

To: Haysville Board of Education

From: Angie Estell, Director of Special Education

Re: Adoption of Assurances for Local Education Agency (LEA)

Date: September 19, 2016

Attached are the Assurances for our LEA Application for federal flow through funds.

Each LEA shall adopt the Assurances that are to be implemented as policies and procedures for meeting the requirements for the provision of special education services under federal and state laws and regulations consistent with IDEA-04. The Assurances are to be signed by an official of the local Board of Education as well as the Chief School Officer.

ASSURANCES

LOCAL EDUCATION AGENCY (LEA) ASSURANCES REGARDING ELIGIBILITY AND IMPLEMENTATION

**Part B of the Individuals With Disabilities Education Act (IDEA or Part B)
for Federal Fiscal Year FFY2016; State Fiscal Year FY17**

Grant Award H027A160137, CFDA 84.027 Grants to States

Grant Award H173A160034 CFDA No. 84.173 Preschool Grants;

Section I. ELIGIBILITY

The LEA assures that it meets all eligibility criteria as established in Part B of the Individuals with Disabilities Education Act (IDEA) as Amended by the Individuals with Disabilities Education Act Amendments of 2004 (PL 108-446) and the Education Department General Administrative Regulations (EDGAR).

The LEA assures it has budgeted in FY17 for the education of children with disabilities, at least the same total or per capita amount from either of the following sources (state and local funds combined or local funds only) as the LEA spent for that purpose from the same source for the most recent prior year for which information is available. 34 C.F.R. 300.203

The LEA assures it has obtained a DUNS number and has registered with the CCR.

In addition, the LEA is not identified as ineligible by the Excluded Parties List System at <https://www.sam.gov/portal/public/SAM/>. The LEA further assures that all contracted vendors paid with federal funds are not identified by the Excluded Parties List System. Upon request, the local educational agency shall make this complete Application available to the public for review.

Throughout the period of the grant award beginning July 1, 2016, the LEA will comply with all requirements of;

Parts A and B of the Individuals with Disabilities Education Act (IDEA) as Amended by the Individuals with Disabilities Education Act Amendments of 2004 (PL 108-446), and IDEA Federal Regulations;

The Kansas Special Education for Exceptional Children Act, as amended;

The Kansas State Board of Education's administrative regulations on special education;

All other requirements that are not inconsistent with IDEA, PL 108-446 found in;

The Education Department General Administrative Regulations (EDGAR); and

Uniform Grant Guidance, Title 2, Code of Federal Regulations Part 200.

The local educational agency has the opportunity to request a hearing if the State Educational Agency finds areas of noncompliance and consequently disapproves this application and receipt of federal funds. The hearing procedures will be conducted according to Education Department General Administrative Regulations (EDGAR), 34 CFR 76.401, which are included in this application package. They are also available at <http://www2.ed.gov/policy/fund/guid/uniform-guidance/index.html>.

Section II. ASSURANCES

The LEA makes the following assurances that it has policies and procedures in place as required by Part B of the Individuals with Disabilities Education Act. (20 U.S.C. 1411-1419; 34 CFR 300.100-300.174)

1. FREE APPROPRIATE PUBLIC EDUCATION

It shall be the policy of this local educational agency (LEA) that a free appropriate public education is available to all children with exceptionalities residing in the jurisdiction of this LEA between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school.

It shall be the policy of this local educational agency that a free appropriate public education be available to any child with an exceptionality who needs special education and related services even though the child is advancing from grade to grade.

2. CHILD FIND

It shall be the policy of this local educational agency that all children with exceptionalities residing within the jurisdiction of this LEA, including children with disabilities who are homeless or are wards of the state, attending private schools, regardless of the severity of their exceptionality, and who are in need of special education and related services, be identified, located, and evaluated. Information shall be provided to the public regarding the process they may take to refer a child suspected of being a child with an exceptionality.

3. PROCEDURAL SAFEGUARDS

It shall be the policy of the LEA that any child with an exceptionality and his/her parent be provided with safeguards, as required by law, at least one time per year, and upon referral for an evaluation, first request for due process hearing, disciplinary removal which is a change in placement or upon parent request.

4. EVALUATION/REEVALUATION

It shall be the policy of this local educational agency that an evaluation and reevaluation for each child with an exceptionality is provided in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally and functionally; includes a review of existing data, including evaluations and information provided by the parents and current classroom-based, local or State assessments and classroom observations; assessments are used for their validated purposes; children are evaluated in all areas of suspected exceptionality; evaluation is multidisciplinary; assessment materials and procedures are not racially or culturally discriminatory; assessments are administered by trained personnel qualified in accordance with all federal regulations and state standards; assessments are administered in conformance with the instructions provided by the producer.

