

Individual with Disabilities Education Act -American Rescue Plan (IDEA-ARP) Grant Application

**The University of the State of New York
THE STATE EDUCATION DEPARTMENT**

**Application for Individuals with Disabilities Education Act-American Rescue Plan (IDEA-ARP)
Funding for the Education of Students with Disabilities, Section 611 & 619 Grants
For the Period July 1, 2021 – September 30, 2023
COVER PAGE**

Agency Code	2	3	0	2	0	1	0	4	0	0	0	0
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Agency Name: Copenhagen Central School District	
Address: 3020 Mechanic St PO BOX 30 City: Copenhagen	
Zip Code: 13626	

Agency Contact: Scot Luther
Title: Business Manager
Telephone: 315-688-4033
E-mail: sluther@ccsknights.org
Fax: 315-688-2001

As Chief School/Administrative Officer, I hereby certify that the information contained in this application is, to the best of my knowledge, complete and accurate and that the district will comply with the assurances contained within this application.		
Authorized Signature (in Blue Ink)		Title: Superintendent
Name (please type): Scott Connell	E-mail: sconnell@ccsknights.org	Date: 10/15/2021

Federal Program	<u>Project Number</u> (Provide last four digits)	<u>Proposed Budget Total</u> (From FS-10 Budget Summary Page)
<i>Section 611</i>	5 5 3 2 - 22 - <u>0</u> <u>3</u> <u>2</u> <u>7</u>	\$ 21,407
<i>Section 619</i>	5 5 3 3 - 22 - <u>0</u> <u>3</u> <u>2</u> <u>7</u>	\$ 2,384

Materials Required for Application Submission

A signed original Application and three original signed FS-10 Budgets. New York State Education Department (NYSED) accept application/budget submissions on a rolling basis.

Please note: The District may not obligate funds for a proposed federal grant until the Application and Budget (FS-10) have been received by the NYSED in a substantially approvable form.

Applicants must submit the following to be substantially approvable. Please use this as a checklist to ensure that all requested materials have been submitted:

The Application Cover Page with original signature of the Chief School/Administrative Officer (in Blue Ink).

Section II. - LEA Certification for the Payment of Funding to Approved Special Education Providers (ASEPs) – Please select ONE option.

Section III. - Comprehensive Coordinated Early Intervening Services (CCEIS) and Voluntary Coordinated Early Intervening Services (CEIS) Calculation Worksheet.

This is necessary if the LEA is required to (Mandatory CCEIS Redirect) or has opted to use up to 15 percent of funds for CEIS (Optional CEIS). Please note that the items and costs represented on these worksheets must be reconcilable to their corresponding grants. Additional technical assistance regarding CCEIS and CEIS can be found in the [IDEA Grant Application Guidance](#)

Section IV. – Parentally Placed Students with Disabilities Calculation Worksheet.

This is necessary if the LEA must expend a proportionate amount of its IDEA, Part B funds on special education services to students with disabilities parentally placed in nonpublic elementary and/or secondary schools in their district. Please note that the items and costs represented on the Parentally Placed Worksheets must be reconcilable to their corresponding grants. Additional technical assistance regarding Parentally Placed can be found in the [IDEA Grant Application Guidance](#)

Section VI. - Budget - FS-10 611 and FS-10 619 Budget with an original signature (in Blue Ink). LEA's must submit the [FS-10 form](#). The forms are located on the NYSED Grant Finance website.

The FS-10 budget forms must include the following:

1. The project number in the space provided on the cover page. Your project number can be found in Column A of the Allocation Table.
2. The Chief School/Administrative Officer's signature in **Blue Ink** on the Budget Summary Page and their name and title below the original signature.

Individual with Disabilities Education Act -American Rescue Plan (IDEA-ARP) Grant Application

Application for IDEA-ARP Funding for the Period July 1, 2021 – September 30, 2023

The period for this grant is 27 months. There is no carryover of funding for this grant. LEAs can use a portion or the full 27-month period for their grant submission.

Allocation tables containing the award amounts for Section 611 and Section 619 for the ARP funds have been posted online, please visit the [Federal Allocations for Special Education webpage](#).

Information regarding CCEIS requirements and your district's status under IDEA have been sent to the School Superintendents' Office and you may find the information online on the [Annual Determinations of IDEA Status to Schools web site](#).

Please visit the [Federal Allocations for Special Education web page](#) for additional information on:

- ASEPs - Flow Through Funds (per pupil minimum and child count)
- Parentally-Placed Students with Disabilities (per pupil minimum and child count)
- Article 81 allocation
- CCEIS and CEIS (Notice of Allocation for Public School Districts)

Important: Section 611 funds are to be used for students ages 3-21. Please note that as such, LEAs providing payments to ASEPs through federal funds must use both section 611 and 619 funds for students ages 3-5.

The original Application and three FS-10 Budgets with original signatures, for the IDEA Section 611 and Section 619 Grants must be mailed to:

**P-12 - Administrative Support Group (ASG)
New York State Education Department
89 Washington Ave., Rm 2M West EB
Albany, New York 12234**

Attention: IDEA-ARP GRANTS

If you need assistance, have any questions and/or concerns regarding the submission of the IDEA grant application; please contact the Administrative Support Group at (518) 486-4662 or send an email to IDEA@nysed.gov.

Requirements on the use of IDEA Grant Funds

Excess Cost Requirement

An LEA must spend a certain minimum amount in providing a free appropriate public education (FAPE) for students with disabilities before IDEA-Part B grant funds are used. This ensures that students with disabilities served with IDEA-Part B funds have at least the same amount spent on them, from sources other than IDEA-Part B funds, as do children in the LEA taken as a whole. When the LEA can show that it has on the average spent the minimum amount for the education of its students with disabilities, it has met the excess cost requirement of 34 CFR §300.300.202(a)(2) and (b) and all additional costs are considered excess costs.

For further guidance an [Excess Cost Calculator Tool](#) and [Excess Cost Requirement handbook](#) are located on our website.

LEA's must retain data to support their Excess Cost calculation and have available per request of SED for monitoring/auditing purposes.

Supplement not Supplant Requirement

IDEA-Part B funds must be used to supplement and increase the level of federal, state and local funds expended for special education and related services provided to children with disabilities, and in no case supplant those federal, state and local funds.

Tydings Amendment, [34 CFR §76.709(a) and §421(b) of the General Education Provisions Act (GEPA)]

IDEA Part B entitlement funds awarded to local education agencies (LEA) are available to LEAs for 27 months from the date of award in accordance with the Tydings Amendment, which is referenced in section 421 [20 U.S.C. 1225] of the General Education Provisions Act (GEPA). The 27 months begins on the day the entitlement award is made to the LEA, which is July 1 of each fiscal year if NYSED has received the LEA's application in substantially approvable form. As an example, grant funds that are awarded to an LEA on July 1, 2021 are available to the LEA until September 30, 2023.

Interest Earned on Advance Payments by Subgrantees

Interest earned on federal advance payments deposited in interest-bearing accounts must be remitted annually to NYSED. Interest amounts up to \$500 per year may be retained by the LEA for administrative purposes. For further guidance, please visit our [Grant Finance guidance](#) on this topic.

Procurement Procedures for LEA's

When procuring property and services under a federal award, a state must follow the same policies and procedures it uses for procurements from its non-federal funds. All other non-federal entities, including sub recipients of a state, will follow 2 CFR §§200.318 General procurement standards through 200.326 Contract provisions. For further guidance on procurement procedures for LEA's, please visit the [Electronic Code of Federal Regulations](#).

Section I. - Maintenance of Effort (MOE)

No additional steps are required to meet MOE for the IDEA-ARP funding.

Eligibility for the IDEA-ARP funding is met when a LEA has received approval of their 2021-22 Eligibility Standard Calculator. This Calculator is required to determine eligibility for the regular 2021-22 IDEA grant award.

For guidance on the LEA MOE Calculator and other MOE Guidance, please visit the [IDEA grant application guidance](#), Memorandum on [MOE regulations](#), and the [Electronic Code of Federal Regulations](#)

Section II.

LEA CERTIFICATION FOR THE PAYMENT OF FUNDING TO ASEPs AS REQUIRED BY EDUCATION LAW §4410b

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 (Preschool, Kindergarten, and or School-age students) attending non-district special education programs using IDEA-ARP section 611 and/or 619 funds.
- 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 funds.
- 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 state funds.
- 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 a combination of multiple funding sources (federal / State / local 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.)

Please note:

- The LEA can choose to provide funding to the ASEPs for those students with disabilities ages 3–21 through federal, State, or local funds or a combination of multiple funding sources (federal / State / local).
- An LEA is not required to use exclusively IDEA-ARP section 611 and/or section 619 funds to pay ASEPs to fulfill its obligation under Education Law §4410-b to provide an allotment of funds to such agencies and may use state and/or local district funds in whole or part. Please note that if State and/or local funds will be used in lieu of federal funds, the grantee must indicate they will be using their State and/or local funds to pay the per pupil minimum per child on the FS-10, (Code 40) Purchased Services.

