

2010-2011
Application for Federal Individuals with Disabilities Education Act (IDEA) Part B
Funding for the Education of Students with Disabilities
(Including The American Recovery and Reinvestment Act of 2009 IDEA Funding)

This application booklet pertains to federal IDEA, Part B section 611 and section 619 sub-grant programs. Please see the instructions on p. 2 of this booklet. The *Application Instructions* memo is available on the Special Education Budget and Finance web site at: www.vesid.nysed.gov/spedfin/.

APPLICATION COVER PAGE

Agency Code

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Agency Name:		Contact Person:	
Address:		Title:	
		Telephone:	
		Fax:	
City:	Zip Code:	E-Mail:	
County:		Funding Requested: IDEA, Part B Section 611 and Section 619 Sub-Grants and Section 611 and Section 619 ARRA Sub-grants	
Total Amount of Actual Local Effort Expended by the LEA During the 2008-09 School Year →		\$	
Total Amount of Actual Local Effort Expended by the LEA During the 2009-10 School Year →		\$	
Total Amount of Anticipated Local Effort the LEA Plans to Expend During the 2010-11 School Year →		\$	
I hereby certify that I am the applicant's chief school/administrative officer and that the information contained in this application is, to the best of my knowledge, complete and accurate. I further certify, to the best of my knowledge, that any ensuing program and activity will be conducted in accordance with all applicable Federal and State laws and regulations, application guidelines and instructions, Assurances, Certifications, and that the requested budget amounts are necessary for the implementation of this project. It is understood by the applicant that this application constitutes an offer and, if accepted by the NYS Education Department or renegotiated to acceptance, will form a binding agreement. It is also understood by the applicant that immediate written notice will be provided to the grant program office if at any time the applicant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.			
Authorized Signature (in blue ink)		Chief School/Administrative Officer	
		Title:	
Typed Name:		E-Mail:	Date:
Federal Budget Summary Federal Program	Project Number (To include last four digits)	Proposed Budget Total (Same As Grand Total On Budget Summary Page)	
Regular Section 611	0 0 3 2 - 1 1 - ___ ___ ___ ___	\$	
Regular Section 619	0 0 3 3 - 1 1 - ___ ___ ___ ___	\$	

Federal Budget Summary Federal Program	<u>Project Number</u> (To include last four digits)	<u>Proposed Budget Total</u> (Same As Grand Total On Budget Summary Page)
Section 611 ARRA FUNDS	5 0 3 2 - 1 1 - _ _ _ _	\$
Section 619 ARRA FUNDS	5 0 3 3 - 1 1 - _ _ _ _	\$

APPLICATION INSTRUCTIONS & CHECKLIST

(For Submission of the 2010-2011 Application for Section 611 and Section 619 Funds Only)

The following checklist is for optional use by applicants. It has been prepared by VESID staff based on the most frequent errors found each year which prevent approval of a school district’s annual *Application for Federal IDEA Funding for the Education of Students with Disabilities (Application)* and/or the *Proposed Budget For A Federal Or State Project* form (FS-10) for the section 611 and section 619 sub-grants. By completing this checklist and including the level of detail indicated below on both the Application form and each applicable sub-code and the Grand Total of the FS-10, it is anticipated that these efforts by school personnel will help ensure that the Application packet is complete and ready for submission to the New York State Education Department (SED) and subsequent programmatic approval by our office will not be delayed.

1. Submit an original 2010-2011 *Application*, pages **1-14** bearing the e-mail address and original signature of the Chief School/Administrative Officer in blue ink and the required information pertaining to Local Effort for school years 2008-09, 2009-2010 and 2010-2011 on the **Application Cover Page**.
2. The assurance pertaining to the National Instructional Materials Access Center (NIMAC), the certification regarding the use of Part B funds in accordance with §4410-b of New York State Education Law, the assurance pertaining to the The American Recovery and Reinvestment Act of 2009 (Recovery Act, A.K.A. ARRA) according to Section 5.9 of the Office of Management and Budget (OMB) Guidance (2/18/09), has been completed and the certification regarding a reduced maintenance of local effort, when required, located on pages **9–14** in the rear portion of the Application, have been completed.
3. **Page 1** and the **Budget Summary Page** of the FS-10 for the **regular** IDEA Part B section 611 and section 619 sub-grants each have a Project Funding *Start* Date of 7/01/10 and a Project Funding *End* Date of 6/30/11 entered in the spaces provided on each page. **Page 1 and the Budget Summary Page of the FS-10 for the ARRA IDEA Part B section 611 and section 619 sub-grants each have a Project Funding Start Date of 7/01/10 and a Project Funding End Date of 8/31/11 entered in the spaces provided on each page.**
4. All professional positions are listed individually under Code 15 and paraprofessional and/or support positions have also been listed under Code 16 with each individual’s annualized rate of pay, proposed project salary and calculated full-time equivalent (**Proposed Salary ÷ Annualized rate of pay**).
5. Code 40 of the section 611 and section 619 sub-grants contains each provider the LEA proposes to contract with, a with a description of the proposed services, the hourly or per diem or other calculated rate of pay and the individual proposed expenditure. When funds are being used to pay approved special education preschool and school-age providers (ASEPs) providing a special education program to preschool or school-age students with a disability (student) or related services only to preschool students has been listed within Code 40 of the **regular section 611 and section 619 sub-grants only**.

LEAs with large numbers of students attending these programs must attach a separate list containing this information to the FS-10 for the regular IDEA section 611 & section 619 FS-10 sub-grants. **ARRA funds are not to be used to pay ASEPs but must be included in the calculation of the per student vendor funding amounts for the regular section 611 and section 619 sub-grants.**

6. Code 45 contains the quantity, unit price, individual proposed expenditure and description of each proposed purchase of equipment items less than \$5,000 per unit cost, software, materials and supplies.
7. Code 46 contains the position of each staff planning to attend conferences and/or staff development, the destination and purpose of the proposed travel, calculation of cost including conference fees, travel and overnight expenses (when applicable) and individual proposed expenditures.
8. If the district proposes to claim indirect cost, staff have excluded all vendor funding paid to approved special education providers (ASEPs) under Article 89 and Article 81 (when applicable) and any proposed contract funds in excess of **\$25,000** listed in Code 40 when calculating the Modified Direct Cost Base prior to multiplying this amount by the district's Approved Restricted Indirect Cost Rate for the 2010-2011 school year.
9. Code 49 contains the name of each BOCES from which the district is purchasing services from, the **hourly** or **per diem** calculation of cost for each proposed purchase, the per student vendor funding amounts for children attending a BOCES 4410 preschool (when applicable) and the individual proposed expenditures for each proposed expenditure listed in the appropriate columns.
10. Code 20 contains the description, quantity and proposed expenditure for equipment the district proposes to purchase with a unit cost of **\$5,000** or greater.
11. The Grand Total of the regular IDEA section 611 and section 619 FS-10 sub-grant budget documents each contain the sum of the individual project's 2010-2011 final allocation **plus** any unencumbered carryover funds available to the district from its 2009-2010 section 611 and section 619 sub-grants. To view the LEA's available 2009-2010 carryover funds for this funding stream which the LEA is required to add to each project prior to submission to the State Education Department, please go to <http://www.nysed.gov/cafe/ctytxt95.htm> or call Linda Keech at (518) 473-6108 for additional technical assistance pertaining to this issue.
12. Prior to duplicating the two copies of the FS-10 proposed budget forms for **regular** IDEA and **ARRA** IDEA section 611 and section 619 sub-grants, LEA personnel:
 - o Have affixed the correct, unique project number labels for each funding stream enclosed with the Notice of Final Allocation to the upper right-hand corner of the Budget Summary Page of each **original** FS-10 for the regular IDEA section 611 and section 619 and ARRA IDEA section 611 and section 619 proposed budgets;
 - o Arranged for the Chief School/Administrative Officer to sign his or her original signature in blue ink on the Budget Summary Page within the **Chief Administrator's Certification** Column located in the lower left-hand corner of the page of each FS-10 sub-grant, and
 - o The name and official title of the Chief School/Administrative Officer has been typed or printed below their original signature.
13. An original and two (2) copies of the FS-10 are included for the annual section 611 (**0032-11-**) and section 619 (**0033-11-**) sub-grants and for the ARRA section 611 (**5032-11-**) and section 619 (**5033-11-**) sub-grant projects.