5. INDIVIDUALIZED EDUCATION PROGRAM

It shall be the policy of this local educational agency that an Individualized Education Program (IEP) be developed for each child with an exceptionality that needs special education. The IEP shall be designed to meet the unique needs of the child and shall be developed in a meeting of the IEP Team. Parents of the child shall be strongly encouraged to participate in the IEP meeting. The IEP shall be reviewed and revised as often as necessary, but at least annually.

6. REQUIREMENTS THAT PROGRAMS BE IN EFFECT

Children who participated in Part C Infant-Toddler Programs, and are determined to be eligible for the Part B Preschool Program, shall have an IEP, or IFSP that meets the requirements of Part B, in place by their third birthday. The IEP Team shall consider the Part C IFSP when developing the IEP/IFSP at age 3. The LEA will participate in transition planning conferences arranged by the Infant-Toddler Program and at the request of the parents, an invitation to the initial IEP meeting will be sent to a Part C representative.

For students who transfer into the school district from another Kansas district during the school year, the LEA shall provide a free appropriate public education, including services comparable to those described in the previous IEP, in consultation with the parents until such time as the LEA adopts or develops an IEP that is consistent with State and Federal law. Students transferring from districts outside the state will be afforded comparable IEP services until the LEA conducts an evaluation and, if determined necessary by the agency, develops a new IEP.

7. LEAST RESTRICTIVE ENVIRONMENT

It shall be the policy of this local educational agency that children with disabilities are educated in the least restrictive environment; special education services be appropriate and designed to meet the unique needs of each child with a disability; to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, be educated with children who do not have disabilities; and that special classes, separate schooling, or other removal of children with disabilities from the regular educational

environment, occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

8. CONFIDENTIALITY

It shall be the policy of this local educational agency that the confidentiality of personally identifiable data relating to children with exceptionalities and their families be protected during collection, storage, disclosure, and destruction, and that one official of this local educational agency be assigned the responsibility for protecting the confidentiality of personally identifiable data. This local educational agency follows all federal regulations and state standards related to the confidentiality of student records.

9. DUE PROCESS

It shall be the policy of this local educational agency to utilize procedures that allow for differences of opinion between parents and this LEA or between agencies and this LEA, to be aired and resolved. These procedures shall provide for utilization of mediation; filing of a formal complaint with the State; initiation of impartial due process hearings, including resolution meetings as required; and state level appeals and appeals to the courts that involve any proposal or refusal by this LEA to initiate or change the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to a child.

10. EDUCATIONAL ADVOCATE

It shall be the policy of this local educational agency that whenever the parents or guardian of a child with an exceptionality are not known or cannot be located, the agency shall notify the state board or its designee; or when the child is a ward of the state, the agency shall notify the secretary of social and rehabilitation services or the secretary's designee, as appropriate, so that the child's rights are protected through the assignment of an individual (who shall not be an employee of the state education agency or local educational agency involved in the education of the child) who will serve as the child's educational advocate.

11. STATEWIDE AND DISTRICTWIDE ASSESSMENTS

It shall be the policy of this local educational agency that students with disabilities shall participate in district-wide and statewide assessment programs or be provided an alternate assessment. The IEP Team of the child shall make the determination of which assessment is appropriate. The LEA makes available to the public and reports to the public with the same frequency and in the same detail as it reports on the district-wide assessments of non-disabled children.

12. PERSONNEL STANDARDS

It shall be the policy of this local educational agency to assure that all personnel providing special education and related services to children with exceptionalities meet the standards set by the State Department of Education (including paraeducators), the State of Kansas, and as

required by IDEA (34 CFR 300.18, 34 CFR 300.156).

It shall be the policy of this LEA to have in place a procedure for determining an appropriate class size and caseload that will ensure the provision of a free appropriate public education for each child with an exceptionality.

13. PROHIBITION ON MANDATORY MEDICATION

It shall be the policy of this local education agency that parents will not be required to obtain a prescription for substances identified under schedules I, II, III, IV or V in section 202 (c) of the Controlled Substances Act (21 U.S.C.812 (c)) for a child as a condition of attending school, receiving an evaluation or receiving services under IDEA.

14. MAINTENANCE OF EFFORT AND FISCAL ACCOUNTABILITY

The LEA assures that appropriate policies and procedures are in place regarding fiscal accountability and federal funds will be expended in accordance with IDEA, EDGAR, the Uniform Grant Guidance contained in 2 CFR 200, and all other fiscal requirements. Funds must be used only to pay the excess costs of providing special education and related services to children with disabilities, and must be used to supplement state, local and other federal funds and not to supplant those funds.