An example would be:

**“Local Funds utilized to pay for ASEP services,
X students (child count) @ \$Y (per pupil minimum)”**

This description would not have an impact on the Proposed Expenditure column, as it is not drawing from the IDEA grant funds and is simply being used to account for child funding obligations.

Section III.

Comprehensive Coordinated Early Intervening Services (CCEIS) and Voluntary Coordinated Early Intervening Services (CEIS) Calculation Worksheet

LEA Name:

<p>Redirect funds for CCEIS and CEIS <i>(Check the boxes that apply)</i></p>	
<input type="checkbox"/> 15 % <u>REQUIRED</u>	<p>Must use 15% of section 611 <u>and</u> section 619 IDEA-ARP funds for CCEIS</p>
<input type="checkbox"/> Up to 15% <u>OPTIONAL</u>	<p>Using up to 15% of:</p> <input type="checkbox"/> Part B Section 611 IDEA-ARP funds <input type="checkbox"/> Part B Section 619 IDEA-ARP funds for CEIS

Please Note: The CCEIS and CEIS Calculation Worksheet budget and two copies must be completed and attached to the original FS-10 budget form if the district uses IDEA-ARP funds for CCEIS or CEIS. A separate form must be completed if both 611 and 619 funds are used.

- CCEIS are services provided to students age 3 through grade 12 who are either:
 - Not currently identified as a student with a disability, but who need additional academic and/or behavioral support to succeed in the general education environment
 - Currently identified as a student with a disability (funds can be used primarily, but not exclusively, for this group)

The IDEA [20 U.S.C. §1413(f)(2)] and its regulations [34 CFR §300.646(d)] identify the activities that may be included as CCEIS.

- CEIS are services provided to students in kindergarten through grade 12 (with an emphasis on students in kindergarten through grade three) who are not currently identified as needing special education or related services, but who need additional academic and behavioral supports to succeed in a general education environment. The IDEA [20 U.S.C. §1413(f)(2)] and its regulations [34 CFR §300.226(b)] identify the activities that may be included as CEIS.
- **Use the chart below to calculate the maximum amount the district may use for activities related to CEIS; Districts required to provide CCEIS through IDEA funds must spend precisely 15%; Districts opting to use federal funds for CEIS expense may not exceed 15%:**

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Grant	ARP IDEA Allocation	Multiplier	Required CCEIS Amount (If Mandated)
Section 611	\$	X .15	\$
Section 619	\$	X .15	\$

Please visit the [IDEA Grant Application Guidance](#) for additional technical assistance on CCEIS and CEIS.

Comprehensive Coordinated Early Intervening Services (CCEIS) Calculation Worksheet

LEA Name:

Please check the appropriate box. LEA's must submit a separate form for each Grant.

IDEA-ARP, Part B **section 611**

IDEA-ARP, Part B **section 619**

District's description of the type of significant disproportionality for which they were identified:

District's identification of the contributing factors to the significant disproportionality:

District's description of the targeted student population that will be impacted by the CCEIS proposed expenditures, inclusive of :

CCEIS Proposed Expenditures

Code	Description of Each Proposed Expenditure for the Provision of CCEIS	Description of how Each Proposed Expenditure will Address the Contributing Factors of the Significant Disproportionality	Expenditures for Activities related to CCEIS
Total Proposed Expenditure for CCEIS			\$

Voluntary Coordinated Early Intervening Services (CEIS) Calculation Worksheet

LEA Name:

Please check the appropriate box. LEA's must submit a separate form for each Grant.

IDEA-ARP, Part B section 611

IDEA-ARP, Part B section 619

CEIS Proposed Expenditures

Code	Description of Each Proposed Expenditure for the Provision of CEIS	Expenditures for Activities related to CEIS
Total Proposed Expenditure for CEIS		\$

Section IV - Parentally Placed Calculation Worksheet

LEA Name:

Please check the appropriate box. LEA's must submit a separate form for each Grant.

IDEA-ARP, Part B section 611

IDEA-ARP, Part B section 619

Parentally Placed Proposed Expenditures

Code	Description of Each Proposed Expenditure for the Provision of Parentally Placed	Expenditures for Activities related to Parentally Placed
Total Proposed Expenditure for Parentally Placed		\$

Assurances

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 New York State and federal laws, regulations, and grants management requirements and certifying that you have read and will comply with the following assurances and certifications.

**** Pages 12-20 do not need to be returned with the application****

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, upon notification by NYSED that data submitted to the Department has identified significant disproportionality by race/ethnicity in the identification, classification, placement and/or disciplinary actions for students with disabilities, assures that it will reserve and expend 15 percent of the **section 611 and section 619 final** allocations for the current school year for the development and provision of 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.
- A free appropriate public education is available to all children with disabilities residing in the LEA between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled, in accordance with 20 U.S.C. 1412(a)(1); [34 CFR §§300.101-300.108].
- In providing for the education of children with disabilities in its jurisdiction, the LEA has 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. [34 CFR § 300.201]
- If the LEA will be using funds for schoolwide programs as provided under 34 CFR §300.206, the amount to be used will not exceed the amount calculated pursuant to §300.300.206(a)(1); will meet the funding conditions of §300.206(b); and the LEA assures that all other requirements of Part B funds will be met, including ensuring that students with disabilities in schoolwide program schools receive services in accordance with a properly developed IEP; and are afforded all the rights and services guaranteed to students with disabilities under Part B of IDEA. [34 CFR §300.206]
- The LEA ensures that all personnel necessary to carry out Part B of the Act are appropriately and adequately prepared consistent with the requirements of 34 CFR section 300.156. The LEA ensures that each person employed as a special education teacher in the State who teaches elementary school, middle school, or secondary school has obtained full State certification as a special education teacher (including certification obtained through participating in an alternate

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route to certification as a special educator, if such alternate route meets minimum requirements described in section 200.56(a)(2)(ii) of title 34, Code of Federal Regulations, as such section was in effect on November 28, 2008), or passed the State special education teacher licensing examination, and holds a license to teach in the State as a special education teacher, except with respect to any teacher teaching in a public charter school who shall meet the requirements set forth in the State's public charter school law; and has not had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and holds at least a bachelor's degree [§612(a)(14)(C)]

- The LEA' permissive use of IDEA Part B funds is limited to services and aids that also benefit students without disabilities; early intervening services; high cost special education and related services; and administrative case management and, if used for such purposes, will be consistent with the requirements of 34 CFR §300.208. [34 CFR§300.208]
- The LEA assures that the rights of children with disabilities who attend public charter schools and their parents will be afforded all rights pursuant to 34 CFR Part 300. The LEA will serve students with disabilities attending charter schools in the same manner as the LEA services students with disabilities in its other school. The LEA will provide IDEA Part B funds to those charter schools on the same basis that the LEA provides funds to the LEA's other public schools, including proportional distribution based on relative enrollment of students with disabilities and 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. [34 CFR §300.209]
- The LEA will coordinate with the National Instructional Materials Access Center (NIMAC) when purchasing print instructional materials and will acquire those materials in the same manner and subject to the same conditions as the State under 34 CFR §300.172. [34 CFR §300.210] or the LEA does not choose to coordinate with NIMAC but will provide instructional materials to blind persons or other persons with print disabilities in a timely manner. [34 CFR §300.210]
- The LEA will provide NYSED with information necessary to enable it to carry out its duties under IDEA Part B. [34 CFR §300.211]
- The LEA will make available to parents of students with disabilities and to the general public all documents relating to the eligibility of the LEA under Part B of IDEA. [34 CFR §300.212]
- The LEA will cooperate in the Secretary of the U.S. Department of Education's efforts under the Every Student Succeeds Act (ESSA) to ensure the linkage of records pertaining to migratory students with disabilities for the purpose of electronically exchanging, among the States, health and educational information regarding those children. [34 CFR §300.213]

ASSURANCES - NONCONSTRUCTION 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 nonfederal 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 CFR. 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

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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 judgment 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

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(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.

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**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

Individual with Disabilities Education Act -American Rescue Plan (IDEA-ARP) Grant Application

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 EDUCATION DEPARTMENT 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.

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

1. the local educational agency will administer each program covered by the application in accordance with all applicable statutes, regulations, program plans, and applications;
2. 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. 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. 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 title 20, and provide access to those records, as the State agency or board or the Secretary deem necessary to perform their duties;
5. 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. 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. 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. 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. 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.

You **MUST** comply with one of the following:

1. The LEA coordinates with National Instructional Materials Access Center (NIMAC) and as part of any print instructional materials adoption process, procurement contract, or other practice or

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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

2. The LEA has chosen not to coordinate with the NIMAC but assures that it will provide instructional materials to blind persons or other persons with print disabilities in a timely manner.

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 condition is 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.