANCES

Section I. General Grant Assurances for Federal Funds

Throughout the period of the grant award, the LEA will comply with all requirements of:

The Individuals with Disabilities Education Act (IDEA) as Amended by the Individuals with Disabilities Education Act Amendments of 2004 (PL 108-446) and its implementing regulations;

The Kansas Special Education for Exceptional Children Act and the Kansas State Board of Education's administrative regulations on special education;

The LEA will make a good faith effort, on a continuing basis, to maintain a drug-free workplace, in accordance with the measures in 34 CFR Part 84, Subpart B and the Drug-Free Workplace Act of 1988;

The Education Department General Administrative Regulations (EDGAR) 34 CFR 76 requirements that are not inconsistent with IDEA, including:

34 CFR §76.500(a) Federal statutes and regulations on nondiscrimination.

(a) A State and a subgrantee shall comply with the following statutes and regulations:

Subject

Statute

Regulation

Discrimination on the basis of race, color, or national origin

Title VI of the Civil Rights Act of 1964 (45 U.S.C. 2000d through 2000d-4)

34 CFR part 100.

Discrimination on the basis of sex

Title IX of the Education Amendments of 1972 (20 U.S.C. 1681-1683)

34 CFR part 106.

Discrimination on the basis of handicap

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794)

34 CFR part 104.

Discrimination on the basis of age

The Age Discrimination Act (42 U.S.C. 6101 *et seq.*)

34 CFR part 110

(b) A State or subgrantee that is a covered entity as defined in §108.3 of this title shall comply with the nondiscrimination requirements of the Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 CFR part 108.

(Authority: 20 U.S.C. 1221e-3, 3474, and 6511(a))

[45 FR 22497, Apr. 3, 1980. Redesignated at 45 FR 77368, Nov. 21, 1980, as amended at 71 FR 15002, Mar. 24, 2006]

34 CFR §76.650 Private schools; purpose of §§76.651-76.662.

(a) Under some programs, the authorizing statute requires that a State and its subgrantees provide for participation by students enrolled in private schools. Sections 76.651-76.662 apply to those programs and provide rules for that participation. These sections do not affect the authority of the State or a subgrantee to enter into a contract with a private party.

(b) If any other rules for participation of students enrolled in private schools apply under a particular program, they are in the authorizing statute or implementing regulations for that program.

(Authority: 20 U.S.C. 1221e-3 and 3474)

Note: Some program statutes authorize the Secretary—under certain circumstances—to provide benefits directly to private school students. These "bypass" provisions—where they apply—are implemented in the individual program regulations.

34 CFR §76.700 Compliance with statutes, regulations, State plan, and applications.

A State and a subgrantee shall comply with the State plan and applicable statutes, regulations, and approved applications, and shall use Federal funds in accordance with those statutes, regulations, plan, and applications.

(Authority: 20 U.S.C. 1221e-3, 3474, and 6511(a))

34 CFR §76.701 The State or subgrantee administers or supervises each project.

A State or a subgrantee shall directly administer or supervise the administration of each project.

(Authority: 20 U.S.C. 1221e-3, 3474, and 6511(a))

34 CFR §76.702 Fiscal control and fund accounting procedures.

A State and a subgrantee shall use fiscal control and fund accounting procedures that insure proper disbursement of and accounting for Federal funds.

(Authority: 20 U.S.C. 1221e-3, 3474, and 6511(a))

34 CFR §76.709 Funds may be obligated during a "carryover period."

(a) If a State or a subgrantee does not obligate all of its grant or subgrant funds by the end of the fiscal year for which Congress appropriated the funds, it may obligate the remaining funds during a carryover period of one additional fiscal year.

(b) The State shall return to the Federal Government any carryover funds not obligated by the end of the carryover period by the State and its subgrantees.

Note: This section is based on a provision in the General Education Provisions Act (GEPA). Section 427 of the Department of Education Organization Act (DEOA), 20 U.S.C. 3487, provides that except to the extent inconsistent with the DEOA, the GEPA "shall apply to functions transferred by this Act to the extent applicable on the day preceding the effective date of this Act." Although standardized nomenclature is used in this section to reflect the creation of the Department of Education, there is no intent to extend the coverage of the GEPA beyond that authorized under section 427 or other applicable law.

(Authority: U.S.C. 1221e-3, 1225(b), and 3474)

[45 FR 22517, Apr. 3, 1980. Redesignated at 45 FR 77368, Nov. 21, 1980, as amended at 45 FR 86296, Dec. 30, 1980. Redesignated at 60 FR 41295, Aug. 11, 1995]

34 CFR §76.722 Subgrantee reporting requirements.

A State may require a subgrantee to submit reports in a manner and format that assists the State in complying with the requirements under 34 CFR 76.720 and in carrying out other responsibilities under the program.

(Authority: 20 U.S.C. 1221e-3, 1231a, and 3474)

[72 FR 3703, Jan. 25, 2007]

34 CFR §76.730 Records related to grant funds.

A State and a subgrantee shall keep records that fully show:

(a) The amount of funds under the grant or subgrant;

(b) How the State or subgrantee uses the funds;

(c) The total cost of the project;

(d) The share of that cost provided from other sources; and

(e) Other records to facilitate an effective audit.

(Approved by the Office of Management and Budget under control number 1880-0513)

(Authority: 20 U.S.C. 1232f)

[45 FR 22517, Apr. 3, 1980. Redesignated at 45 FR 77368, Nov. 21, 1980, as amended at 53 FR 49143, Dec. 6, 1988]

34 CFR §76.731 Records related to compliance.

A State and a subgrantee shall keep records to show its compliance with program requirements.

(Authority: 20 U.S.C. 1221e-3, 3474, and 6511(a))

The Uniform Grant Guidance, 2 CFR §200 all applicable subrecipient requirements, notably including but not limited to:

2 CFR Subpart D – Post Federal Award Requirements

- 200.302 Financial management.
- 200.303 Internal controls.
- 200.305 Payment.
- 200.313 Equipment.
- 200.314 Supplies.
- 200.318 General procurement standards.
- 200.320 Methods of procurement to be followed;

2 CFR 200 Subpart E: Cost Principles:

- 200.403 Factors affecting allowability of costs.
- 200.404 Reasonable costs.
- 200.405 Allocable costs.
- 200.413 Direct costs.
- 200.415 Required certifications.
- 200.430 Compensation—personal services.

The Debarment and Suspension, 34 CFR Part 85, Section 85.510, Participants' Responsibilities and makes the following certification by signing this application:

The prospective lower-tier participant certifies, by submission of this proposal, that neither it nor its principals is 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.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 for such failure.

Section II. IDEA Part B Grant Assurances

An LEA is eligible for assistance under Part B of the Act for a fiscal year if the agency submits a plan that provides assurances to the SEA that the LEA meets each of the conditions in §§300.201 through 300.213.

(Authority: 20 U.S.C. 1413(a))

34 CFR §300.201 Consistency with State policies.

The LEA, in providing for the education of children with disabilities within its jurisdiction, must have in effect policies, procedures, and programs that are consistent with the State policies and procedures established under §§300.101 through 300.163, and §§300.165 through 300.174.

