

Descriptor Term:

**IDDF**

**DISTRICT ASSURANCE FOR  
CHILDREN WITH DISABILITIES**

ISSUE DATE: **10-27-03**

It is the policy of the State Department of Education that each school/agency which provides educational opportunities to students with disabilities must have its local board adopt these policies and develop procedures to implement them in accord with the Handbook and the current State Plan.

**FREE APPROPRIATE PUBLIC EDUCATION** - The district provides free appropriate public educational programming for students with disabilities ages three through twenty. The District continues to implement procedures found in Mississippi Department of Education Policies and Procedures.

**FULL SERVICES GOAL** - The district is committed to serving students with disabilities and hereby sets a goal of providing full educational opportunities to all students with disabilities through age twenty-one by the year 2000. The opportunities will be provided in accordance with applicable state and federal laws and court decisions. At this point, Mississippi Law does not allow public schools to provide educational opportunities to students with disabilities over the age of twenty. The district ensures that special education teachers hold appropriate certification and training for the students they serve, related services personnel hold appropriate certification, or licensure for the services provided. Facilities housing special education and related services are appropriate and meet the criteria set forth in the State Plan regarding Least Restrictive Environment. The data provided in the Federal Data Reports submitted to the Department of Education accurately reflect the number and kind of personnel and services.

**CHILD FIND** - Each year the district will have an awareness campaign aimed at finding unserved students with disabilities ages birth through twenty-one. When a child who is suspected of having a disability is referred, a child study is implemented by the TST Team and, if he/she is found to be eligible, provided a free appropriate public education in accordance with applicable state and federal regulations. The procedures outlined in the Mississippi Department of Education Policies and Procedures will be implemented.

**INDIVIDUALIZED EDUCATION PROGRAM (IEP)** - The district will develop or revise, whichever is appropriate, and implement an Individualized Education Program for each student with disabilities. The program will be reviewed/revised at least annually and more often, as necessary. The procedures described in the Mississippi Department of Education Policies and Procedures, continue to be implemented.

**DUE PROCESS** - The district ensures that students with disabilities and their parents are guaranteed due process with respect to the provision of a free appropriate public education. Procedures described in the Mississippi Department of Education Policies and Procedures, continue to be implemented.

**LEAST RESTRICTIVE ENVIRONMENT** - The district, to the maximum extent appropriate, educates students with disabilities with students having no disabilities in their age range. The removal of the students with disabilities from the regular educational environment will occur only when the nature or severity of the disability is such that education in regular

**DISTRICT ASSURANCE FOR  
CHILDREN WITH DISABILITIES**ISSUE DATE: **10-27-03**

classes with supplementary aids and services cannot be achieved satisfactorily. A continuum of alternative placements based on individual students' IEPs will be provided to students with disabilities in the district. Placement of the students will be determined at least on an annual basis and will be as close to the student's home as possible. In selecting the least restrictive environment for each student, consideration is given to any potentially harmful effect on the student or the quality of services needed. The procedures in the Mississippi Department of Education Policies and Procedures continue to be implemented.

PROTECTION IN EVALUATION - Evaluation materials and placement procedures used by the district will be, to the maximum extent possible, selected and administered so as not to be racially or culturally discriminatory such that no student will be misclassified, misplaced, or unnecessarily labeled as having a disability because of the inappropriate selection, administration, or interpretation of the materials or procedures. Appropriate instructional interventions are implemented as required in Mississippi Department of Education Policies and Procedures. Specific procedures and requirements described in Mississippi Department of Education Policies and Procedures continue to be implemented.

CONFIDENTIALITY - The district will protect the confidentiality of all data in its records relative to students with disabilities. Procedures described in the Mississippi Department of Education Policies and Procedures, continue to be implemented.

PARTICIPATION OF PRIVATE SCHOOL CHILDREN - To the extent consistent with the number and location of students with disabilities residing in the district who are enrolled in private schools, an opportunity is being made available for their participation in activities assisted by or carried out under IDEA-Part B in accord with Mississippi Department of Education Policies and Procedures.

PLACEMENT IN PRIVATE SCHOOL - Any student placed in a private school by local school district personnel shall be provided a free appropriate public education in accordance with state and federal regulations. Procedures outlined in Mississippi Department of Education Policies and Procedures, continue to be implemented.

