



COLORADO DEPARTMENT OF EDUCATION

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Dwight D. Jones
Commissioner of Education

Robert K. Hammond
Deputy Commissioner

Kenneth R. Turner
Deputy Commissioner

The Single Assurance Form for all Federal education programs administered by the Department of Education has been updated effective May 12, 2005

One copy of the form must be duly executed by the President of the School Board and returned to:

David Lyon
Grants Fiscal Management Services Unit
Colorado Department of Education
201 East Colfax Avenue
Denver, CO 80203

The revised assurance form replaces the one that was issued in 2002, and reflects changes required by the reauthorization of the Individuals with Disabilities Education Act, as well as a few additional assurances required under the No Child Left Behind Act. The specific additions are noted in bold. They are 28, 29, and 30 of the General Assurances; the IDEA Assurance (33); and 34q of the Title I Assurance.

All school districts, BOCES, State agencies, or other Federal program recipients must have the revised form duly executed and on file with CDE before Federal funds will be released to the grant recipient for 2005-06. This means, for example, if Title I funds have been signed over to a BOCES, Single Assurance forms must be on file for the BOCES, as well as each district that signed its funds over to the BOCES, before funds will begin to flow for the program. A copy of the signed form must be kept on file at your central office for review upon request by independent auditors, or State or Federal officials. You only need to return the two-page Single Assurance Form to CDE. The attachments should be kept with the file copy of the form. Staff responsible for grants administration or fiscal management should either have a copy of the document or be informed of the location and contents of the document.

As before, you should put a check mark next to each program listed on the cover page for which Federal funds are currently, or may be requested. Using the Single Assurance Form in this manner alleviates the necessity of signing these assurances each time an application for Federal funds is submitted. Instead, each application or award incorporates, by reference, the current Single Assurance Form on file with CDE.

Please feel free to contact me at (303) 866-6836 if you have any questions.

**SINGLE ASSURANCE FORM FOR
STATE ADMINISTERED FEDERAL EDUCATION PROGRAMS**

In consideration of participating in any educational program for which federal funds are available including, but not limited to, those programs checked below and any federal competitive grant program administered by the Colorado Department of Education, and of receiving federal funds to carry out any such program, the board of directors

of _____

<input type="checkbox"/> School District <input type="checkbox"/> State Agency <input type="checkbox"/> Non-profit*	<input type="checkbox"/> Board of Cooperative Services <input type="checkbox"/> Other (specify)* _____
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by action at its meeting of _____, 20__, provides the attached assurances to the Colorado Department of Education. * See next page

CHECK ALL THAT APPLY:

	ATTACHMENT	PROGRAM
X	A	General – This applies to all recipients of Federal Grants.
	B	Part B, Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 1401.
	C	Title I, Part A, No Child Left Behind Act of 2001 (NCLB), Improving Basic Programs Operated by Local Educational Agencies, Elementary and Secondary Education Act of 1965.
	D	Title I, Part C, No Child Left Behind Act of 2001 (NCLB), Education of Migratory Children, Elementary and Secondary Education Act of 1965.
	E	Title I, Part H, No Child Left Behind Act of 2001 (NCLB), School Dropout Prevention Initiative Grants, Elementary and Secondary Education Act of 1965.
	F	Title II, Part A, No Child Left Behind Act of 2001 (NCLB), Teacher and Principal Training and Recruiting Fund, Elementary and Secondary Education Act of 1965.
	G	Title III, No Child Left Behind Act of 2001 (NCLB), English Language Acquisition.
	H	Title IV, Part A, No Child Left Behind Act of 2001 (NCLB), Safe and Drug Free Schools and Communities, Elementary and Secondary Education Act of 1965.
	I	Title IV, Part B, No Child Left Behind Act of 2001 (NCLB), 21 st Century Community Learning Center Grants, Elementary and Secondary Education Act of 1965.
	J	Title V, Part A, No Child Left Behind Act of 2001 (NCLB), Innovative Programs, Elementary and Secondary Education Act of 1965.
	K	Title V, Part B, No Child Left Behind Act of 2001 (NCLB), Public Charter Schools, Elementary and Secondary Act of 1965.
X	L	Title VII, Subtitle B, Stewart B. McKinney Homeless Assistance Act.
	M	Title II, Adult Education and Literacy, Workforce Investment Act of 1998.

This assurance form shall remain in effect for the duration of the programs it covers. The state shall not require the submission or amendment of this assurance form unless required by changes in federal or state law or by other significant change in circumstances affecting the assurances contained herein.

Compliance with these assurances constitutes a condition of continued receipt of federal financial assistance and is binding upon the district, administrative unit, BOCES or other entity, its successors, transferees and assignees for the duration of the programs.

In the event of failure to comply with these assurances, it is understood that funds can be terminated and the right to receive further assistance can be denied.

These are statutorily required assurances for the receipt of federal funds under the specifically designated programs. In addition, recipients are required to fulfill all statutory, regulatory and program plan requirements inherent in the application and approval process for each program.

Revised 4/05

Dated this _____ day of _____, 20__.

Signature of President of Board

*If you checked non-profit or other, please complete the following information:

Name of Organization: _____
Address: _____

Phone Number: _____
Contact Person: _____
FEIN Number: _____

CDE Contact Person: David Lyon, Supervisor
Grants Fiscal Management Services Unit
Colorado Department of Education
201 East Colfax Avenue
Denver, CO 80203

Telephone: (303) 866-6836
Fax: (303) 866-6738
E-Mail: Lyon_D@cde.state.co.us

**ATTACHMENT A
GENERAL ASSURANCES**

1. It will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d through 2000d-4) and its implementing regulations (34 C.F.R. Part 100), and in accordance therewith, no person shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives federal financial assistance.
2. It will comply with Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. §794, and its implementing regulations (34 C.F.R. Part 104) which prohibit discrimination on the basis of disability in programs and activities receiving federal financial assistance.
3. It will comply with Title II of the Americans With Disabilities Act, 42 U.S.C. §12134, *et seq.* and its implementing regulations (28 C.F.R. Part 35) which prohibit discrimination on the basis of disability by public entities, or it will comply with Title III, 42 U.S.C. §12181 *et seq.*, and its implementing regulations (28 C.F.R. Part 36) which prohibit discrimination on the basis of disability in public accommodations, whichever is applicable.
4. It will comply with Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§1681-1683, and its implementing regulations (34 C.F.R. Part 106) which prohibit discrimination on the basis of sex in education programs and activities receiving federal financial assistance.
5. It will comply with the Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6101 *et seq.*, and its implementing regulations (45 C.F.R. Part 90) which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance.
6. That all contractors, subcontractors, sub grantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education programs or activities are not discriminating in violation of the above cited statutes, regulations, guidelines and standards against those students or employees.
7. Each program will be administered in accordance with all applicable statutes, regulations, program plans and applications applicable to that program including but not limited to provisions requiring supplementing not supplanting of non-federal funds and maintenance of effort.

8. The control of funds provided under each program and title to property acquired with program funds will be in a public agency or in a nonprofit agency, institution, organization or Indian tribe, if the law authorizing the program provides for assistance to such entities and the public agency, nonprofit private agency, institution or organization, or Indian tribe will administer the funds and property to the extent required by the authorizing statutes.
9. The applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, federal funds paid to such applicant under each such program.
10. The applicant will adopt and use proper methods of administering each program, including the enforcement of any obligations imposed by law on agencies, institutions, organizations and other recipients responsible for carrying out each program; and the correction of deficiencies in program operations that are identified through audits, monitoring or evaluation.
11. The applicant will cooperate in carrying out any evaluation of each such program conducted by or for the State educational agency, the Secretary, or other Federal officials.
12. The applicant will submit such reports to the State educational agency (which shall make reports available to the Governor) and the Secretary as the State educational agency and Secretary may require to enable the State educational agency and the Secretary to perform their duties under each such program; the applicant shall maintain such records, provide such information, and afford such access to the records as the State educational agency (after consultation with the Governor) or the Secretary may reasonably require to carry out the State educational agency's or the Secretary's duties.
13. Before the application was submitted, the applicant afforded a reasonable opportunity for public comment on the application and has considered such comment.
14. It will retain all records relating to a program for which federal funds are received for a period of three years (for NCLB and Title II, Adult Education and Literacy, Workforce Investment Act Programs) or five years (for all other programs) after the completion of the activity for which the funds are used or until such time as all pending reviews or audits have been completed and resolved.
15. It has adopted appropriate procedures to implement the terms of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. §1232g and its regulations (34 C.F.R. Part 99).
16. None of the funds expended under any 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.

17. It shall repay all funds determined to be due to the federal government as a result of a disallowance decision in a manner deemed to be reasonable by the state or the federal government.
18. To the extent authorized by law, it shall indemnify, save and hold harmless the State, its employees and agents, against any and all claims, damages, liability and court awards including costs, expenses and attorneys fees incurred as a result of any act or omission by it, or its employees, agents, subcontractors or assignees in its operation of the programs.
19. The local educational agency is in compliance with the State Law requiring:
 - a) the expulsion from school for a period of not less than one year a student who is determined to have brought a firearm to a school, or to have possessed a firearm at school, under its jurisdiction, except such State law shall allow its chief administering officer to modify such expulsion requirement for a student on a case-by-case basis, if such modification is in writing. For the purpose of this section, the term 'firearm' has the same meaning given such term in section 921(a) of title 18, United States Code.
 - b) a record to be created which describes the circumstances surrounding any expulsions imposed under the policy required by subsection (a) including-
 - i) the name of the school concerned;
 - ii) the number of students expelled from such school; and
 - iii) the types of firearms concerned;
 - c) referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to school; and
 - d) with regard to the expulsion of children with disabilities who are eligible for special education and related services under the Individuals with Disabilities Education Act, 20 U.S.C. §1400 *et seq.*, the local education agency assures that, prior to expelling any such child, it will comply with the relevant disciplinary procedures set forth in §1415 (k) of that Act and its implementing regulations (34 C.F.R. Part 300).
20. No smoking will occur within any indoor facility owned or leased or contracted for and utilized by it for provision of routine or regular kindergarten, elementary, or secondary education, library services, health care or day care or early childhood development services to children.
21. It will make reports to the State Board of Education, the Colorado Department of Education, or the United States Secretary of Education as may reasonably be necessary to enable those parties to perform their duties.

22. It 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.
23. 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.
24. 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 of Education under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and the Americans With Disabilities Act (42 U.S.C. 12201) in order to ensure that facilities constructed with the use of federal funds are accessible to and usable by disabled individuals.
25. It 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.
26. Local education agencies serving homeless children assure that:
 - a) policies to remove barriers to the enrollment and retention of homeless children and youth are developed, reviewed, and revised; and
 - b) policies and practices to ensure that homeless children and youth are not isolated or stigmatized are adopted.
27. Local education agencies with charter schools assure that each charter school receives the charter school's commensurate share of Federal funds that are allocated by formula, and that this is done:
 - a) not later than five months after the charter school first opens, notwithstanding the fact that the identity and characteristics of the students enrolling in the charter school are not fully and completely determined until the charter school actually opens; and
 - b) every charter school expanding its enrollment in any subsequent year of operation receives the Federal funding for which the charter school is eligible not later than five months after such expansion.

28. **The local education agency will provide, on a request made by military recruiters or an institution of higher education, access to secondary school students' names, addresses, and telephone listings.**
29. **A student who is attending a persistently dangerous public elementary or secondary school, or who becomes a victim of a violent criminal offense while in or on the grounds of a public elementary or secondary school, will be allowed to attend a safe public elementary or secondary school within the local educational agency, including a public charter school.**
30. **The local educational agency will not deny equal access or a fair opportunity to meet, or will not discriminate against, any group officially affiliated with the Boy Scouts of America, or any other youth group listed in Title 36 of the United States Code (as a patriotic society), that wishes to conduct a meeting within the LEAs designated open forum or limited public forum. This includes not denying such access or opportunity, or discriminating for reasons based on the membership or leadership criteria or oath of allegiance to God and country of the Boy Scouts of America or of the youth groups listed in Title 36 of the United States Code (as a patriotic society).**
31. That no federal appropriated funds have been paid or will be paid, by or on behalf of the recipient, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement.
 - a) 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 a federal grant or cooperative agreement the recipient shall complete and submit Standard Form - LLL "Disclosure Form to Report Lobbying" in accordance with its instructions along with the sub grant application, contract or cooperative agreement to which the disclosure applies.
 - b) The recipient shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including sub grants, contracts under grants and cooperative agreements, and subcontracts) and all sub-recipients shall certify and disclose accordingly.

NOTE: Any recipient that fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

32. The prospective lower tier participant certifies, by submission of this assurance form and by incorporating this form by reference in each of its applications for federal funds, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in any transaction by any federal department or agency. If the certification is not true for any particular application for funds, an explanation shall be attached to the particular application in question.
- a) By signing and submitting a proposal, the prospective lower tier participant is stating that it is neither debarred nor suspended.
 - b) This certification is a material representation of fact upon which reliance was placed when this certification was signed. 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 and/or agency with which this transaction originated may pursue available remedies, including suspension or debarment from federal funds participation.
 - c) The prospective lower tier participant shall provide immediate written notice to the organization to which a 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.
 - d) The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this certification, have the meanings set out in the Definition and Coverage sections of rules implementing Executive Order 12549.
 - e) The prospective lower tier participant agrees by submitting a proposal that, should a 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 a covered transaction, unless authorized by the department or agency with which this transaction originated.
 - f) The prospective lower tier participant further agrees by submitting a proposal that it will include the two-paragraph "CERTIFYING STATEMENT" required by regulation without modification, in all lower tier covered transactions and in all solicitations for lower tier transactions.
 - g) A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that 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 non-procurement List.
 - h) 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. 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.

- i) 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.

DEFINITIONS:

Lower Tier Participant - Any organization (such as a school district or university) or person receiving a grant or contract under an application for funds. This also includes subsequent sub grants and subcontracts.

Covered Transaction - The act of applying for federal funds or submitting a proposal for federal funds.

Lower Tier Transaction - The making of a (1) sub grant to another entity or person or (2) procurement contract by a Lower Tier Participant to some other entity or person for goods or services, regardless of type, expected to equal or exceed a cumulative value of \$25,000.

Principals - An administration head, key project/grant management person, officer, director, within the Lower Tier Participant's organization or a sub organization contracted with (i.e., superintendent and key person in the school district who will exert control or management influence over this project. At a university, it would be the president and principal investigator.)

[SOURCES: 20 U.S.C. §1232e; 20 U.S.C. §1232f; 20 U.S.C. §1232g; 20 U.S.C. §1234a; 20 U.S.C. §1415 (k); 20 U.S.C. §7301; 20 U.S.C. §§ 8856 and 8921; 31 U.S.C. 1352; 34 C.F.R. Part 76; 34 C.F.R. Part 80 and 34 C.F.R. Part 300; EXECUTIVE ORDER 12549, 34 C.F.R. Part 85]

ATTACHMENT B
PART B, INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)

In addition to the assurances contained in Attachment A, the following assurances apply specifically to all programs operated pursuant to Part B of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §1400 *et seq.*

33. The recipient assures that it has developed a special education comprehensive plan which provides assurances to the Colorado Department of Education that the recipient meets each of the following conditions:

- a) The recipient, in providing for the education of all children with disabilities for whom it is responsible,¹ has in effect policies, procedures and programs that are consistent with the State of Colorado’s policies and procedures established under 20 U.S.C. §1412, including policies and procedures which provide as follows:**
 - i) A free appropriate public education is available to all children with disabilities between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school, except as is otherwise provided for in 20 U.S.C. §1412 (a)(1)(B) – (C);**
 - ii) The recipient has established a goal of providing full educational opportunity to all children with disabilities and a detailed timetable for accomplishing that goal;**
 - iii) All children with disabilities are identified, located and evaluated. Such children, regardless of the severity of their disabilities and who are in need of special education and related services, include those who are homeless, those who are in the legal custody of the State, its divisions or subdivisions, and those who are attending private schools. Programs for children with disabilities will include the development and implementation of a practical method to determine which children with disabilities are currently receiving needed special education services;**
 - iv) An individualized education program is developed, reviewed, and revised for each child with a disability in accordance with 20 U.S.C. §1414 (d);**

¹ The responsibilities of special education administrative units, state operated programs and eligible facilities are established by the Exceptional Children’s Educational Act, Colo. Rev. Stat. § 22-20-101 *et seq.* and its implementing rules, 1 CCR 301-8.

- v) **To the maximum extent appropriate, children with disabilities, including children in public school or who have been placed by a public agency in private institutions or other care facilities, are educated in the least restrictive environment pursuant to 20 U.S.C. § 1412 (a)(5);**
- vi) **Children with disabilities and their parents are afforded the procedural safeguards required by 20 U.S.C. §§ 1415 and 1412 (a)(6)(B), including procedures related to: parental access to records; the appointment of an educational surrogate parent for the child; written prior notice and other notices required by law; mediation; due process complaints; impartial due process hearings and appeals; disciplinary removals; transfer of rights at age of majority; and testing and evaluation materials used for purposes of evaluation and placement of children with disabilities for special education services;**
- vii) **Children with disabilities are evaluated in accordance with 20 U.S.C §1414 (a) through (c);**
- viii) **The confidentiality of any personally identifiable data, information, and records collected or maintained by the recipient under Part B programs is protected;**
- ix) **Children participating in early intervention programs assisted under Part C of the IDEA and who will participate in preschool programs assisted under Part B of the IDEA will experience a smooth and effective transition to those preschool programs pursuant to in accordance with 20 U.S.C. §1412(a)(9);**
- x) **With regard to children with disabilities enrolled in private school under parent choice, the recipient will comply with the requirements established by 20 U.S.C. § 1412(a)(10)(A). The control of funds provided under Part B to serve private school students with disabilities and title to materials, equipment and property derived from such funds to serve such children shall be in the recipient for the uses and purposes provided in Part B. The recipient will administer such funds and property;**
- xi) **With regard to children with disabilities placed in, or referred to private schools by public agencies, the recipient will comply with 20 U.S.C. §1412(a)(10)(B);**

- xii) **Personnel necessary to carry out the obligations established under Part B of the IDEA are appropriately and adequately prepared, trained and qualified pursuant to 20 U.S.C. §1412(a)(14) and are subject to the requirements of § 2122 of the Elementary and Secondary Education Act of 1965;**
 - xiii) **All children with disabilities are included in general State and district-wide assessments programs in accordance with 20 U.S.C. § 612 (a) (16);**
 - xiv) **Suspension and expulsion data are reported to the Colorado Department of Education according to the guidelines and timelines established by the Department, including data disaggregated by race and ethnicity; and**
 - xv) **Documents relating to the eligibility of the recipient for Part B funds are made available to parents of children with disabilities and to the general public.**
- b) **Payments received under Part B of the IDEA are expended in accordance with 20 U.S.C. §1413(a)(2)(A), including requirements that such funds:**
 - i) **are used to pay the excess costs of providing special education and related services;**
 - ii) **are used to supplement State, local, and other federal funds and not to supplant such funds;**
 - iii) **are not used, except as is otherwise provided for in 20 U.S.C. §1413(a)(2)(B) through (C), to reduce the level of expenditures for the education of children with disabilities made by the recipient from local funds below the level of those expenditures for the preceding fiscal year; and**
 - iv) **are not commingled with State funds except as is otherwise provided for in 20 U.S.C. § 1413(a)(4).**

- c) The recipient assures that, with respect to its charter schools, if any, and their students with disabilities:**
- i) Children with disabilities attending the recipient’s charter schools are served in the same manner as the recipient serves children with disabilities in its other schools, including providing supplementary aids and services on site at the charter school to the same extent to which the recipient has a policy or practice of providing such services on the site to its other public schools;**
 - ii) Funds received under Part B of IDEA are provided:**
 - to the recipient’s charter schools on the same basis as it provides funds to its other public schools, including proportional distribution based on relative enrollment of children with disabilities; and**
 - at the same time as the recipient distributes other federal funds to its other public schools, consistent with the Colorado Charter Schools Act and Attachment A, Paragraph 28.**
- d) The recipient will cooperate with the efforts of the Secretary of the U. S. Department of Education to ensure linkage of records pertaining to migratory children with disabilities for purposes of electronically exchanging, among the States, health and educational information regarding such children.**

[SOURCE: 20 U.S.C. §§1401, 1412, 1413, 1414 and 1415]

ATTACHMENT C
TITLE I, PART A, NO CHILD LEFT BEHIND ACT OF 2001 (NCLB)

In addition to the assurances contained in Attachment A, the following assurances specifically apply to all programs operated pursuant to Title I, Part A of the NCLB and the recipient hereby assures that it will undertake to do the following in the implementation of its Title I programs:

34. The LEA shall:

- a) inform eligible schools and parents of schoolwide project authority and the ability of such schools to consolidate funds from Federal, State, and local sources;
- b) provide technical assistance and support to school wide programs;
- c) work in consultation with schools as the schools develop the schools' plans pursuant to section 1114 and assist schools as the schools implement such plans or undertake activities pursuant to section 1115 so that each school can make adequate yearly progress toward meeting the state student academic achievement standards;
- d) fulfill such agency's school improvement responsibilities under section 1116, including taking actions under paragraphs (7) and (8) of section 1116(b);
- e) provide services to eligible children attending private elementary schools and secondary schools in accordance with section 1120, and timely and meaningful consultation with private school officials regarding such services;
- f) take into account the experience of model programs for the educationally disadvantaged, and the findings of relevant scientifically based research indicating that services may be most effective if focused on students in the earliest grades at schools that receive funds under this part;
- g) in the case of a local educational agency that chooses to use funds under this part to provide early childhood development services to low-income children below the age of compulsory school attendance, ensure that such services comply with the performance standards established under section 641A(a) of the Head Start Act;
- h) work in consultation with schools as the schools develop and implement their plans or activities under sections 1118 and 1119;
- i) comply with the requirements of section 1119 regarding the qualifications of teachers and paraprofessionals and professional development;

- j) inform eligible schools of the local educational agency's authority to obtain waivers on the school's behalf under title IX and, if the State is an Ed-Flex Partnership State, to obtain waivers under the Education Flexibility Partnership Act of 1999;
- k) coordinate and collaborate, to the extent feasible and necessary as determined by the local educational agency, with the State educational agency and other agencies providing services to children, youth and families with respect to a school in school improvement, corrective action, or restructuring under section 1115 if such a school requests assistance from the local educational agency in addressing major factors that have significantly affected student achievement at the school;
- l) ensure, through incentives for voluntary transfers, the provision of professional development, recruitment programs, or other effective strategies, that low-income students and minority students are not taught at higher rates than other students by unqualified, out-of-field, or inexperienced teachers;
- m) use the results of the student academic assessments required under section 1111(b)(3), and other measures or indicators available to the agency, to review annually the progress of each school served by the agency and receiving funds under this part to determine whether all of the schools are making the progress necessary to ensure that all students will meet the State's proficient level of achievement on the State academic assessments described in section 1111(b)(3) within 12 years from the end of the 2001-2002 school year;
- n) ensure that the results from the academic assessments required under section 1111(b)(3) will be provided to parents and teachers as soon as is practicably possible after the test is taken, in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand;
- o) assist each school served by the agency and assisted under this part in developing or identifying examples of high-quality, effective curricula consistent with section 1111(b)(8)(D);
- p) establish and implement an agency-wide salary scale, a policy to ensure equivalence among schools in teachers, administrators, and other staff, and a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies; and
- q) **participate, if selected, in the State National Assessment of Educational Progress in fourth and eighth grade reading and mathematics carried out under Section 411(b)(2) of the National Education Statistics Act of 1994.**

[SOURCE: 20 U.S.C. 6314, 6315, 6317, 6321, and 6322.]

ATTACHMENT D
TITLE I, PART C, NCLB – EDUCATION OF MIGRATORY CHILDREN

In addition to the assurances contained in Attachment A, the following assurances apply specifically to all programs operated pursuant to Title I, Part C, NCLB, Education of Migratory Children:

35. Funds received under this part will be used only:
 - a) for programs and projects, including the acquisition of equipment, in accordance with section 1306; and
 - b) to coordinate such programs and projects with similar programs and projects within the State and in other States, as well as with other Federal programs that can benefit migratory children and their families.
36. Such programs and projects will be carried out in a manner consistent with the objectives of section 1114, subsections (b) and (d) of section 1115, subsections (b) and (c) of section 1120A, and Part I.
37. In the planning and operation of programs and projects at the local entity level, there is consultation with parent advisory councils for programs of 1 school year in duration, and that all such programs and projects are carried out:
 - a) in a manner that provides for the same parental involvement as is required for programs and projects under section 1118, unless extraordinary circumstances make such provision impractical; and
 - b) in a format and language understandable to the parents.
38. In planning and carrying out such programs and projects, there has been, and will be, adequate provision for addressing the unmet education needs of preschool migratory children.
39. The effectiveness of such programs and projects will be determined, where feasible, using the same approaches and standards that will be used to assess the performance of students, schools, and local educational agencies under part A.
40. To the extent feasible, such programs and projects will provide for:
 - a) advocacy and outreach activities for migratory children and their families, including informing such children and families of, or helping such children and families gain access to, other education, health, nutrition, and social services;
 - b) professional development programs, including mentoring, for teachers and other program personnel;

- c) family literacy programs, including such programs that use models developed under Even Start;
 - d) integration of information technology into educational and related programs; and
 - e) programs to facilitate the transition of secondary school students to postsecondary education or employment.
41. The entity will assist CDE in determining the number of migratory children under paragraphs (1)(A) and (2)(B)(1) of section 1303(a), through such procedures as CDE may require.

ATTACHMENT E
TITLE I, PART H, SUBPART 2, NCLB, SCHOOL DROPOUT PREVENTION INITIATIVE

In addition to the assurances contained in Attachment A, the following assurances apply specifically to all programs operated pursuant to Title I, Part H, Subpart 2, NCLB, School Dropout Prevention Initiative programs:

42. Funds provided under this subpart will supplement, and not supplant, other State and local funds available for school dropout prevention and reentry programs.
43. The local educational agency is committed to providing ongoing operational support for such schools to address the problem of school dropouts for a period of 5 years.
44. The local educational agency will support the plan, including:
 - a) provision of release time for teacher training;
 - b) efforts to coordinate activities for secondary schools and the middle schools that feed students into those secondary schools; and
 - c) encouraging other schools served by the local educational agency to participate in the plan.

ATTACHMENT F
TITLE II, PART A, NCLB, TEACHER AND PRINCIPAL TRAINING AND RECRUITING

In addition to the assurances contained in Attachment A, the following assurances specifically apply to all programs operated pursuant to the Title IIA, NCLB, Teacher and Principal Training and Recruiting Fund:

45. The local educational agency will target funds to schools within the jurisdiction of the local educational agency that – (A) have the lowest proportion of highly qualified teachers; (B) have the largest average class size; or (C) are identified for school improvement under section 1116(b).
46. The local educational agency will comply with section 9501 (regarding participation by private school children and teachers).

[SOURCE: 20 U.S.C. 6648 and 8893]

ATTACHMENT G
TITLE III, NCLB
ENGLISH LANGUAGE ACQUISITION AND LANGUAGE ENHANCEMENT

In addition to the assurances contained in Attachment A, the following assurances apply specifically to all programs operated pursuant to Title III, Part A, Subpart I, NCLB, English Language Acquisition and Language Enhancement programs:

47. The eligible entity assures that it:
- a) is complying with section 3302 of NCLB;
 - b) annually, will assess the English proficiency of all children with limited English proficiency participating in programs funded under this part;
 - c) has based its proposed plan on scientifically based research on teaching limited English proficient children;
 - d) will ensure that the programs will enable children to speak, read, write, and comprehend the English language and meet challenging State academic content and student achievement standards;
 - e) is not in violation of any State law, including State constitutional law, regarding the education of limited English proficient children, consistent with section 3126 and 3127 (NCLB);
 - f) consulted with teachers, researchers, school administrators, and parents, and, if appropriate, with education-related community groups and nonprofit organizations and institutions of higher education in developing such plan; and
 - g) all teachers in language instruction educational programs for limited English proficient children funded under Title III, Part A are fluent in English.

TITLE III, PART B, SUBPART 4, NCLB, EMERGENCY IMMIGRANT EDUCATION PROGRAM

In addition to the assurances contained in Attachment A, the following assurances apply specifically to all programs operated pursuant to Title III, Part B, Subpart 4, NCLB, Emergency Immigrant Education Program.

48. Funds received under this part will be used to pay for enhanced instructional opportunities for immigrant children and youth, which may include:

- a) family literacy, parent outreach, and parental training activities**

- b) support of personnel, including teacher aides to provide services to immigrant children and youth**

- c) tutorials, mentoring, and academic or career counseling**

- d) identification and acquisition of curricular materials, educational software, and technologies**

- e) provision of basic instructional services directly attributable to the presence of immigrant children and youth, including payment of additional classroom supplies, transportation, or other costs directly attributable to such additional basic services, and**

- f) other such activities, as authorized.**

[Source: ESEA SEC. 3247]

ATTACHMENT H
TITLE IV, PART A, NCLB, SAFE AND DRUG FREE SCHOOLS AND COMMUNITIES

In addition to the assurances contained in Attachment A, the following assurances specifically apply to all programs operated pursuant to the Safe and Drug-Free Schools and Communities Act, Title IVA of NCLB and the recipient hereby assures that:

49. The activities or programs to be funded comply with the principles of effectiveness described in section 4115(a) and foster a safe and drug-free learning environment that supports academic achievement.

50. The applicant has, or the schools to be served have, a plan for keeping schools safe and drug-free that includes:
 - a) appropriate and effective school discipline policies that prohibit disorderly conduct, the illegal possession of weapons, and the illegal use, possession, distribution, and sale of tobacco, alcohol and other drugs by students;
 - b) security procedures at school and while students are on the way to and from school;
 - c) prevention activities that are designed to create and maintain safe, disciplined, and drug-free environments;
 - d) a crisis management plan for responding to violent or traumatic incidents on school grounds; and
 - e) a code of conduct policy for all students that clearly states the responsibilities of students, teachers, and administrators in maintaining a classroom environment that:
 - i) allows a teacher to communicate effectively with all students in the class;
 - ii) allows all students in the class to learn;
 - iii) has consequences that are fair and developmentally appropriate;
 - iv) considers the student and the circumstances of the situations; and
 - v) is enforced accordingly.

51. The application and any waiver request under section 4115(a)(3) will be available for public review after submission of the application.

52. Such other assurances, goals, and objectives identified through scientifically based research that the State may reasonably require in accordance with the purpose of this part.

[SOURCE: 20 U.S.C. 7113, 7115, and 7116]

ATTACHMENT I
TITLE IV, PART B, NCLB, 21ST CENTURY COMMUNITY LEARNING CENTER GRANTS

In addition to the assurances contained in Attachment A, the following assurances apply specifically to all programs operated pursuant to Title IV, Part B, NCLB, 21st Century Community Learning Center Grants:

- 53. The program will take place in a safe and easily accessible facility.
- 53. The proposed program was developed, and will be carried out, in active collaboration with the schools the students attend.
- 54. The program will primarily target students who attend schools eligible for school wide programs under section 1114 and the families of such students.
- 55. Funds under this part will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this part, be made available for programs and activities authorized under this part, and in no case supplant Federal, State, local, or non-Federal funds.
- 56. The community will be given notice of an intent to submit an application and that the application and any waiver request will be available for public review after submission of the application.

ATTACHMENT J
TITLE V, PART A, NCLB, INNOVATIVE PROGRAMS

In addition to the assurances contained in Attachment A, the following assurances apply specifically to all programs operated pursuant to Title V, Part A, NCLB:

58. The local educational agency will comply with this part, including the provisions of section 5142 concerning the participation of children enrolled in private nonprofit schools.
59. Programs carried out under this part will be evaluated annually; the evaluation will be used to make decisions about appropriate changes in programs for the subsequent year; the evaluation will describe how assistance under this part affected student academic achievement and will include, at a minimum, information and data on the use of funds, the types of services furnished, and the students served under this part; and the evaluation will be submitted to the State educational agency at the time and in the manner requested by the State educational agency.
60. In the design, planning and implementation of programs, it will provide for systemic consultation with parent of children attending elementary and secondary schools in the areas served, with teachers and administrative personnel in such schools, and with other groups as may be appropriate.

[SOURCE: 20 U.S.C. 7353, 20 U.S.C. 7372]

ATTACHMENT K
TITLE V, PART B, NCLB, PUBLIC CHARTER SCHOOLS

In addition to the assurances contained in Attachment A, the following assurances specifically apply to all programs operated pursuant to Title V, Part B, NCLB, Public Charter School Grant Program:

61. The eligible applicant will annually provide the Secretary and the Colorado Department of Education such information as may be required to determine if the charter school is making satisfactory progress toward achieving objectives.
62. The applicant will cooperate with the Secretary and the Colorado Department of Education in evaluating the program assisted under this subpart.

[SOURCE: 20 USC 8062 and 8063]

ATTACHMENT L
TITLE VII, SUBTITLE B, STEWART MCKINNEY HOMELESS ASSISTANCE

In addition to the assurances contained in Attachment A, the following assurances specifically apply to all local educational agencies, pursuant to Title VII, Subpart B of the Stewart B. McKinney Homeless Assistance Act, as amended:

63. It will adopt policies and practices to ensure that homeless children and youths are not stigmatized or segregated on the basis of their status as homeless.
64. It will designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a local educational agency liaison for homeless children and youths.
65. It will adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin, in accordance with the following, as applicable:
 - a) If the homeless child or youth continues to live in the area served by the local educational agency in which the school of origin is located, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the local educational agency in which the school of origin is located.
 - b) If the homeless child's or youth's living arrangements in the area served by the local educational agency of origin terminate and the child or youth, though continuing his or her education in the school of origin, begins living in an area served by another local educational agency, the local educational agency of origin and the local educational agency in which the homeless child or youth is living shall agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally.

{SOURCE: 42 U.S.C. 11431, 11432, and 11433}

ATTACHMENT M
TITLE II, ADULT EDUCATION AND LITERACY WORKFORCE INVESTMENT ACT, 1998

In addition to the assurances contained in Attachment A, the following assurances apply specifically to all programs operated pursuant to Title II of the Adult Education and Literacy Workforce Investment Act of 1998:

66. The funds received under this subtitle will not be expended for any purpose other than for activities under this subtitle.
67. The entity will provide a description of how funds awarded under this subtitle will be spent.
68. The entity will provide a description of any cooperative arrangements the eligible provider has with any other agencies, institutions, or organizations for the delivery of adult education and literacy activities.