14. If LEA has used section 611 and section 619 funds for:
- The permissive purpose of providing early intervening services;
 - It has been identified by SED for disproportionality pursuant to §618(d) of the IDEA 2004 and directed to use these two project funds for such purposes; **or**
 - As an **eligible**¹ LEA, it proposed to use up to 50% of the increase in funds between the 2009-2010 and 2010-2011 section 611 allocations, including ARRA funds, to reduce its MOE for activities related to the Elementary and Secondary Education Act of 1965 as amended by the No Child Left Behind Act of 2001.

It has completed the appropriate Worksheet/Expenditure Report(s) located within the May 2010 memorandum from Michael C. Plotzker pertaining to the procedures for the application for 2010-2011 IDEA, Part B section 611 and section 619 funds, including IDEA Part B ARRA funds, available at <http://www.vesid.nysed.gov/spedfin/>, and attached the pages to the original and two copies of either the regular IDEA Part B section 611 and section 619 FS-10 **or** ARRA section 611 and/or section 619 FS-10 sub-grants, whichever is applicable.

Submit the original *Application* with the original and two copies of the FS-10² for the regular IDEA Part B section 611 and section 619 sub-grants and the ARRA section 611 and section 619 sub-grants to the State Education Department (SED) by **July 1, 2010** to:

Mr. Michael C. Plotzker
New York State Education Department
Office of Vocational and Educational Services for Individuals with Disabilities
Central Office Administrative Support Services Team (COASST)
One Commerce Plaza – Room 1609
Albany, New York 12234

If you wish to receive a receipt indicating that your application packet was received by the State Education Department, please send your application materials **return receipt requested.**

HELPFUL HINTS

¹ To be eligible, an LEA must not have been identified for 2010-2011 by the State Education Department as an LEA in need of assistance, an LEA in need of intervention, an LEA substantially out of compliance with the IDEA, and/or as having significant disproportionality due to over-representation by race/ethnicity in the identification, classification and/or placement of students with disabilities and/or in the long-term suspension of students with disabilities in particular race/ethnic groups.

² The packet submitted to SED must contain a completed *Application* containing all assurances bearing the original signature of the Chief School/Administrative Officer in blue ink and the required information pertaining to Local Effort for 2008-09, 2009-10 and 2010-2011 on the **Application Cover Page**, an FS-10 for each funding stream (2010-2011 regular IDEA section 611 and section 619 proposed budgets and 2009-2010 ARRA IDEA section 611 and section 619 budgets, each bearing an original signature of the Chief School/Administrative Officer in blue ink on the Budget Summary Page and two copies for each sub-grant in order to be substantially approvable by the State Education Department.

- Code 40 and Code 49: Consultants/Training- maximum rate of \$2000/day (minimum of 6 hours per day) or \$300/hour, regardless of funding source. For example, a district may not pay \$2000 out of IDEA funds and an additional amount from another funding source to increase the daily/hourly rate. If a district wishes to propose paying more than \$2000/day, a detailed justification must be provided. This justification should include the extraordinary circumstances and/or qualifications of the individual documenting the unique skills that do not exist in other consultants and the available data on the efficacy of the services to be provided. In general, such requests should include information on the results of bidding under requirements of General Municipal Law. The final decision on whether to allow such exception to be included in the grants rests solely with the NYS Education Department.

For long-term or large contracts that are not with specific individuals but with not-for-profit or for-profit organizations, details must be provided including how the program will be implemented, the number of staff members and students that will benefit, etc. In addition, the reasonableness of cost must be documented and must follow the district's policy regarding allowable cost.

- Code 45: Technology based equipment with proven data or research of the benefit of use in an educational setting (and/or specifically with students with disabilities) will be considered. This includes personal listening devices with instructional applications, Smartboards, book readers, etc. However, the requested amounts must be deemed reasonable. Justifications may be required. If items will be utilized in integrated or inclusion classrooms or by the entire student population, only a portion can be funded through IDEA funds. This portion is based on the percentage of students with disabilities, i.e. 5 students with disabilities in an integrated class of 20 students would allow 25% to be funded through IDEA funds. Not allowable items include, but are not limited to: furniture, appliances, rugs, game systems, etc.

Federal grant programs are generally not intended to provide stipends or other funds or merchandise directly to students. While it is recommended that local funds be used for incentive programs for students, we will allow a maximum of \$50 expenditure per student per year of IDEA funds that can be allocated for rewards for students with disabilities participating in Positive Behavior Interventions and Supports (PBIS) and other similar positive reinforcement programs. As with all expenditures, appropriate records must be maintained for audit purposes.

- Code 46: Travel- include number of miles/cost per mile. If attending conferences is proposed: the topic, location and number of participants must be provided. Breakdown the cost per participant to include: registration, airfare, hotel, meals, mileage, etc.). Justification must be provided to have more than two staff members attend the same conference.
- Code 15: Only special education staff can be funded through 611/619 grants for the provision of special education services to students with disabilities, with the exception of the 15% for Early Intervening services, if so opted or required. Provide a list of the areas of certification for each position/title listed in this code.
- Code 80: Proposed benefits must be related to salaries on the grant only.
- Code 90: Indirect costs must be calculated correctly.
- 619 funding is ONLY for students ages 3-5. 611 funding is for students ages 3-21.
- Not allowable items include, but not limited to: furniture, appliances, rugs, game systems, etc. These items will not be approved.

- Excessive amounts of items will be disallowed (smartboards, computers, etc.). Justification must be provided and the requested amounts must be deemed reasonable.
- Code 30: (ARRA grants only). All proposed minor remodeling **MUST** be approved through Facilities Planning. Contact Carl Thurnau at 518-474-3906 for guidance.
- Year-2 ARRA grants are for 15 months (July 1, 2010-August 31, 2011) and salaries should be calculated for that period. **THERE WILL BE NO CARRY OVER FOR IDEA ARRA FUNDS INTO 2011-12.**

New York State Education Department

Assurances for Federal Formula Program Funds

The following assurances are a component of your application. By signing the certification on the application cover page you are ensuring accountability and compliance with State and federal laws, regulations, and grants management requirements.

Federal Assurances and Certifications, General:

- Assurances – Non-Construction Programs
- Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters
- Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions
- General Education Provisions Act Assurances

Additional Federal Assurances, IDEA:

The following are required as a condition for receiving any federal funds under the IDEA, as amended by the Individuals with Disabilities Educational Improvement Act of 2004:

- IDEA Assurances (including assurances pertaining to the use of ARRA funds)

New York State Certification & Assurance:

- Certification Pertaining to the Payment of Vendor Funding to New York State Education Department-Approved Special Education Programs (ASEPs)
- LEA Assurance Regarding to Employee Benefits
- LEA Certification Pertaining to the Maintenance of Local Effort (To be completed when applicable)

PLEASE NOTE: IN ACCORDANCE WITH THE REQUIREMENT OF 34 CFR §300.646(b)(2), EACH LOCAL EDUCATIONAL AGENCY (LEA) WHICH RECEIVED NOTIFICATION THAT THE DISTRICT HAS BEEN IDENTIFIED AS HAVING DATA INDICATING DISPROPORTIONALITY BY RACE/ETHNICITY IN THE IDENTIFICATION, CLASSIFICATION, PLACEMENT AND/OR LONG-TERM SUSPENSION OF STUDENTS WITH DISABILITIES AND IS APPLYING FOR 2010-2011 FEDERAL IDEA SECTION 611 AND SECTION 619 FUNDS IS REQUIRED TO RESERVE AND EXPEND 15% OF THE SECTION 611 AND SECTION 619 FINAL ALLOCATIONS (INCLUDING ARRA FUNDS) FOR THE PURPOSE OF DEVELOPING AND IMPLEMENTING COMPREHENSIVE EARLY INTERVENING SERVICES.³ FOR MORE INFORMATION REGARDING THIS REQUIREMENT, PLEASE REFER TO THE MAY 2010 MEMORANDUM REGARDING PROCEDURES PERTAINING TO THE APPLICATION FOR IDEA PART B FUNDS FROM MICHAEL C. PLOTZKER AVAILABLE AT: www.vesid.nysed.gov/spedfin.

³ 34 CFR §300.226(a) describes early intervening services as coordinated services provided to students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade 3) who have not been identified as students with disabilities but who need additional academic and behavioral support to succeed in a general education environment.

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Education Department Program Contact listed in the Application. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, and by signing the Application Cover Page, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328), which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §§874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1721 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.), which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, Audits of States, Local Governments, and Non-Profit Organizations.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

Standard Form 424B (Rev. 7-97), Prescribed by OMB Circular A-102, Authorized for Local Reproduction, as amended by New York State Education Department.

**CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND
OTHER RESPONSIBILITY MATTERS**

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of the Application Cover Page provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

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

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110--

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

ED 80-0013, as amended by the New York State Education Department

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND
VOLUNTARY EXCLUSION — LOWER TIER COVERED TRANSACTIONS**

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

Instructions for Certification

1. By signing the Application Cover Page, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms “covered transaction,” “debarred,” “suspended,” “ineligible,” “lower tier covered transaction,” “participant,” “person,” “primary covered transaction,” “principal,” “proposal,” and “voluntarily excluded,” as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled “Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transactions,” without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from

participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) 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.

ED 80-0014, as amended by the New York State Education Department

**NEW YORK STATE DEPARTMENT OF EDUCATION
GENERAL EDUCATION PROVISIONS ACT ASSURANCES**

These assurances are required by the General Education Provisions Act for certain programs funded by the U.S. Department of Education. These assurances are not applicable to certain programs, such as the No Child Left Behind Act. If you have any questions, please contact NYSED.

As the authorized representative of the applicant, by signing the Application Cover Page, I certify that:

(1) that the local educational agency will administer each program covered by the application in accordance with all applicable statutes, regulations, program plans, and applications;

(2) that the control of funds provided to the local educational agency under each program, and title to property acquired with those funds, will be in a public agency and that a public agency will administer those funds and property;

(3) that the local educational agency will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds paid to that agency under each program;

(4) that the local educational agency will make reports to the State agency or board and to the Secretary as may reasonably be necessary to enable the State agency or board and the Secretary to perform their duties and that the local educational agency will maintain such records, including the records required under section [1232f](#) of this title, and provide access to those records, as the State agency or board or the Secretary deem necessary to perform their duties;

(5) that the local educational 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;

(6) that any application, evaluation, periodic program plan or report relating to each program will be made readily available to parents and other members of the general public;

(7) that in the case of any project involving construction –

(A) the project is not inconsistent with overall State plans for the construction of school facilities, and

(B) 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 under section [794](#) of title [29](#) in order to ensure that facilities constructed with the use of Federal funds are accessible to and usable by individuals with disabilities;

(8) that the local educational agency has adopted effective procedures for acquiring and disseminating to teachers and administrators participating in each program significant information from educational research, demonstrations, and similar projects, and for adopting, where appropriate, promising educational practices developed through such projects; and

(9) that none of the funds expended under any applicable program will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity or its employees or any affiliate of such an organization.

**ADDITIONAL ASSURANCES REQUIRED UNDER THE INDIVIDUALS WITH
DISABILITIES EDUCATION ACT (IDEA)**

As the authorized representative of the applicant for funds available under IDEA, Part B, and by signing the Application Cover Page, assures that the following conditions are being met as required by the IDEA:

- The LEA shall administer each sub-grant in accordance with the Individuals with Disabilities Education Improvement Act of 2004 (the Act) to the extent consistent with State Laws and regulations.
- The LEA has reviewed the requirements contained in §613(a) of the Act and assures that it meets all of the conditions set forth therein, to the extent consistent with State Laws and regulations.
- The LEA shall administer each ARRA sub-grant in accordance with the Act to the extent consistent with State Laws and regulations and use these funds in a highly cost effective manner consistent with The American Recovery and Reinvestment Act of 2009 and the United States Education Department principals and guidelines. The LEA must continue to be registered on line with the United States Government's *Central Contractors Registration* at <http://www.ccr.gov>.
- The LEA shall report quarterly certain required standard data elements pertaining to the use of ARRA funds on time in a manner prescribed by the State and the New York State Education Department, including data reported to the LEA by each approved special education program provider (ASEP) which receives vendor funds from the LEA.
- The LEA, upon notification by SED that data submitted to the Department has identified significant disproportionality by race/ethnicity in the identification, classification, placement and/or long term suspension of students with disabilities, assures that it will reserve and expend 15% of the **regular section 611 and section 619 and section 611 and section 619 ARRA final** allocations for the current school year for the development and provision of comprehensive, coordinated early intervening services particularly for those students who are not yet identified as needing special education and related services in grades K-12 (with an emphasis on grades K-3) for section 611 and for those students who are not yet identified as needing special education and related services in kindergarten for section 619, primarily in those groups that were significantly over-identified.

Please check the applicable box below:

- The LEA coordinates with NIMAC 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:
 - Require the publisher to prepare and, on or before delivery of the print instructional materials, provide to NIMAC, electronic files containing the contents of the print instructional materials using the National Instructional Materials Accessibility Standard (NIMAS); or
 - Purchase instructional materials from the publisher that are produced in or may be rendered in specialized formats;

OR

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

LEA CERTIFICATION PERTAINING TO THE PAYMENT OF VENDOR

FUNDING TO ASEPs AS REQUIRED BY EDUCATION LAW §4410b⁴

As the authorized representative of the applicant, and by signing the Application Cover Page, I certify that (**check one box only**):

- The LEA will provide funding to ASEPs under Education Law §4410-b through vendor contracts with the ASEPs for those students with disabilities ages 3 – 21 attending such non-district special education programs using IDEA section 611 and 619 funds in whole or in part.
- The LEA will provide funding to ASEPs under Education Law §4410-b for those students with disabilities ages 3 – 21 attending such non-district special education programs using only local district funds.
- NOT APPLICABLE (The LEA has no 3 – 21 year-old preschool, kindergarten and/or school-age students attending an SED-approved non-district special education school program).

LEA ASSURANCE PERTAINING TO EMPLOYEE BENEFITS

As the authorized representative of the applicant for funds available under IDEA, Part B, and by signing the Application Cover Page, assures that the following conditions are being met as required by the IDEA:

- For any individuals for which costs are claimed for this grant, the district has determined, pursuant to section 315 of the regulations of the New York State Comptroller, that the individuals are properly classified as employees or as consultants for purposes of payroll and fringe benefits. Failure to do so may result in a violation of Social Security Law, Federal and State tax laws and State Labor Law. All funds allocated within Employee Benefits: Code 80 of the FS-10 proposed budget forms submitted to the State Education Department for IDEA, Part B section 611 and section 619 project funds will be only for employees of the LEA and will not be used for any individuals not properly classified as employees.

⁴ **Please note:** An LEA is not required to use IDEA section 611 and section 619 funds to pay ASEPs it is in a vendor relationship with to fulfill its obligation under Education Law §4410-b to provide an allocation of funds to such agencies but may use local district funds instead. For more information, please refer to the May 2010 memorandum from Michael C. Plotzker entitled *Submission of Application for Individuals with Disabilities Education Act (IDEA) Section 611 & Section 619 Federal Funding for the Education of Students with Disabilities, 2010-2011*, available at <http://www.vesid.nysed.gov/spedfin/>

LEA ASSURANCE PERTAINING TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (Recovery Act, A.K.A. ARRA) Section 5.9 of the Office of Management and Budget (OMB) Guidance (2/18/09)

Agencies must:

- Receipt of funds is contingent on recipients meeting the reporting requirements in Section 1512 of the Act.
- LEAs must plan activities, including obtaining a DUNS number (or updating the existing DUNS record), and registering with the Central Contractor Registration (CCR). Prime recipients and Federal agencies must establish mechanisms to meet Recovery Act data collection requirements. DUNS and CCR requirements must be met no later than the first time Recovery Act data requirements are due.
- In the case where the Recovery Act requirement conflicts with an agency's standard award term or condition, the agency's award term or condition should be modified, as necessary, to ensure compliance with the Recovery Act requirement. A modification may not be necessary if the award term and condition is sufficiently rigorous to meet Recovery Act requirements.
- Any funding provided through the Recovery Act that is supplemental to an existing grant is one-time funding.
- Each grantee or sub-grantee awarded funds made available under the Recovery Act shall promptly refer to an appropriate inspector general any credible evidence that a principal, employee, agent, contractor, sub-grantee, subcontractor, or other person has submitted a false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving those funds.

LEA ASSURANCE PERTAINING TO MAINTENANCE OF LOCAL EFFORT

A school district may reduce its level of expenditures under Part B of the IDEA below the level of those expenditures for the preceding fiscal year if the reduction is attributable to certain specific situations or circumstances. This Certification must be completed by the Applicant if the actual cost of the local effort of special education for the 2009-2010 school year is less than the actual cost of local effort for the 2008-2009 school year and/or the anticipated cost of local effort for the 2010-2011 school year is less than the actual cost of local effort for the 2009-10 school year.

As the authorized representative of the applicant for funds available under IDEA, Part B, and by signing the Application Cover Page, certifies that any of the actual/anticipated levels of local effort being less than the previous school year was due to the following reason(s)/condition(s) being met as checked and/or explained below and are accurate:

Directions: Please check each applicable reason/condition listed. If none apply, please check "Other" and explain the specific reason(s)/circumstance(s) which will be reviewed by VESID staff during the Application process.

The voluntary departure, by retirement or otherwise, or departure for just cause, of special education personnel.

A decrease in the enrollment of students with disabilities.

- The termination of the obligation of the LEA, consistent with IDEA, Part B, to provide a special education program and services to a particular student with a disability that is an exceptionally costly program, as determined by the SEA, because the student has left the jurisdiction of the agency; has reached the age at which the obligation of the LEA to provide a free appropriate public education (FAPE) to the student has terminated; or no longer needs a special education program and services.

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

- The return of students from more costly out of district programs to less costly district-operated programs.

- The LEA reduced its MOE for a school year by using up to 50% of the calculated increase between IDEA Part B Section 619 and/or section 611 Part B funds for two school years to carry out activities that could be supported under ESEA as amended by NCLB. **Please enter the amount of funds the LEA will be reducing its MOE for the 2010-2011 school year:**
 \$ _____

- Other: _____

- Other: _____