PLACEMENT BY A STATE AGENCY HAVING LEGAL CUSTODY OF A STUDENT WITH A DISABILITY - The district ensures students with disabilities residing in the district's jurisdiction under the legal custody of a state agency will be provided a free appropriate public education in accordance with state and federal regulations.

Procedures outlined in the Mississippi Department of Education Policies and Procedures, continue to be implemented.

Descriptor Term:

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**DISTRICT ASSURANCE FOR  
CHILDREN WITH DISABILITIES**

ISSUE DATE: **10-27-03**

COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT (CSPD) - The district will determine local inservice needs relative to serving students with disabilities. Such local inservice needs will be determined through information from the following: regular educators, paraprofessionals, Title 1 teachers, principals, related service personnel, and special education teachers. This information will be used in the development of the district's/agency's overall Professional Development Plan as required by the State Board of Education and Accountability Standards and in response to the Mississippi Department of Education's request for information regarding the agency's Comprehensive System of Personnel Development. Training on topics determined to be district/agency priorities of those needed to ensure the provision of free appropriate education services will be provided. Inservice sessions planned by the Mississippi Department of Education may be utilized to meet the needs of district/agency personnel; therefore, district/agency personnel will be provided an opportunity to participate in these sessions.

NONSUPPLANTING/EXCESS COSTS - The funds under Part B will not be commingled with State funds. Separate accounting systems that include an audit trail of the expenditures of the Part B funds will be utilized in accordance with Section 34 CFR 76.702 (Fiscal control and funding accounting procedures).

The funds allocated under Part B will be used only to pay the excess cost of providing special education and related services to children with disabilities consistent with Section 300.185 of the March 12, 1999 Federal Regulations.

Part B funds will be used to supplement State, local and other federal funds and not to supplant those funds except as provided in Section 300.233 of the March 12, 1999 Federal Regulations.

Except as provided in Sections 300.231 and 300.233 of the March 12, 1999 Federal Regulations, funds under Part B will not be used to reduce the level of expenditures for the education of children with disabilities made from local funds below the level of those expenditures for the preceding fiscal year.

The amount of Part B funds for any fiscal year utilized to carry out a school-wide program under section 1114 of the Elementary and Secondary Education Act of 1965 will not exceed:

- a. the amount received by the agency under Part B for that fiscal year; divided by the number of children with disabilities participating in the school-wide program.

The Part B funds used for this purpose will be considered Federal Part B funds for the purposes of calculations required to determine excess costs and the requirements of supplementing funds as addressed above. The Part B funds may be used without regard to the applicable requirements if IDEA, Part B except those children with disabilities in school-wide programs must:

Descriptor Term:

**IDDF**

**DISTRICT ASSURANCE FOR  
CHILDREN WITH DISABILITIES**

ISSUE DATE: **10-27-03**

- a. received services in accordance with a properly developed IEP; and
- b. be afforded all of the rights and services guaranteed to children with disabilities under IDEA.

The requirements of Part B as addressed above, as well as the applicable requirements of Part B, will not be violated if the district/agency utilized Part B funds to:

- a. allow one or more nondisabled children to benefit from special education, related services and supplementary aids and services, for the costs of providing such services in a regular class or other education-related setting to a child with a disability in accordance with the IEP of the child ; and/or
- b. develop and implement a fully integrated and coordinated services system in accordance with Section 300.244 of the March 12, 1999 Federal Regulations.

**INFORMATION REPORTS** – The district/agency will provide the Mississippi Department of Education with the correct information and reports relative to IDEA, Part B and Preschool as requested. The district/agency will provide information requested relevant to the performance goals for the State and information required regarding the participation of children with disabilities in general State and agency-wide assessments. The district/agency will keep such records as are required and will afford access thereto as the Mississippi Department of Education may find necessary to assure their correctness and to verify any parts of such records.

If the LEA has an approved Charter School, the LEA will serve children with disabilities attending such schools in the same manner as it serves children with disabilities in its other schools and will provide funds under Part B to those schools in the same manner as it provides those funds to its other schools.

**PUBLIC PARTICIPATION** - Parents of children with disabilities have been involved in the development of the district's plan for full services to children with disabilities. Procedures for parental involvement are outlined in this application. All documents related to eligibility of the agency under Part B will be maintained on file and made available to parents of children with disabilities and to the general public.

**OTHER** - The district will, in the conduct of this program or project, coordinate its activities under the State Plan with such programs conducted by other agencies in its area.

The district adheres to the provisions under Title VI of the Civil Rights Acts of 1964, as amended, 45 U.S.C. 2000d et seq., which prohibit discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance.

The district adheres to the provisions under Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, which prohibit discrimination on the basis of disability in programs and activities receiving federal financial assistance.

Descriptor Term:

**IDDF**

**DISTRICT ASSURANCE FOR  
CHILDREN WITH DISABILITIES**

ISSUE DATE: **10-27-03**

The district adheres to the provisions under Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 et seq., which prohibit discrimination on the basis of sex in education programs and activities receiving federal financial assistance.

The district adheres to the provisions under The Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 et seq., which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance.

The district ensures that all equipment previously purchased using IDEA - Part B or Preschool funds is on a district inventory and is being utilized in the provision of special education services; any deviations from this are explained in an attachment.

The district adheres to the applicable provisions of the Education Department General Administrative Regulations (EDGAR): 34 CFR Part 76 (except 76.125-137, 650-652) 77, 79, 80, 81, 82, and 85.

The district assures that the funds made available under Preschool will only be used for providing services to 3, 4, and 5 year old children with disabilities.

The district assures that it will use fiscal control fund accounting procedures that insure proper distribution of, and accounting for, federal funds.

The district assures that it will submit corrective action plans and clarifications, as requested, in response to final site visit reports for the most recent special education program review report.

The district adheres to the following requirements of Section 436 of the General Education Provisions Act (GEPA), 20 U.S.C., Section 1232e in order to comply with the provisions contained in 34 CFR, Section 76.301 of EDGAR:

The district will administer each program in accordance with all statutes, regulations, program plans, and applications applicable to that program.

The control of funds under each program and title to property acquired with those funds will be in a public agency and a public agency will administer those funds and property.

The district will use fiscal control and fund accounting procedures what will ensure proper disbursement of, and accounting for, federal funds paid to it under each program.

None of these 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.

Descriptor Term:

**IDDF**

**DISTRICT ASSURANCE FOR  
CHILDREN WITH DISABILITIES**

ISSUE DATE: **10-27-03**

The district 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.

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.

That in the case of any project involving construction --

the project is not inconsistent with overall state plans for the construction of school facilities and 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) in order to ensure that facilities constructed with the use of federal funds are accessible to and usable by individuals with disabilities

The district has adopted effective procedures for acquiring and disseminating to teachers and administrators participating in each program significant information from education research, demonstrations, and similar projects, and for adopting where appropriate, promising educational practices developed through such projects.

The district will maintain such records, including those pertaining to fiscal audit and program evaluation, and provide access to records upon request to representatives of the Mississippi Department of Education or the U.S. Department of Education as such representatives deem necessary to perform their duties.

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

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,

**DISTRICT ASSURANCE FOR  
CHILDREN WITH DISABILITIES**

ISSUE DATE: **10-27-03**

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 subgrant application, contract or cooperative agreement to which the disclosure applies. This form is available upon request from Mississippi Department of Education, Office of Special Education

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

The district assures that:

All state funds received through the Division of School Building and Transportation will be budgeted/expended before IDEA-Part B and Preschool funds are expended. That is IDEA-Part B and Preschool Funds are not being used instead of available state transportation funds.

All state funds available for Professional development will be budgeted/expended before IDEA-Part B and Preschool funds are expended. That is IDEA-Part B and Preschool funds are not being used instead of available state professional development funds.

The regulations of Section 34 CFR part 5 [Government wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug- Free Workplace (Grants)] are implemented, as required.

IDEA-Part B and Preschool funds will be used to provide tuition or educational assistance to teachers of children with disabilities only if local/state sources of funding are not available (e.g., tuition-free courses).

A time sheet will be maintained on file in the district to verify the percentage of time spent on prorated job responsibilities. If the amount of time actually spent varies from the percentage indicated in the Budget Narrative, actual charges to each budget will be modified to match the time sheets.

All available State Textbook Funds allocated to this district will have been budgeted/expended before IDEA-Part B and Preschool funds are expended. That is IDEA-Part B and Preschool funds are not being used instead of available State Textbook Funds.