(Approved by the Office of Management and Budget under control number 1820-0600)

(Authority: 20 U.S.C. 1413(a)(1))

34 CFR §300.202 Use of amounts.

(a) *General.* Amounts provided to the LEA under Part B of the Act—

(1) Must be expended in accordance with the applicable provisions of this part;

(2) Must be used only to pay the excess costs of providing special education and related services to children with disabilities, consistent with paragraph (b) of this section; and

(3) Must be used to supplement State, local, and other Federal funds and not to supplant those funds.

Excess cost requirement—(1) *General.* (i) The excess cost requirement prevents an LEA from using funds provided under Part B of the Act to pay for all of the costs directly attributable to the education of a child with a disability, subject to paragraph (b)(1)(ii) of this section.

(ii) The excess cost requirement does not prevent an LEA from using Part B funds to pay for all of the costs directly attributable to the education of a child with a disability in any of the ages 3, 4, 5, 18, 19, 20, or 21, if no local or State funds are available for nondisabled children of these ages. However, the LEA must comply with the nonsupplanting and other requirements of this part in providing the education and services for these children.

(2)(i) An LEA meets the excess cost requirement if it has spent at least a minimum average amount for the education of its children with disabilities before funds under Part B of the Act are used.

(ii) The amount described in paragraph (b)(2)(i) of this section is determined in accordance with the definition of *excess costs* in §300.16. That amount may not include capital outlay or debt service.

(3) If two or more LEAs jointly establish eligibility in accordance with §300.223, the minimum average amount is the average of the combined minimum average amounts determined in accordance with the definition of excess costs in §300.16 in those agencies for elementary or secondary school students, as the case may be.

(Approved by the Office of Management and Budget under control number 1820-0600)

(Authority: 20 U.S.C. 1413(a)(2)(A))

34 CFR §300.203 Maintenance of effort.

(a) *Eligibility standard.* (1) For purposes of establishing the LEA's eligibility for an award for a fiscal year, the SEA must determine that the LEA budgets, for the education of children with disabilities, at least the same amount, from at least one of the following sources, as the LEA spent for that purpose from the same source for the most recent fiscal year for which information is available:

(i) Local funds only;

(ii) The combination of State and local funds;

(iii) Local funds only on a per capita basis; or

(iv) The combination of State and local funds on a per capita basis.

(2) When determining the amount of funds that the LEA must budget to meet the requirement in paragraph (a)(1) of this section, the LEA may take into consideration, to the extent the information is available, the exceptions and adjustment provided in §§300.204 and 300.205 that the LEA:

(i) Took in the intervening year or years between the most recent fiscal year for which information is available and the fiscal year for which the LEA is budgeting; and

(ii) Reasonably expects to take in the fiscal year for which the LEA is budgeting.

(3) Expenditures made from funds provided by the Federal government for which the SEA is required to account to the Federal government or for which the LEA is required to account to the Federal government directly or through the SEA may not be considered in determining whether an LEA meets the standard in paragraph (a)(1) of this section.

(b) *Compliance standard.* (1) Except as provided in §§300.204 and 300.205, funds provided to an LEA under Part B of the Act must not be used to reduce the level of expenditures for the education of children with disabilities made by the LEA from local funds below the level of those expenditures for the preceding fiscal year.

(2) An LEA meets this standard if it does not reduce the level of expenditures for the education of children with disabilities made by the LEA from at least one of the following sources below the level of those expenditures from the same source for the preceding fiscal year, except as provided in §§300.204 and 300.205:

(i) Local funds only;

(ii) The combination of State and local funds;

(iii) Local funds only on a per capita basis; or

(iv) The combination of State and local funds on a per capita basis.

(3) Expenditures made from funds provided by the Federal government for which the SEA is required to account to the Federal government or for which the LEA is required to account to the Federal government directly or through the SEA may not be considered in determining whether an LEA meets the standard in paragraphs (b)(1) and (2) of this section.

(c) *Subsequent years.* (1) If, in the fiscal year beginning on July 1, 2013 or July 1, 2014, an LEA fails to meet the requirements of §300.203 in effect at that time, the level of expenditures required of the LEA for the fiscal year subsequent to the year of the failure is the amount that would have been required in the absence of that failure, not the LEA's reduced level of expenditures.

(2) If, in any fiscal year beginning on or after July 1, 2015, an LEA fails to meet the requirement of paragraph (b)(2)(i) or (iii) of this section and the LEA is relying on local funds only, or local funds only on a per capita basis, to meet the requirements of paragraph (a) or (b) of this section, the level of expenditures required of the LEA for the fiscal year subsequent to the year of the failure is the amount that would have been required under paragraph (b)(2)(i) or (iii) in the absence of that failure, not the LEA's reduced level of expenditures.

(3) If, in any fiscal year beginning on or after July 1, 2015, an LEA fails to meet the requirement of paragraph (b)(2)(ii) or (iv) of this section and the LEA is relying on the combination of State and local funds, or the combination of State and local funds on a per capita basis, to meet the requirements of paragraph (a) or (b) of this section, the level of expenditures required of the LEA for the fiscal year subsequent to the year of the failure is the amount that would have been required under paragraph (b)(2)(ii) or (iv) in the absence of that failure, not the LEA's reduced level of expenditures.

(d) *Consequence of failure to maintain effort.* If an LEA fails to maintain its level of expenditures for the education of children with disabilities in accordance with paragraph (b) of this section, the SEA is liable in a recovery action under section 452 of the General Education Provisions Act (20 U.S.C. 1234a) to return to the Department, using non-Federal funds, an amount equal to the amount by which the LEA failed to maintain its level of expenditures in accordance with paragraph (b) of this section in that fiscal year, or the amount of the LEA's Part B subgrant in that fiscal year, whichever is lower.

(Approved by the Office of Management and Budget under control number 1820-0600)

(Authority: 20 U.S.C. 1413(a)(2)(A), Pub. L. 113-76, 128 Stat. 5, 394 (2014), Pub. L. 113-235, 128 Stat. 2130, 2499 (2014))

[80 FR 23666, Apr. 28, 2015]

Note: An LEA may apply the exceptions in §300.204 and the adjustment in §300.205 to meet both the eligibility and compliance standards. When determining the amount of funds that an LEA must budget to meet the eligibility standard, the LEA may take into consideration, to the extent the information is available, the exceptions and adjustment that the LEA: (i) took in the intervening year or years between the most recent fiscal year for which information is available and the fiscal year for which the LEA is budgeting; and (ii) reasonably expects to take in the fiscal year for which the LEA is budgeting. (From OSEP Memo 15-10, Issuance of Guidance on the Final Local Educational Agency (LEA) Maintenance of Effort (MOE) Regulations under Part B of the Individuals with Disabilities Education Act (IDEA), July 27, 2015.)

34 CFR §300.204 Exception to maintenance of effort.

Notwithstanding the restriction in §300.203(b), an LEA may reduce the level of expenditures by the LEA under Part B of the Act below the level of those expenditures for the preceding fiscal year if the reduction is attributable to any of the following:

(a) The voluntary departure, by retirement or otherwise, or departure for just cause, of special education or related services personnel.

(b) A decrease in the enrollment of children with disabilities.

(c) The termination of the obligation of the agency, consistent with this part, to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by the SEA, because the child—

(1) Has left the jurisdiction of the agency;

(2) Has reached the age at which the obligation of the agency to provide FAPE to the child has terminated; or

(3) No longer needs the program of special education.

(d) The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities.

(e) The assumption of cost by the high cost fund operated by the SEA under §300.704(c).

(Approved by the Office of Management and Budget under control number 1820-0600)

(Authority: 20 U.S.C. 1413(a)(2)(B))

[71 FR 46753, Aug. 14, 2006, as amended at 80 FR 23667, Apr. 28, 2015]

34 CFR §300.205 Adjustment to local fiscal efforts in certain fiscal years.

(a) *Amounts in excess.* Notwithstanding §300.202(a)(2) and (b) and §300.203(b), and except as provided in paragraph (d) of this section and §300.230(e)(2), for any fiscal year for which the allocation received by an LEA under §300.705 exceeds the amount the LEA received for the previous fiscal year, the LEA may reduce the level of expenditures otherwise required by §300.203(b) by not more than 50 percent of the amount of that excess.

(b) *Use of amounts to carry out activities under ESEA.* If an LEA exercises the authority under paragraph (a) of this section, the LEA must use an amount of local funds equal to the reduction in expenditures under paragraph (a) of this section to carry out activities that could be supported with funds under the ESEA regardless of whether the LEA is using funds under the ESEA for those activities.

(c) *State prohibition.* Notwithstanding paragraph (a) of this section, if an SEA determines that an LEA is unable to establish and maintain programs of FAPE that meet the requirements of section 613(a) of the Act and this part or the SEA has taken action against the LEA under section 616 of the Act and subpart F of these regulations, the SEA must prohibit the LEA from reducing the level of expenditures under paragraph (a) of this section for that fiscal year.

(d) *Special rule.* The amount of funds expended by an LEA for early intervening services under §300.226 shall count toward the maximum amount of expenditures that the LEA may reduce under paragraph (a) of this section.

(Approved by the Office of Management and Budget under control number 1820-0600)

(Authority: 20 U.S.C. 1413(a)(2)(C))

[71 FR 46753, Aug. 14, 2006, as amended at 80 FR 23667, Apr. 28, 2015]

34 CFR §300.206 Schoolwide programs under title I of the ESEA.

(a) *General.* Notwithstanding the provisions of §§300.202 and 300.203 or any other provision of Part B of the Act, an LEA may use funds received under Part B of

the Act for any fiscal year to carry out a schoolwide program under section 1114 of the ESEA, except that the amount used in any schoolwide program may not exceed—

(1)(i) The amount received by the LEA under Part B of the Act for that fiscal year; divided by

(ii) The number of children with disabilities in the jurisdiction of the LEA; and multiplied by

(2) The number of children with disabilities participating in the schoolwide program.

(b) *Funding conditions.* The funds described in paragraph (a) of this section are subject to the following conditions:

(1) The funds must be considered as Federal Part B funds for purposes of the calculations required by §300.202(a)(2) and (a)(3).

(2) The funds may be used without regard to the requirements of §300.202(a)(1).

(c) *Meeting other Part B requirements.* Except as provided in paragraph (b) of this section, 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 schoolwide program schools—

(1) Receive services in accordance with a properly developed IEP; and

(2) Are afforded all of the rights and services guaranteed to children with disabilities under the Act.

(Approved by the Office of Management and Budget under control number 1820-0600)

(Authority: 20 U.S.C. 1413(a)(2)(D))

34 CFR §300.207 Personnel development.

The LEA must ensure that all personnel necessary to carry out Part B of the Act are appropriately and adequately prepared, subject to the requirements of §300.156 (related to personnel qualifications) and section 2102(b) of the ESEA.

(Approved by the Office of Management and Budget under control number 1820-0600)

(Authority: 20 U.S.C. 1413(a)(3))

[71 FR 46753, Aug. 14, 2006, as amended at 82 FR 29761, June 30, 2017]

34 CFR §300.208 Permissive use of funds.

(a) *Uses.* Notwithstanding §§300.202, 300.203(b), and 300.162(b), funds provided to an LEA under Part B of the Act may be used for the following activities:

(1) *Services and aids that also benefit nondisabled children.* For the costs of special education and related services, and supplementary aids and services, provided in a regular class or other education-related setting to a child with a disability in accordance with the IEP of the child, even if one or more nondisabled children benefit from these services.

(2) *Early intervening services.* To develop and implement coordinated, early intervening educational services in accordance with §300.226.

(3) *High cost special education and related services.* To establish and implement cost or risk sharing funds, consortia, or cooperatives for the LEA itself, or for

LEAs working in a consortium of which the LEA is a part, to pay for high cost special education and related services.

(b) *Administrative case management.* An LEA may use funds received under Part B of the Act to purchase appropriate technology for recordkeeping, data collection, and related case management activities of teachers and related services personnel providing services described in the IEP of children with disabilities that is needed for the implementation of those case management activities.

(Approved by the Office of Management and Budget under control number 1820-0600)

(Authority: 20 U.S.C. 1413(a)(4))

[71 FR 46753, Aug. 14, 2006, as amended at 80 FR 23667, Apr. 28, 2015]

34 CFR §300.209 Treatment of charter schools and their students.

(a) *Rights of children with disabilities.* Children with disabilities who attend public charter schools and their parents retain all rights under this part.

(b) *Charter schools that are public schools of the LEA.* (1) In carrying out Part B of the Act and these regulations with respect to charter schools that are public schools of the LEA, the LEA must—

(i) Serve children with disabilities attending those charter schools in the same manner as the LEA serves children with disabilities in its other schools, including providing supplementary and related services on site at the charter school to the same extent to which the LEA has a policy or practice of providing such services on the site to its other public schools; and

(ii) Provide funds under Part B of the Act to those charter schools—

(A) On the same basis as the LEA provides funds to the LEA's other public schools, including proportional distribution based on relative enrollment of children with disabilities; and

(B) At the same time as the LEA distributes other Federal funds to the LEA's other public schools, consistent with the State's charter school law.

(2) If the public charter school is a school of an LEA that receives funding under §300.705 and includes other public schools—

(i) The LEA is responsible for ensuring that the requirements of this part are met, unless State law assigns that responsibility to some other entity; and

(ii) The LEA must meet the requirements of paragraph (b)(1) of this section.

(c) *Public charter schools that are LEAs.* If the public charter school is an LEA, consistent with §300.28, that receives funding under §300.705, that charter school is responsible for ensuring that the requirements of this part are met, unless State law assigns that responsibility to some other entity.

(d) *Public charter schools that are not an LEA or a school that is part of an LEA.* (1) If the public charter school is not an LEA receiving funding under §300.705, or a school that is part of an LEA receiving funding under §300.705, the SEA is responsible for ensuring that the requirements of this part are met.

(2) Paragraph (d)(1) of this section does not preclude a State from assigning initial responsibility for ensuring the requirements of this part are met to another entity. However, the SEA must maintain the ultimate responsibility for ensuring compliance with this part, consistent with §300.149.

(Approved by the Office of Management and Budget under control number 1820-0600) (Authority: 20 U.S.C. 1413(a)(5))

34 CFR §300.210 Purchase of instructional materials.

(a) *General.* Not later than December 3, 2006, an LEA that chooses to coordinate with the National Instructional Materials Access Center (NIMAC), when purchasing print instructional materials, must acquire those instructional materials in the same manner, and subject to the same conditions as an SEA under §300.172.

(b) *Rights of LEA.* (1) Nothing in this section shall be construed to require an LEA to coordinate with the NIMAC.

(2) If an LEA chooses not to coordinate with the NIMAC, the LEA must provide an assurance to the SEA that the LEA will provide instructional materials to blind persons or other persons with print disabilities in a timely manner.

(3) Nothing in this section relieves an LEA of its responsibility to ensure that children with disabilities who need instructional materials in accessible formats but are not included under the definition of blind or other persons with print disabilities in §300.172(e)(1)(i) or who need materials that cannot be produced from NIMAS files, receive those instructional materials in a timely manner.

(Approved by the Office of Management and Budget under control number 1820-0600)

(Authority: 20 U.S.C. 1413(a)(6)

Note: Kansas has defined 'timely manner' as; the responsible public agency has taken all reasonable steps to ensure that needed instructional materials, including instructional materials that cannot be produced from NIMAS files, are provided in accessible formats to blind or other children with print disabilities at the same time as nondisabled children receive instructional materials. The definition for timely manner applies to all children with disabilities that need instructional materials provided in an accessible format regardless of the eligibility requirements of NIMAS.

34 CFR §300.211 Information for SEA.

The LEA must provide the SEA with information necessary to enable the SEA to carry out its duties under Part B of the Act, including, with respect to §§300.157 and 300.160, information relating to the performance of children with disabilities participating in programs carried out under Part B of the Act.

(Approved by the Office of Management and Budget under control number 1820-0600)

(Authority: 20 U.S.C. 1413(a)(7))

34 CFR §300.212 Public information.

The LEA must make available to parents of children with disabilities and to the general public all documents relating to the eligibility of the agency under Part B of the Act.

(Approved by the Office of Management and Budget under control number 1820-0600)

(Authority: 20 U.S.C. 1413(a)(8))

34 CFR §300.213 Records regarding migratory children with disabilities.

The LEA must cooperate in the Secretary's efforts 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.

(Approved by the Office of Management and Budget under control number 1820-0600)

(Authority: 20 U.S.C. 1413(a)(9))

Section III. National Instructional Materials Accessibility Center (NIMAC) Opt-in/Opt-Out Assurance

A Local Education Area (LEA) has a choice to coordinate with the National Instructional Materials Access Center (NIMAC) or to implement the standard without coordinating with the National Instructional Materials Access Center (NIMAC). 34 CFR §300.210

Please select the appropriate box to indicate the LEAs choice to opt-in or out of the NIMAC to implement the NIMAS Standard:

☐ OPT-IN The LEA coordinates with the National Instructional Materials Access Center and not later than two years after the date of enactment of the IDEIA of 2004 the LEA as part of any print instructional materials adoption process, procurement contract, or other practice or instrument used for purchase of print instructional materials enters, into a written contract with the publisher of the print instructional materials to:

☐ OPT-OUT The LEA has chosen not to coordinate with the National Instructional Materials Access Center but assures that it will provide instructional materials to blind persons or other persons with print disabilities in a timely manner. 20 U.S.C. 1412(a)(23)(B).

CERTIFICATION

HEREBY CERTIFY that the applicant has read and understands the General and IDEA grant assurances and will comply with such assurances.

Name Of Local Board Official

Board Approved Date

LEA ASSURANCES

Local Education Agency (LEA) Application for
The Individuals with Disabilities Education Act (IDEA) Part B Funds

Section I. General Grant Assurances for Federal Funds

Throughout the period of the grant award, the LEA will comply with all requirements of:

The Individuals with Disabilities Education Act (IDEA) as Amended by the Individuals with Disabilities Education Act Amendments of 2004 (PL 108-446) and its implementing regulations;

The Kansas Special Education for Exceptional Children Act and the Kansas State Board of Education's administrative regulations on special education;

The LEA will make a good faith effort, on a continuing basis, to maintain a drug-free workplace, in accordance with the measures in 34 CFR Part 84, Subpart B and the Drug-Free Workplace Act of 1988;

The Education Department General Administrative Regulations (EDGAR) 34 CFR 76 requirements that are not inconsistent with IDEA, including:

34 CFR §76.500(a) Federal statutes and regulations on nondiscrimination.

(a) A State and a subgrantee shall comply with the following statutes and regulations:

Subject	Statute	Regulation
Discrimination on the basis of race, color, or national origin	Title VI of the Civil Rights Act of 1964 (45 U.S.C. 2000d through 2000d-4)	34 CFR part 100
Discrimination on the basis of sex	Title IX of the Education Amendments of 1972 (20 U.S.C. 1681-1683)	34 CFR part 106
Discrimination on the basis of handicap	Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794)	34 CFR part 104
Discrimination on the basis of age	The Age Discrimination Act (42 U.S.C. 6101 et seq.)	34 CFR part 110

(b) A State or subgrantee that is a covered entity as defined in §108.3 of this title shall comply with the nondiscrimination requirements of the Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 CFR part 108.

(Authority: 20 U.S.C. 1221e-3, 3474, and 6511(a))
[45 FR 22497, Apr. 3, 1980. Redesignated at 45 FR 77368, Nov. 21, 1980, as amended at 71 FR 15002, Mar.24, 2006]

34 CFR §76.650 Private schools; purpose of §§76.651-76.662.

(a) Under some programs, the authorizing statute requires that a State and its subgrantees provide for participation by students enrolled in private schools. Sections 76.651-76.662 apply to those programs and provide rules for that participation. These sections do not affect the authority of the State or a subgrantee to enter into a contract with a private party.

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(Authority: 20 U.S.C. 1221e-3 and 3474)
Note: Some program statutes authorize the Secretary—under certain circumstances—to provide benefits directly to private school students. These "bypass" provisions—where they apply—are implemented in the individual program regulations.

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A State and a subgrantee shall comply with the State plan and applicable statutes, regulations, and approved applications, and shall use Federal funds in accordance with those statutes, regulations, plan, and applications.

(Authority: 20 U.S.C. 1221e-3, 3474, and 6511(a))

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A State or a subgrantee shall directly administer or supervise the administration of each project.

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A State and a subgrantee shall use fiscal control and fund accounting procedures that insure proper disbursement of and accounting for Federal funds.

(Authority: 20 U.S.C. 1221e-3, 3474, and 6511(a))

34 CFR §76.709 Funds may be obligated during a "carryover period."

(a) If a State or a subgrantee does not obligate all of its grant or subgrant funds by the end of the fiscal year for which Congress appropriated the funds, it may obligate the remaining funds during a carryover period of one additional fiscal year.

(b) The State shall return to the Federal Government any carryover funds not obligated by the end of the carryover period by the State and its subgrantees.

Note: This section is based on a provision in the General Education Provisions Act (GEPA). Section 427 of the Department of Education Organization Act (DEOA), 20 U.S.C. 3487, provides that except to the extent inconsistent with the DEOA, the GEPA "shall apply to functions transferred by this Act to the extent applicable on the day preceding the effective date of this Act." Although standardized nomenclature is used in this section to reflect the creation of the Department of Education, there is no intent to extend the coverage of the GEPA beyond that authorized under section 427 or other applicable law.

(Authority: U.S.C. 1221e-3, 1225(b), and 3474)

[45 FR 22517, Apr. 3, 1980. Redesignated at 45 FR 77368, Nov. 21, 1980, as amended at 45 FR 86296, Dec. 30, 1980. Redesignated at 60 FR 41295, Aug. 11, 1995]

34 CFR §76.722 Subgrantee reporting requirements.

A State may require a subgrantee to submit reports in a manner and format that assists the State in complying with the requirements under 34 CFR 76.720 and in carrying out other responsibilities under the program.

(Authority: 20 U.S.C. 1221e-3, 1231a, and 3474) [72 FR 3703, Jan. 25, 2007]

34 CFR §76.730 Records related to grant funds.

A State and a subgrantee shall keep records that fully show:

(a) The amount of funds under the grant or subgrant;

(b) How the State or subgrantee uses the funds;

(c) The total cost of the project;

(d) The share of that cost provided from other sources, and

(e) Other records to facilitate an effective audit.

(Approved by the Office of Management and Budget under control number 1880-0513) (Authority: 20 U.S.C. 1232f) [45 FR 22517, Apr. 3, 1980. Redesignated at 45 FR 77368, Nov. 21, 1980, as amended at 53 FR 49143, Dec. 6, 1988]

34 CFR §76.731 Records related to compliance.

A State and a subgrantee shall keep records to show its compliance with program requirements.

(Authority: 20 U.S.C. 1221e-3, 3474, and 6511(a))

The Uniform Grant Guidance, 2 CFR §200 all applicable subrecipient requirements, notably including but not limited to:

2 CFR Subpart D – Post Federal Award Requirements

§200.302 Financial management.
§200.303 Internal controls.
§200.305 Payment.
§200.313 Equipment.
§200.314 Supplies.
§200.318 General procurement standards.
§200.320 Methods of procurement to be followed;

2 CFR 200 Subpart E: Cost Principles:

§200.403 Factors affecting allowability of costs.
§200.404 Reasonable costs.
§200.405 Allocable costs.
§200.413 Direct costs.
§200.415 Required certifications.
§200.430 Compensation—personal services.

The Debarment and Suspension, 34 CFR Part 85, Section 85.510, Participants' Responsibilities and makes the following certification by signing this application:

The prospective lower-tier participant certifies, by submission of this proposal, that neither it nor its principals is 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.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 for such failure.

An LEA is eligible for assistance under Part B of the Act for a fiscal year if the agency submits a plan that provides assurances to the SEA that the LEA meets each of the conditions in §§300.201 through 300.213.

(Authority: 20 U.S.C. 1413(a))

34 CFR §300.201 Consistency with State policies.

The LEA, in providing for the education of children with disabilities within its jurisdiction, must have in effect policies, procedures, and programs that are consistent with the State policies and procedures established under §§300.101 through 300.163, and §§300.165 through 300.174.

(Approved by the Office of Management and Budget under control number 1820-0600) (Authority: 20 U.S.C. 1413(a)(1))

34 CFR §300.202 Use of amounts.

(a) *General.* Amounts provided to the LEA under Part B of the Act—

(1) Must be expended in accordance with the applicable provisions of this part;

(2) Must be used only to pay the excess costs of providing special education and related services to children with disabilities, consistent with paragraph (b) of this section; and

(3) Must be used to supplement State, local, and other Federal funds and not to supplant those funds.

(b) *Excess cost requirement*—(1) *General.* (i) The excess cost requirement prevents an LEA from using funds provided under Part B of the Act to pay for all of the costs directly attributable to the education of a child with a disability, subject to paragraph (b)(1)(ii) of this section.

(a) (ii) The excess cost requirement does not prevent an LEA from using Part B funds to pay for all of the costs directly attributable to the education of a child with a disability in any of the ages 3, 4, 5, 18, 19, 20, or 21, if no local or State funds are available for nondisabled children of these ages. However, the LEA must comply with the nonsupplanting and other requirements of this part in providing the education and services for these children.

(b) (2)(i) An LEA meets the excess cost requirement if it has spent at least a minimum average amount for the education of its children with disabilities before funds under Part B of the Act are used.

(c) (ii) The amount described in paragraph (b)(2)(i) of this section is determined in accordance with the definition of excess costs in §300.16. That amount may not include capital outlay or debt service.

(d) (3) If two or more LEAs jointly establish eligibility in accordance with §300.223, the minimum average amount is the average of the combined minimum average amounts determined in accordance with the definition of excess costs in §300.16 in those agencies for elementary or secondary school students, as the case may be.

(Approved by the Office of Management and Budget under control number 1820-0600) (Authority: 20 U.S.C. 1413(a)(2)(A))

34 CFR §300.203 Maintenance of effort.

(a) *Eligibility standard.*

(1) For purposes of establishing the LEA's eligibility for an award for a fiscal year, the SEA must determine that the LEA budgets, for the education of children with disabilities, at least the same amount, from at least one of the following sources, as the LEA spent for that purpose from the same source for the most recent fiscal year for which information is available:

(i) Local funds only;

(ii) The combination of State and local funds;

(iii) Local funds only on a per capita basis; or

(iv) The combination of State and local funds on a per capita basis.

(2) When determining the amount of funds that the LEA must budget to meet the requirement in paragraph (a)(1) of this section, the LEA may take into consideration, to the extent the information is available, the exceptions and adjustment provided in §§300.204 and 300.205 that the LEA:

(i) Took in the intervening year or years between the most recent fiscal year for which information is available and the fiscal year for which the LEA is budgeting, and

(ii) Reasonably expects to take in the fiscal year for which the LEA is budgeting.

(3) Expenditures made from funds provided by the Federal government for which the SEA is required to account to the Federal government or for which the LEA is required to account to the Federal government directly or through the SEA may not be considered in determining whether an LEA meets the standard in paragraph (a)(1) of this section.

(b) *Compliance standard.*

(1) Except as provided in §§300.204 and 300.205, funds provided to an LEA under Part B of the Act must not be used to reduce the level of expenditures for the education of children with disabilities made by the LEA from local funds below the level of those expenditures for the preceding fiscal year.

(2) An LEA meets this standard if it does not reduce the level of expenditures for the education of children with disabilities made by the LEA from at least one of the following sources below the level of those expenditures from the same source for the preceding fiscal year, except as provided in §§300.204 and 300.205:

(i) Local funds only;

(ii) The combination of State and local funds;

(iii) Local funds only on a per capita basis; or The combination of State and local funds on a per capita basis.

(3) Expenditures made from funds provided by the Federal government for which the SEA is required to account to the Federal government or for which the LEA is required to account to the Federal government directly or through the SEA may not be considered in determining whether an LEA meets the standard in paragraphs (b)(1) and (2) of this section.

(c) *Subsequent years.*

(1) If, in the fiscal year beginning on July 1, 2013 or July 1, 2014, an LEA fails to meet the requirements of §300.203 in effect at that time, the level of expenditures required of the

LEA for the fiscal year subsequent to the year of the failure is the amount that would have been required in the absence of that failure, not the LEA's reduced level of expenditures.

(2) If, in any fiscal year beginning on or after July 1, 2015, an LEA fails to meet the requirement of paragraph (b)(2)(i) or (iii) of this section and the LEA is relying on local funds only, or local funds only on a per capita basis, to meet the requirements of paragraph (a) or (b) of this section, the level of expenditures required of the LEA for the fiscal year subsequent to the year of the failure is the amount that would have been required under paragraph (b)(2)(i) or (iii) in the absence of that failure, not the LEA's reduced level of expenditures.

(3) If, in any fiscal year beginning on or after July 1, 2015, an LEA fails to meet the requirement of paragraph (b)(2)(ii) or (iv) of this section and the LEA is relying on the combination of State and local funds, or the combination of State and local funds on a per capita basis, to meet the requirements of paragraph (a) or (b) of this section, the level of expenditures required of the LEA for the fiscal year subsequent to the year of the failure is the amount that would have been required under paragraph (b)(2)(ii) or (iv) in the absence of that failure, not the LEA's reduced level of expenditures.

(d) *Consequence of failure to maintain effort.* If an LEA fails to maintain its level of expenditures for the education of children with disabilities in accordance with paragraph (b) of this section, the SEA is liable in a recovery action under section 452 of the General Education Provisions Act (20 U.S.C. 1234a) to return to the Department, using non-Federal funds, an amount equal to the amount by which the LEA failed to maintain its level of expenditures in accordance with paragraph (b) of this section in that fiscal year, or the amount of the LEA's Part B subgrant in that fiscal year, whichever is lower.

(Approved by the Office of Management and Budget under control number 1820-0600)
(Authority: 20 U.S.C. 1413(a)(2)(A), Pub. L. 113-76, 128 Stat. 5, 394 (2014), Pub. L. 113-235, 128 Stat. 2130, 2499 (2014))
[80 FR 23666, Apr. 28, 2015]

Note: An LEA may apply the exceptions in §300.204 and the adjustment in §300.205 to meet both the eligibility and compliance standards. When determining the amount of funds that an LEA must budget to meet the eligibility standard, the LEA may take into consideration, to the extent the information is available, the exceptions and adjustment that the LEA: (i) took in the intervening year or years between the most recent fiscal year for which information is available and the fiscal year for which the LEA is budgeting; and (ii) reasonably expects to take in the fiscal year for which the LEA is budgeting. (From OSEP Memo 15-10, Issuance of Guidance on the Final Local Educational Agency (LEA) Maintenance of Effort (MOE) Regulations under Part B of the Individuals with Disabilities Education Act (IDEA), July 27, 2015.)

34 CFR §300.204 Exception to maintenance of effort.

Notwithstanding the restriction in §300.203(b), an LEA may reduce the level of expenditures by the LEA under Part B of the Act below the level of those expenditures for the preceding fiscal year if the reduction is attributable to any of the following:

(a) The voluntary departure, by retirement or otherwise, or departure for just cause, of special education or related services personnel.

(b) A decrease in the enrollment of children with disabilities.

(c) The termination of the obligation of the agency, consistent with this part, to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by the SEA, because the child—

(1) Has left the jurisdiction of the agency;

(2) Has reached the age at which the obligation of the agency to provide FAPE to the child has terminated; or

(3) No longer needs the program of special education.

(d) The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities.

(e) The assumption of cost by the high cost fund operated by the SEA under §300.704(c).

(Approved by the Office of Management and Budget under control number 1820-0600) (Authority: 20 U.S.C. 1413(a)(2)(B))

[71 FR 46753, Aug. 14, 2006, as amended at 80 FR 23667, Apr. 28, 2015]

34 CFR §300.205 Adjustment to local fiscal efforts in certain fiscal years.

(a) *Amounts in excess.* Notwithstanding §300.202(a)(2) and (b) and §300.203(b), and except as provided in paragraph (d) of this section and §300.230(e)(2), for any fiscal year for which the allocation received by an LEA under §300.705 exceeds the amount the LEA received for the previous fiscal year, the LEA may reduce the level of expenditures otherwise required by §300.203(b) by not more than 50 percent of the amount of that excess.

(b) *Use of amounts to carry out activities under ESEA.* If an LEA exercises the authority under paragraph (a) of this section, the LEA must use an amount of local funds equal to the reduction in expenditures under paragraph (a) of this section to carry out activities that could be supported with funds under the ESEA regardless of whether the LEA is using funds under the ESEA for those activities.

(c) *State prohibition.* Notwithstanding paragraph (a) of this section, if an SEA determines that an LEA is unable to establish and maintain programs of FAPE that meet the requirements of section 613(a) of the Act and this part or the SEA has taken action against the LEA under section 616 of the Act and subpart F of these regulations, the SEA must prohibit the LEA from reducing the level of expenditures under paragraph (a) of this section for that fiscal year.

(d) *Special rule.* The amount of funds expended by an LEA for early intervening services under §300.226 shall count toward the maximum amount of expenditures that the LEA may reduce under paragraph (a) of this section.

(Approved by the Office of Management and Budget under control number 1820-0600) (Authority: 20 U.S.C. 1413(a)(2)(C))

[71 FR 46753, Aug. 14, 2006, as amended at 80 FR 23667, Apr. 28, 2015]

34 CFR §300.206 Schoolwide programs under title I of the ESEA.

(a) *General.* Notwithstanding the provisions of §§300.202 and 300.203 or any other provision of Part B of the Act, an LEA may use funds received under Part B of the Act for any fiscal year to carry out a schoolwide program under section 1114 of the ESEA, except that the amount used in any schoolwide program may not exceed—

(1) (i) The amount received by the LEA under Part B of the Act for that fiscal year; divided by

(ii) The number of children with disabilities in the jurisdiction of the LEA; and multiplied by

(iii) (2) The number of children with disabilities participating in the schoolwide program.

(b) *Funding conditions.* The funds described in paragraph (a) of this section are subject to the following conditions:

(1) The funds must be considered as Federal Part B funds for purposes of the calculations required by §300.202(a)(2) and (a)(3).

(2) The funds may be used without regard to the requirements of §300.202(a)(1).

(c) *Meeting other Part B requirements.* Except as provided in paragraph (b) of this section, 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 schoolwide program schools—

(1) Receive services in accordance with a properly developed IEP; and

(2) Are afforded all of the rights and services guaranteed to children with disabilities under the Act.

(Approved by the Office of Management and Budget under control number 1820-0600) (Authority: 20 U.S.C. 1413(a)(2)(D))

34 CFR §300.207 Personnel development.

The LEA must ensure that all personnel necessary to carry out Part B of the Act are appropriately and adequately prepared, subject to the requirements of §300.156 (related to personnel qualifications) and section 2102(b) of the ESEA.

(Approved by the Office of Management and Budget under control number 1820-0600) (Authority: 20 U.S.C. 1413(a)(3)) [71 FR 46753, Aug. 14, 2006, as amended at 82 FR 29761, June 30, 2017]

34 CFR §300.208 Permissive use of funds.

(a) *Uses.* Notwithstanding §§300.202, 300.203(b), and 300.162(b), funds provided to an LEA under Part B of the Act may be used for the following activities:

(1) *Services and aids that also benefit nondisabled children.* For the costs of special education and related services, and supplementary aids and services, provided in a regular class or other education-related setting to a child with a disability in accordance with the IEP of the child, even if one or more nondisabled children benefit from these services.

(2) *Early intervening services.* To develop and implement coordinated, early intervening educational services in accordance with §300.226.

(3) *High cost special education and related services.* To establish and implement cost or risk sharing funds, consortia, or cooperatives for the LEA itself, or for LEAs working in a consortium of which the LEA is a part, to pay for high cost special education and related services.

(b) *Administrative case management.* An LEA may use funds received under Part B of the Act to purchase appropriate technology for recordkeeping, data collection, and related case management activities of teachers and related services personnel providing services described in the IEP of children with disabilities that is needed for the implementation of those case management activities.

(Approved by the Office of Management and Budget under control number 1820-0600) (Authority: 20 U.S.C. 1413(a)(4)) [71 FR 46753, Aug. 14, 2006, as amended at 80 FR 23667, Apr. 28, 2015]

34 CFR §300.209 Treatment of charter schools and their students.

(a) *Rights of children with disabilities.* Children with disabilities who attend public charter schools and their parents retain all rights under this part.

(b) *Charter schools that are public schools of the LEA.*

(1) In carrying out Part B of the Act and these regulations with respect to charter schools that are public schools of the LEA, the LEA must—

(i) Serve children with disabilities attending those charter schools in the same manner as the LEA serves children with disabilities in its other schools, including providing supplementary and related services on site at the charter school to the same extent to which the LEA has a policy or practice of providing such services on the site to its other public schools; and

(ii) Provide funds under Part B of the Act to those charter schools—

(A) On the same basis as the LEA provides funds to the LEA's other public schools, including proportional distribution based on relative enrollment of children with disabilities; and

(B) At the same time as the LEA distributes other Federal funds to the LEA's other public schools, consistent with the State's charter school law.

(2) If the public charter school is a school of an LEA that receives funding under §300.705 and includes other public schools—

(i) The LEA is responsible for ensuring that the requirements of this part are met, unless State law assigns that responsibility to some other entity; and

(ii) The LEA must meet the requirements of paragraph (b)(1) of this section.

(c) *Public charter schools that are LEAs.* If the public charter school is an LEA, consistent with §300.28, that receives funding under §300.705, that charter school is responsible for ensuring that the requirements of this part are met, unless State law assigns that responsibility to some other entity.

(d) *Public charter schools that are not an LEA or a school that is part of an LEA.*

(1) If the public charter school is not an LEA receiving funding under §300.705, or a school that is part of an LEA receiving funding under §300.705, the SEA is responsible for ensuring that the requirements of this part are met.

(2) Paragraph (d)(1) of this section does not preclude a State from assigning initial responsibility for ensuring the requirements of this part are met to another entity. However, the SEA must maintain the ultimate responsibility for ensuring compliance with this part, consistent with §300.149.

(Approved by the Office of Management and Budget under control number 1820-0600) (Authority: 20 U.S.C. 1413(a)(5))

34 CFR §300.210 Purchase of instructional materials.

(a) *General.* Not later than December 3, 2006, an LEA that chooses to coordinate with the National Instructional Materials Access Center (NIMAC), when purchasing print instructional materials, must acquire those instructional materials in the same manner, and subject to the same conditions as an SEA under §300.172.

(b) *Rights of LEA.*

(1) Nothing in this section shall be construed to require an LEA to coordinate with the NIMAC.

(2) If an LEA chooses not to coordinate with the NIMAC, the LEA must provide an assurance to the SEA that the LEA will provide instructional materials to blind persons or other persons with print disabilities in a timely manner.

(3) Nothing in this section relieves an LEA of its responsibility to ensure that children with disabilities who need instructional materials in accessible formats but are not included under the definition of blind or other persons with print disabilities in §300.172(e)(1)(i) or who need materials that cannot be produced from NIMAS files, receive those instructional materials in a timely manner.

(Approved by the Office of Management and Budget under control number 1820-0600) (Authority: 20 U.S.C. 1413(a)(6)
Note: Kansas has defined 'timely manner' as; the responsible public agency has taken all reasonable steps to ensure that needed instructional materials, including instructional materials that cannot be produced from NIMAS files, are provided in accessible formats to blind or other children with print disabilities at the same time as nondisabled children receive instructional materials. The definition for timely manner applies to all children with disabilities that need instructional materials provided in an accessible format regardless of the eligibility requirements of NIMAS.

34 CFR §300.211 Information for SEA.

The LEA must provide the SEA with information necessary to enable the SEA to carry out its duties under Part B of the Act, including, with respect to §§300.157 and 300.160, information relating to the performance of children with disabilities participating in programs carried out under Part B of the Act.

(Approved by the Office of Management and Budget under control number 1820-0600) (Authority: 20 U.S.C. 1413(a)(7))

34 CFR §300.212 Public information.

The LEA must make available to parents of children with disabilities and to the general public all documents relating to the eligibility of the agency under Part B of the Act.

(Approved by the Office of Management and Budget under control number 1820-0600) (Authority: 20 U.S.C. 1413(a)(8))

34 CFR §300.213 Records regarding migratory children with disabilities.

The LEA must cooperate in the Secretary's efforts 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.

(Approved by the Office of Management and Budget under control number 1820-0600) (Authority: 20 U.S.C. 1413(a)(9))

Section III. National Instructional Materials Accessibility Center (NIMAC) Opt-in/Opt-Out Assurance

A Local Education Area (LEA) has a choice to coordinate with the National Instructional Materials Access Center (NIMAC) or to implement the standard without coordinating with the National Instructional Materials Access Center (NIMAC). 34 CFR §300.210

Please select the appropriate box to indicate the LEAs choice to opt-in or out of the NIMAC to implement the NIMAS Standard.

OPT-IN The LEA coordinates with the National Instructional Materials Access Center and, as part of any print instructional materials adoption process, procurement contract, or other practice or instrument used for purchase of print instructional materials, enters into a written contract with the publisher of the print instructional materials to:

(a) Require the publisher to prepare and, on or before delivery of the print instructional materials, provide to the National Instructional Materials Center (NIMAC), electronic files containing the contents of the print instructional materials using the NIMAS standard

Or

(b) Purchase instructional materials from the publisher that are produced in, or may be rendered in, specialized formats.

OPT-OUT The LEA has chosen not to coordinate with the National Instructional Materials Access Center but assures that it will provide instructional materials to blind persons or other persons with print disabilities in a timely manner.

CERTIFICATION

HEREBY CERTIFY that the applicant has read and understands the General and IDEA grant assurances and will comply with such assurances.

Name of Local Board Official:

Board Approved Date:

4.13.26

Instructional Coach Job Description

. **Qualifications**:

- Hold a valid Kansas teaching license with K-6 or 6-12 endorsement.
- Currently holds or is willing to work towards a Master's Degree in K-12 building leadership.
- Minimum 5 years; experience of teaching with a record of successfully impacting student achievement.
- Demonstrates Teacher Leadership by serving on various building and district level committees.
- Demonstrates evidence of professional growth, including leading professional development and participation in a wide range of significant professional development Activities.
- Knowledge of MTSS, FASTBRIDGE Assessment, KELPA, ELL, Models of Instructional Coaching/Adult Principles of Learning Theory, Mathematical Practices, and KESA Process.

Base salary: commensurate with experience and education based on the salary schedule in the USD 333 Teachers Association Negotiated Agreement.

Job Goal: To develop all teachers to function at high levels as demonstrated by student achievement data. To ensure students make continuous improvements on local, state and national performance levels to afford students the opportunity to be college and career ready in a 21st Century society.

Essential Job Functions:

- Develops teachers to improve their practices as evidenced by improved student achievement on district and state measures.
- Supports teachers to become reflective thinkers about their instruction and achievement of their goals (not the evaluator, but supportive in goal attainment).
- Collaborates with district and building leadership teams in the delivery of standards-based professional development in alignment to district and building action plans.
- Align actions, time, and resources to support teachers in full implementation of the Kansas Education Systems of Accreditation and Cognia.
- Serves on Building Leadership Teams, the District ELA and Math Committee, and the District Accreditation Team.
- Demonstrates ability to collaborate and coach teachers through a multitude of modalities: data driven discussions, co-planning and co-teaching lessons, modeling lessons, observing lessons and with follow-up, reflective dialogue.
- Actively participates in department professional learning communities.
- Understands and supports implementation of and assessment.
- Ability to support integration of 21st century skills into the curriculum.
- Collaborates with counselors for implementation of local and state assessments.
- Maintains communication with building administration through on-going conversations,

planning, and debriefing.
- Other duties as assigned by the Building Principal.

Staff Changes for 2026-2027

(Hi-lited are needing approval. All others have been approved at previous meeting)

KPERS Retirees:	**Retirement Date:**	**Membership Date:**
Gene Rundus	09/01/2026	08/19/1994
Daniel Hyman	TBD	09/15/2002

Resignations:

Torie Baxa – LCNCK Interrelated Teacher at USD#109

Sydney Cantrell – Science Teacher at Concordia Jr. Sr. High School

Tessa Yungeberg – 6th Grade Teacher at Concordia Middle School

Jennifer Joonas – Interrelated Teacher at Concordia Elementary School

Shawn Hood – Art Teacher at Concordia Elementary School

Rachel Franz – LCNCK Instructional Coach

Ann Metcalfe – Music Teacher at CES

Chad Eshbaugh – Principal at CJSHS

Zachary Morris – ELA/Speech and Debate Teacher at CJSHS

Samantha Viereck – Interrelated Teacher at CES

Terminations:

New Hires:

Nathan Brown – 7-12th Grade Math/Science Teacher (Repl. M. Roe)

Sharon Huband – Interrelated Teacher at USD#109 (New Position)

Cristy Pruser - .6 FTE Instructional Coach (Repl. R. Franz)

Anna Ridgway – Teacher at CES (Repl. ??)

Rebecka Cauley – 6th Grade Teacher at CMS (repl. T. Yungeberg)

Sidney Smith – Art Teacher at CES (Repl. S. Hood)

Transfers:

Stacey Scott – X-fer from Project Search to Gifted (Repl. S. Shouse- temp.)

Amy Florea – X-fer from Interrelated at CJSHS to Project Search (Repl. S. Scott)

Michael Roe – X-fer from Math to 8th Grade Science Teacher (Repl. S. Cantrell)

Andrea Rairden – X-fer from Asst. Principal to Principal at CJSHS (Repl. C. Eshbaugh)

Skyler Hittle – X-fer from Athletic Director to Asst. Principal at CJSHS (Repl. A. Rairden)

Megan Pearson – X-fer from 3rd Grade/ESL Teacher to MTSS/ESL at CES (Repl. J. Mettlen)

Jayln Mettlen – X-fer from MTSS to 3rd Grade Teacher (Repl. M. Pearson)

Katie Nease – X-fer from 3rd Grade to Instructional Coach (New Position)

Thomas Flax – X-fer from P.E. Teacher at CJSHS to Athletic Director at CJSHS (Repl. S. Hittle)

NAME	POSITION

Updated 4/13/2026

LCNCK New Hires

Shea Wurtz	Para Educator at USD#224 (Repl K. Kamphaus)
Nicholas Kennedy	Substitute Teacher/Para (Pending Paperwork)
Donna Farmer	Substitute Para
Kimberly Kindscher	Substitute Para/Teacher (Pending Paperwork)

LCNCK Resignations

Shea Evert (Bretz)	Para Educator at USD#426
Joni Bergstrom	Substitute Para Educator

LCNCK Terminations

Kimberly Kamphaus	Para Educator at USD#224

LCNCK Deceased

LCNCK Transfers

USD #333 New Hires

Abbie Garman	.5 Reg Ed Para/.5 6th Grade Art (Repl. G. Stiles)
Mariah Blazek	Asst. JH Volleyball Coach (Repl. C. Atwell)
Niki Henderson	Jr. High Cheer Coach (Repl. A. Grable)
Nicholas Kennedy	Substitute Teacher/Para (Pending Paperwork)
Donna Farmer	Substitute Para
Kimberly Kindscher	Substitute Para/ Teacher (Pending Paperwork)

USD #333 Transfers

Jesica Collins	X-fer from Full Time to Substitute Bus Driver (Eff. 7/31/26)
Amy Wildeman	X-fer from CMS Para to Kindergarten Para (Repl. J Palmer??) (FY27)
Alyssa Edwards	X-fer from Para at CES to Director of Daycare (Repl. A. Eshbaugh) (FY27)
Abigail Grable	X-fer from J.H. Cheer Coach to Asst. H.S. Spirit Squad Coach (Repl. M. LeDuc)

USD #333 Resignations

Cynthia Atwell	Asst. JH Volleyball Coach
Joni Bergstrom	Substitute Para Educator

USD #333 Terminations

USD #333 Deceased