The LEA assures that except as provided in 34 CFR 300.204 and 300.205, funds provided to the LEA under Part B of the Act during FY16 will 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. LEAs eligible to reduce local special education funds using up to 50% of the increase from the previous year, known as the 50% Reduction Rule, must report on expenditures within the LEA Application. If the eligible LEA takes advantage of the 50% Reduction Rule, the LEA assures that an equal amount of local funds are expended for Elementary and Secondary Education Act (ESEA) activities, whether or not the LEA is eligible for assistance under ESEA.

15. TIMELY CORRECTION OF NONCOMPLIANCE AND INFORMATION REPORTING

It shall be the policy of this LEA to correct all findings of noncompliance within the timeline established by KSDE.

It shall be the policy of this LEA to provide KSDE with information necessary to enable KSDE to carry out its duties under Part B of IDEA. All information provided to KSDE shall be timely, valid, and reliable.

16. NATIONAL INSTRUCTIONAL MATERIALS ASSESSIBILITY STANDARD - NIMAS

The LEA adopts the National Instructional Materials Accessibility Standard for the purposes of providing instructional materials to blind persons or other persons with print disabilities in elementary and secondary schools (in accordance with the Chaffee Amendment), in a timely manner in accordance with 20 U.S.C. 1412(a)(23)(A) and (D).

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.

17. ADDITIONAL ASSURANCES

LEA ASSURANCES

Each participating LEA must ensure that all programs for children will be operated in compliance with all applicable state and federal statutes, rules, and regulations. The LEA has the opportunity to request a hearing if the State Education Agency (SEA) disapproves this application and receipt of federal funds; the hearing procedures will be conducted according to Education Department General Administrative Regulations (EDGAR), 34 CFR 76.401.

THE LEA HEREBY ASSURES that it meets each of the conditions in 34 CFR 300.201- through 300.213 and has policies, procedures, and programs in place that are consistent with state policies and procedures established under IDEA, EDGAR, and Uniform grant Guidance. This includes 34 CFR 300.101-163 and 300.165-174, including but not limited to the following federal requirements:

- Access to Instructional materials (34 CFR 300.172)
- Charter Schools (34 CFR 300.209)
- Child Identification (34 CFR 300.111 and 300.201)
- Confidentiality (34 CFR 300.123 and 300.610-626)
- Copyrights (2 CFR 200)
- Debarment and Suspension (2 CFR 200)
- Due Process Procedures (34 CFR 300.140 and 300.500-529)
- Early Intervening Services (34 CFR 300.208 and 300.226)
- Evaluation/Eligibility (34 CFR 300.300-300.311)
- Family Education Rights and Privacy Act (34 CFR 99)
- Full Educational Opportunity Goal (34 CFR 300.109 and 300.201)
- Individualized Education Program (34 CFR 300.112; 300.320-324 and 300.300)
- Information for SEA (34 CFR 300.211)
- LEA Eligibility (34 CFR 300.200-230)
- Least Restrictive Environment (34 CFR 300.114-120)
- Maintenance of Effort (34 CR 300.203-205)
- Overidentification and Disproportionality (34 CFR 300.173)

Participation of Private School Children (34 CFR 300.129 and 300.130-148)
Permissive Use of Funds (34 CFR 300.208)
Personnel Development (34 CFR 300.207)
Public Information (34 CFR 300.212)
Purchase of Instructional Material (34 CFR 300.210)
Schoolwide Programs (34 CFR 300.206)
Use of Amounts/Excess Costs (34 CFR 300.202)

18. NATIONAL INSTRUCTIONAL MATERIALS ACCESSIBILITY CENTER - NIMAC - OPT-IN/OPT-OUT

Opt In/ Opt Out

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).

Name of Local Board Official:

Board Approved Date:

CERTIFICATION

HEREBY CERTIFY that I have made a diligent and good faith effort to ascertain the completeness and accuracy of the information and that to the best of my knowledge all such information and representations are complete and accurate; that all records necessary to ensure the correctness of the information provided by the agency will be kept five years beyond the final reporting date and access to such records will be provided to the SEA; that, on behalf of the participating public educational agencies, all state and federal statutes, rules, and regulations governing programming for children with disabilities will be complied with, including Individuals with Disabilities Education Improvement Act (IDEA 2004), 34 CFR Part 300 of the federal regulations, the Kansas Special Education for Exceptional Children Act, Kansas Administrative Regulations 91-

40, and all other requirements that are not inconsistent with IDEA 2004 found in the Education Department General Administrative Regulations (EDGAR) and the Uniform Grant Guidance (2 CFR 200).

FURTHER CERTIFY that I have the legal authority to apply for and receive funds under IDEA, and that I have been authorized by the participating public educational agencies to do so on their behalf.

By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the Federal award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (U.S. Code Title 18, Section 1001 and Title 31, Sections 3729-3730 and 3801-3812). (2 CFR 200.415)

Name of Chief School Officer:

Title of Chief School Officer: