



TEXAS EDUCATION AGENCY

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Program-Specific  
Provisions and Assurances

American Recovery and Reinvestment Act (ARRA)  
of 2009 (Stimulus Funding)  
No Child Left Behind Grant

2009–2010 School Year

TEXAS EDUCATION AGENCY

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**1701 North Congress Avenue  
Austin, Texas 78701**

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# Provisions and Assurances for No Child Left Behind

## Title I, Part A

### 1. General Assurances Relating to Title I, Part A

The LEA assures the following:

- A. Title I, Part A, funds are used only to supplement the funds that would, in the absence of Title I, Part A, funds, be made available from nonfederal sources for the education of students participating in programs and projects assisted under Title I, Part A. In no case may Title I, Part A, funds be used to supplant funds from nonfederal sources.  
[P.L. 107–110, Section 1120A]
- B. Comparability of Services are supported as follows:
  - State and local funds will be used in Title I, Part A, schools to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving Title I, Part A, funds. Where all school attendance areas in the local education agency (LEA) are designated as project areas, the LEA assures it will utilize State and local funds to provide services which, taken as a whole, are substantially comparable in each project area (not applicable for an LEA that does not have more than one building for each grade span).
  - The LEA has established and implemented the following written policies:
    - i. a districtwide salary schedule
    - ii. a written policy to ensure equivalence among schools in teachers, administrators, and other staff
    - iii. a written policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies
  - The LEA has developed procedures for compliance with these provisions and will maintain records, such as but not limited to, a comparability report, which documents compliance.  
[Public Law (P.L.) 107–110, Section 1120A]
- C. Either the combined fiscal effort per student or the aggregate expenditures of the LEA with respect to the provision of free public education for the preceding fiscal year was not less than 90% of the combined fiscal effort or aggregate expenditures for the second preceding fiscal year.  
[P.L. 107–110, Sections 1120A and 9521]
- D. The LEA will maintain records to document the number of students from low-income families, the students who meet the eligibility criteria, and the students identified as having the greatest need for special assistance. [P.L. 107–110, Sections 1113 and 1115]
- E. The LEA will participate, if selected, in the State National Assessment of Educational Progress in 4th and 8th grade reading and mathematics carried out under section 411(b)(2) of the National Education Statistics Act of 1994.  
[P.L. 107–110, Section 1112(b)(1)(F)]

- F. At the beginning of each school year, the LEA will notify the parents of each student attending any school receiving Title I, Part A, funds that the parents may request and the LEA will provide the parents on request (in a timely manner and in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand) information regarding the professional qualifications of the student's classroom teachers, including at a minimum, the following:
- whether the teacher has met State qualifications and licensing criteria for the grade levels and subject areas in which the teacher provides instruction
  - whether the teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived
  - what the baccalaureate degree major of the teacher is and whether any other graduate certification or degree is held by the teacher, and what field of discipline for the certification or degree
  - whether the child is provided services by paraprofessionals, and if so, their qualifications [P.L. 107–110, Section 1111(h)(6)]
- G. In addition to the information that parents may request as stated in 1-F, a school that receives Title I, Part A, funds will provide to each individual parent the following:
- information on the level of achievement of the parent's child in each of the State academic assessments as required by Title I, Part A
  - timely notice that the parent's child has been assigned or has been taught for four or more consecutive weeks by a teacher who is not highly qualified [P.L. 107–110, Section 1111(h)(6)]
- H. Among campuses served under Title I, Part A, funds will be allocated for instructional services and supporting services where applicable on the basis of the total number of children from low-income families in each area or school and the related costs of the Title I, Part A programs to be implemented. If the LEA chooses to serve one or more campuses with a low-income percentage below 35%, the LEA assures that it will allocate funds on the following basis to ALL campuses served. [P.L. 107–110, Section 1113]

Total LEA entitlement ÷ Total number of low-income students in LEA = Base amount per pupil.

Base amount per pupil x at least 125% = Minimum amount per pupil to ALL campuses served.

**Exception:** If an LEA uses the feeder pattern of an elementary school with a low-income percentage of 35% or more to establish the low-income percentage of a middle school or high school whose original low-income percentage was below 35%, the LEA must apply the 125% Special Allocation Rule only if the LEA is serving a campus below 35% that is not affected by the feeder pattern (Correspondence from the U.S. Department of Education, September 11, 1995).

- I. If the LEA has chosen not to provide services to a campus with Title I, Part A, funds while providing Title I, Part A, services to another campus with a similar grade span and a smaller percentage of students meeting low-income criteria, thus skipping one or more campuses, the LEA assures, in accordance with Section 1113(b)(1)(D), that all of the following conditions are met at each skipped campus:

- i. The campus meets the comparability requirements of Section 1120A(c).
- ii. The campus is receiving supplemental funds from other state and local sources that are spent according to the requirements of Section 1114 (schoolwide programs) or 1115 (targeted assistance schools).
- iii. The funds expended from such other sources equal or exceed the amount that would be provided by Title I, Part A.

**Note:** Multiple attendance areas that have more than 75% of the students meeting low-income criteria but are not receiving Title I, Part A, funds shall be considered skipped if a campus with a lower percentage of students in poverty is served, regardless of grade spans.

2. Assurances Relating to the Title I Program Plan

The LEA assures the following:

- A. The LEA has coordinated the Title I Program Plan described in this application with other Elementary and Secondary Act (ESEA) programs, the Individuals with Disabilities Education Act (IDEA), the Carl D. Perkins Vocational and Technical Education Act of 1998, the McKinney-Vento Homeless Assistance Act, and other Acts, as appropriate. [P.L. 107–110, Section 1112(a)]
- B. The Title I Program Plan description in this application has been developed in consultation with teachers, principals, administrators (including administrators of programs in other parts of Title I), and other appropriate school personnel, and with parents of children in Title I, Part A, schools. [P.L. 107–110, Section 1112(d)(1)]
- C. The Title I Program Plan description in this application will be periodically reviewed and, as necessary, revised. [P.L. 107–110, Section 1112(d)(3)]
- D. The LEA will coordinate and integrate Title I, Part A, services with other educational services at the LEA or individual campus level, such as Even Start, Head Start, Reading First, Early Reading First, and other preschool programs, including plans for the transition of participants in such programs to local elementary school programs and services for children with limited English proficiency; children with disabilities; migratory children; neglected or delinquent youth; Indian children served under of Title VII, Part A; homeless children; and immigrant children in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program. [P.L. 107–110, Section 1112(b)(1)(E)]
- E. The LEA will conduct an annual evaluation of programs assisted with Title I, Part A, funds and will use the findings of this and other evaluations in modifying and improving the program. Evaluation results are to be disaggregated within each LEA and campus by the following:
  - gender
  - each major racial and ethnic group
  - English proficiency status
  - migrant status

- students with disabilities as compared to nondisabled students
  - economically disadvantaged students as compared to students who are not economically disadvantaged [P.L. 107–110, Section 1111(b)(3)(C)]
- F. The LEA is working in consultation with campuses as the campuses develop plans pursuant to section 1114 (schoolwide programs), and it is assisting campuses as they implement such plans or undertake activities pursuant to section 1115 (targeted assistance campuses) so that each campus can make adequate yearly progress toward meeting the State student academic achievement standards. [P.L. 107–110, Section 1112(c)(1)(C)]
- G. The LEA will fulfill its school improvement responsibilities under section 1116. [P.L. 107–110, Section 1112(c)(1)(D)]
- H. The LEA has taken 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 Title I, Part A, campuses. [P.L. 107–110, Section 1112(c)(1)(F)]
- I. The LEA will provide services to eligible students attending private elementary and secondary schools in accordance with section 1120 (Participation of Children Enrolled in Private Schools) and will provide timely, ongoing, and meaningful consultation with private school officials regarding such services. [P.L. 107–110, Section 1112(c)(1)(E)]
- J. If the LEA chooses to use Title I, Part A, funds to provide early childhood development services to low-income children below the age of compulsory school attendance, such services will comply with the performance standards established under section 641A(a) of the Head Start Act. [P.L. 107–110, Section 1112(c)(1)(G)]
- This requirement does not apply to preschool programs using the Even Start model or to Even Start programs that are expanded through the use of Title I, Part A, funds. [P.L. 107–110, Section 1112(c)(3)]
- K. The LEA will work in consultation with campuses as they develop and implement their plans or activities under sections 1118 and 1119. [P.L. 107–110, Section 1112(c)(1)(H)]
- L. The LEA will comply with the requirements of section 1119 regarding the qualifications of teachers and paraprofessionals and regarding professional development. [P.L. 107–110, Section 1112(c)(1)(I)]
- M. The LEA will inform eligible campuses of the LEA’s authority to obtain waivers on the campuses’ behalf under the Ed-Flex Partnership Act of 1999. [P.L. 107–110, Section 1112(c)(1)(J)]
- N. The LEA will coordinate and collaborate, to the extent feasible and necessary as determined by the LEA, with the Texas Education Agency (TEA) and other agencies providing services to children, youth, and families with respect to a campus in school improvement, corrective action, or restructuring under section 1116 if such a campus requests assistance from the LEA in addressing major factors that have significantly affected student achievement at the campus. [P.L. 107–110, Section 1112(c)(1)(K)]
- O. The LEA will 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.

[P.L. 107–110, Section 1112(c)(1)(L)]

- P. The LEA will use the results of the student academic assessments required under section 1111(b)(3), and other measures or indicators available to the LEA, to review annually the progress of each campus served and receiving Title I, Part A, funds with the object of determining whether all campuses 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 baseline year described in section 1111(b)(2)(E)(ii). [P.L. 107–110, Section 1112(c)(1)(M)]
- Q. The LEA will 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.  
[P.L. 107–110, Section 1112(c)(1)(N)]
- R. The LEA will assist each Title I, Part A, campus in developing or identifying examples of high-quality, effective curricula consistent with section 1111(b)(8)(D).  
[P.L. 107–110, Section 1112(c)(1)(O)]

### 3. Assurances Relating to Schoolwide Programs

The LEA assures the following:

- A. All eligible campuses and parents have been informed concerning the statute, rules, and regulations authorizing schoolwide programs. [P.L. 107–110, Section 1112(c)(1)(A)]
- B. The LEA has provided and will continue to provide technical assistance and support to schoolwide programs. [P.L. 107–110, Section 1112(c)(1)(B)]
- C. Each campus participating as a Schoolwide Program under Title I, Part A, has developed a Schoolwide Program Plan in consultation with the LEA and its school support team or other technical assistance provider under section 1117. [P.L. 107–110, Section 1114(b)(2)]
- D. The comprehensive plan developed by each schoolwide program campus has been developed during a one-year period, unless the following occurs:
- The LEA, after considering the recommendation of the technical assistance providers under section 1117, determines that less time is needed to develop and implement the schoolwide program.
  - The campus is operating a schoolwide program on the day preceding the date of enactment of No Child Left Behind Act (NCLB) of 2001 but shall develop amendments to its existing plan during the first year of assistance after that date to reflect the provisions of this section. [P.L. 107–110, Section 1114(b)(2)(B)]
- E. Each schoolwide program plan addresses each of the following components—
- a comprehensive needs assessment of the entire campus that is based on information that includes the achievement of students in relation to the State academic content standards and the State student academic achievement standards

- schoolwide reform strategies that do the following:
  - i. provide opportunities for all students to meet the State’s proficient and advanced levels of student academic achievement
  - ii. use effective methods and instructional strategies that are based on scientifically based research that do the following:
    - a. strengthen the core academic program in the school
    - b. increase the amount and quality of learning time, such as providing an extended school year, before- and after-school programs, and summer programs and opportunities, and help provide an enriched and accelerated curriculum
    - c. include strategies for meeting the educational needs of historically underserved populations
  - iii. do the following:
    - a. include strategies to address the needs of all students in the school but particularly the needs of low-achieving students and those at risk of not meeting the State student academic achievement standards who are members of the target population of any program that is included in the schoolwide program
    - b. address how the school will determine if such needs have been met
  - iv. are consistent with, and are designed to implement, the following State and local improvement plans, if any:
    - a. instruction by highly qualified professional teachers
    - b. in accordance with section 1119 and section 1114(a)(4), high-quality and ongoing professional development for teachers, principals, and paraprofessionals, and if appropriate, pupil services personnel, parents, and other staff to enable all children at the campus to meet the State’s student academic achievement standards
    - c. strategies to increase parental involvement in accordance with section 1118, such as family literacy services
    - d. strategies to attract high-quality, highly qualified teachers to high-need schools
    - e. plans for assisting preschool children in the transition from early childhood programs, such as Head Start, Even Start, Early Reading First, or a State-run preschool program, to local elementary school programs
    - f. measures to include teachers in the decisions regarding the use of academic assessments described in section 1111(b)(3) in order to provide information on and to improve the achievement of individual students and the overall instructional program

- g. activities to ensure that students who experience difficulty mastering the proficient or advanced levels of academic achievement standards required by section 1111(b)(1) must be provided with effective, timely additional assistance which shall include measures to ensure that students' difficulties are identified on a timely basis and to provide sufficient information on which to base effective assistance
  - h. coordination and integration of Federal, State, and local services and programs, including programs supported under this Act, violence prevention programs, nutrition programs, housing programs, Head Start, adult education, vocational and technical education, and job training [P.L. 107–110, Section 1114(b)(1)]
- F. Each schoolwide program plan does the following:
- describes how the campus will implement the ten schoolwide components
  - describes how the campus will use Title I, Part A, resources and other sources to implement those components
  - includes a list of State and LEA programs and other Federal programs that will be included in the schoolwide program
  - describes how the campus will provide individual student academic assessment results in a language the parents can understand, including an interpretation of those results, to the parents of a child who participates in the academic assessments required by section 1111(b)(3) [P.L. 107–110, Section 1114(b)(2)(A)]
- G. Each schoolwide program plan was developed with the involvement of parents and other members of the community to be served and individuals who will carry out the plan, including teachers, principals, and administrators, including administrators of other Title I programs, and if appropriate, pupil services personnel, technical assistance providers, school staff, and if the plan relates to a secondary campus, students from such campus. [P.L. 107–110, Section 1114(b)(2)(B)]
- H. The schoolwide program plan will be in effect during the campus's participation under Title I, Part A, and will be reviewed and revised, as necessary, by the campus. [P.L. 107–110, Section 1114(b)(2)(B)]
- I. The schoolwide program plan is available to the LEA, parents, and the public, and the information contained in the plan is in an understandable and uniform format, and to the extent practicable, provided in a language that the parents can understand. [P.L. 107–110, Section 1114(b)(2)(B)]
- J. The schoolwide program, if appropriate, was developed in coordination with programs under Reading First, Early Reading First, Even Start, Carl D. Perkins Vocational and Technical Education Act of 1998, and the Head Start Act. [P.L. 107–110, Section 1114(b)(2)(B)]
4. Assurances Relating to Targeted Assistance Programs

The LEA assures the following:

- A. All campuses selected to receive services using Title I, Part A, funds but that are ineligible for a schoolwide program or choose not to operate a schoolwide program will only use Title I, Part A, funds for programs that provide services to eligible children identified as having the greatest need for special assistance.  
[P.L. 107–110, Section 1115(a)]
- B. Each targeted assistance program implements the following eight components:
- uses Title I, Part A, resources to help participating students meet the State’s challenging student academic achievement standards expected for all children
  - ensures that planning for students served under Title I, Part A, is incorporated into existing school planning
  - uses effective methods and instructional strategies that are based on scientifically based research that strengthens the core academic program of the campus; that give primary consideration to providing extended learning time, such as extended school year, before- and after-school, and summer programs and opportunities; that help provide an accelerated, high-quality curriculum, including applied learning; and that minimize removing students from the regular classroom during regular school hours for instruction provided under Title I, Part A
  - coordinate with and support the regular education program, which may include services to assist preschool children in the transition from early childhood programs such as Head Start, Even Start, Early Reading First, or State-run preschool programs to elementary programs
  - provide instruction by highly qualified teachers
  - in accordance with P.L. 107–110, Sections 1115(e)(3) and 1119, provide opportunities for professional development with resources provided under Title I, Part A, and to the extent practicable from other sources, for teachers, principals, and paraprofessionals, including, if appropriate, pupil services personnel, parents, and other staff, who work with participating students in targeted assistance programs or in the regular education programs
  - provide strategies to increase parental involvement in accordance with section 1118, such as family literacy services
  - coordinate and integrate Federal, State, and local services and programs, including programs supported under this Act, violence prevention programs, nutrition programs, housing programs, Head Start, adult education, vocational and technical education, and job training [P.L. 107–110, Section 1115(c)(1)]
- C. Each campus conducting a targeted assistance program will assist participating children selected in accordance with 1115(b) to meet the State’s proficient and advanced levels of achievement by the following:
- coordinating Title I, Part A, resources with other resources
  - reviewing, on an ongoing basis, the progress of participating children and revising the targeted assistance program, if necessary, to provide additional assistance—such as an extended school year, before- and after-school, and summer programs and opportunities, training for teachers on how to identify students who need additional assistance, and

training for teachers on how to implement student academic achievement standards in the classroom—to enable such students to meet the State’s challenging student academic achievement standards [P.L. 107–110, Section 1115(c)(2)]

- D. Students who are economically disadvantaged, children with disabilities, migrant children, or LEP children are eligible for Title I, Part A, services on the same basis as other students selected to receive Title I, Part A, services.  
[P.L. 107–110, Section 1115(b)(2)]
  - E. Children who participated in a Head Start, Even Start, Early Reading First program, or in preschool services under Title I at any time during the two preceding years are also eligible to receive Title I, Part A services. [P.L. 107–110, Section 1115(b)(2)]
  - F. Children who received services under Title I, Part C, at any time during the two preceding years are eligible to receive Title I, Part A services.  
[P.L. 107–110, Section 1115(b)(2)]
  - G. Children residing in local institutions for neglected or delinquent children and youth or attending a community day program are eligible for Title I, Part A services.  
[P.L. 107–110, Section 1115(b)(2)]
  - H. Children who are homeless and attend any school served by the LEA are eligible for Title I, Part A, services. [P.L. 107–110, Section 1115(b)(2)]
5. Assurances Relating to Qualifications for Teachers and Paraprofessionals

The LEA assures the following:

- A. Teachers hired after the first day of school year 2002–2003 who teach in a core academic subject area must be highly qualified if teaching in a program supported with Title I, Part A, funds. [P.L. 107–110, Section 1119(a)(1)]
- B. A plan has been developed to ensure that all teachers teaching in core academic subjects within the LEA are highly qualified not later than the end of the 2005–2006 school year. [P.L. 107–110, Section 1119(a)(3)]
- C. Each year the LEA will publicly report the annual progress of the LEA as a whole and of each of the Title I, Part A, campuses in meeting the following measurable objectives:
  - an annual increase in the percentage of highly qualified teachers at the LEA, to ensure that all teachers teaching in core academic subjects are highly qualified not later than the end of the 2005–2006 school year
  - an annual increase in the percentage of teachers who are receiving high-quality professional development to enable such teachers to become highly qualified and successful classroom teachers [P.L. 107–110, Section 1119]
- D. All paraprofessionals hired after January 8, 2002, and working in a program supported with Title I, Part A, funds have achieved the following:
  - completed at least two years of study at an institution of higher education
  - obtained an associate’s (or higher) degree

- met a rigorous standard of quality and can demonstrate one of the following through a formal State or local academic assessment:
  - i. knowledge of and the ability to assist in instructing reading, writing, and mathematics
  - ii. knowledge of and the ability to assist in instructing reading readiness, writing readiness, and mathematics readiness, as appropriate

**Clarification:** The receipt of a secondary school diploma (or its recognized equivalent) shall be necessary but not sufficient to satisfy this requirement. [P.L. 107–110, Section 1119(c)]

- E. All paraprofessionals hired before January 8, 2002, and working in a program supported with Title I, Part A, funds will, not later than four years after January 8, 2002, satisfy the requirements stated in 5-D. [P.L. 107–110, Section 1119(d)]

**Exceptions:** The requirements stated in 5-D and 5-E do not apply to a paraprofessional meeting either of the following:

- who is proficient in English and a language other than English and who provides services primarily to enhance the participation of students in Title I, Part A, programs by acting as a translator
- whose duties consist solely of conducting parental involvement activities consistent with section 1118 [P.L. 107–110, Section 1119(e)]

- F. All paraprofessionals working in a program supported with Title I, Part A, funds, regardless of the paraprofessional's hiring date, have earned a secondary school diploma or its recognized equivalent. [P.L. 107–110, Section 1119(f)]
- G. A paraprofessional working in a program supported with Title I, Part A, funds is not assigned to a duty inconsistent with section 1119. [P.L. 107–110, Section 1119(g)]
- H. A paraprofessional does not provide any instructional services to a student unless the paraprofessional is working under the direct supervision of a teacher consistent with section 1119. [P.L. 107–110, Section 1119(g)(3)]
- I. The principal of each Title I, Part A, campus attests annually in writing whether such campus is in compliance with the requirements of section 1119. Copies of attestations meet the following:
- are maintained at each Title I, Part A, campus and at the main office of the LEA
  - are available to any member of the general public on request [P.L. 107–110, Section 1119(i)]
- J. The LEA will use, unless a lesser amount is sufficient, not less than 5% or more than 10% of Title I, Part A, funds for each of fiscal years 2002 and 2003, and not less than 5% of the funds for each subsequent fiscal year for professional development activities to ensure that teachers who are not highly qualified become highly qualified not later than the end of the 2005–2006 school year and that paraprofessionals meet the requirements in section 1119. [P.L. 107–110, Section 1119(l)]

## 6. Assurances Relating to Parental Involvement

The LEA assures the following:

- A. If the LEA's Title I, Part A, entitlement is more than \$500,000, the LEA shall reserve at least 1% of its Title I, Part A, entitlement for parental involvement activities, including promoting family literacy and parenting skills.
- Parents of children receiving Title I, Part A, services are involved in the decisions about how these funds are allotted for parental involvement activities.
  - Not less than 95% of the funds reserved for parental involvement activities will be distributed to Title I, Part A, campuses. [P.L. 107–110, Section 1118(a)(3)]
- B. The LEA is implementing programs, activities, and procedures for the involvement of parents in programs assisted under Title I, Part A, consistent with the provisions of section 1118 (Parental Involvement). [P.L. 107–110, Section 1118(a)(1)]
- C. Parental involvement programs, activities, and procedures provided with Title I, Part A, funds are planned and implemented with meaningful consultation with parents of participating children. [P.L. 107–110, Section 1118(a)(1)]
- D. The LEA has developed jointly with, agreed upon with, and distributed to parents of participating children a written parent involvement policy that is incorporated into the LEA's plan developed under section 1112, establishes the expectations for parent involvement, and describes how the LEA will accomplish the following:
- involve parents in the joint development of the LEA Plan (Section 1112) and the process of school review and improvement (Section 1116)
  - provide the coordination, technical assistance, and other support necessary to assist participating schools in planning and implementing effective parental involvement activities to improve student academic achievement and school performance
  - build the capacity of schools and parents for strong parental involvement, as described in section 1118(e)
  - coordinate and integrate parental involvement strategies under Title I, Part A, with parental involvement strategies under other programs, such as Head Start, Reading First, Early Reading First, Even Start programs, Parents as Teachers, Home Instruction Program for Preschool Youngsters, and State-run preschool programs
  - conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of the parental involvement policy to examine the following:
    - improve the academic quality of the Title I, Part A, schools
    - identify barriers to greater participation by parents in activities authorized by section 1118, giving particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background

- use the findings of these evaluations in designing strategies for more effective parental involvement and revising, if necessary, the parental involvement policies described in section 1118
  - involve parents in the activities of the schools served under section 1118 [P.L. 107–110, Section 1118(a)(2)]
- E. Each campus served under Title I, Part A, has jointly developed with and distributed to parents of participating children a written parental involvement policy, agreed upon by such parents, that describes the means for carrying out the following parental involvement requirements:
- policy involvement
  - shared responsibilities for high student academic achievement
  - building capacity for involvement
  - accessibility

Parents are notified of the policy in an understandable and uniform format, and to the extent practicable, provided in a language the parents can understand. Such policy is made available to the local community and updated periodically to meet the changing needs of parents and the school. [P.L. 107–110, Section 1118(b)(1)]

- F. If the Title I program plan description in this application developed under section 1112 is not satisfactory to the parents of participating children, the LEA will submit any parent comments with this application to the State. [P.L. 107–110, Section 1118(b)(4)]
- G. Each campus served under Title I, Part A, does the following:
- convenes an annual meeting, at a convenient time, to which all parents of participating students are invited and encouraged to attend, to inform parents of their campus's participation under Title I, Part A, and to explain Title I, Part A, requirements, and the right of the parents to be involved
  - offers a flexible number of meetings, such as meetings in the morning or evening
  - involves parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of Title I, Part A, programs, including the campus parental involvement policy and the joint development of the schoolwide program plan under section 1114(b)(2), except that if a campus has in place a process for involving parents in the joint planning and design of its programs, the campus may use that process, if such process includes an adequate representation of parents of participating students
  - provides parents of participating students the following:
    - timely information about Title I, Part A, programs
    - a description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet

- if requested by parents, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children, and responds to any such suggestions as soon as practicably possible
- if the schoolwide program plan under section 1114(b)(2) is not satisfactory to the parents of participating students, a submission of any parent comments on the plan when the campus makes the plan available to the LEA  
[P.L. 107–110, Section 1118(c)]

H. Each campus served under Title I, Part A, will jointly develop with parents, for all students served under Title I, Part A, a school-parent compact that outlines how parents, the entire campus staff, and the students will share the responsibility for improved student academic achievement, and which means the school and parents will use to build and develop a partnership to help children achieve the State's high standards.

Such a compact does the following:

- describes the responsibility of the campus to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables the children served under Title I, Part A, to meet the State's student academic achievement standards, and describes the ways in which each parent will be responsible for supporting his or her children's learning, such as monitoring attendance, homework completion, and television watching; volunteering in the child's classroom; participating, as appropriate, in decisions relating to the education of their children; and making positive use of extracurricular time
- addresses the importance of communication between teachers and parents on an ongoing basis through, at a minimum, the following:
  - parent-teacher conferences in elementary schools at least annually, during which the compact is discussed as it relates to the individual child's achievement
  - frequent reports to parents on their children's progress
  - reasonable access to staff, opportunities to volunteer and participate in their child's class, and observation of classroom activities  
[P.L. 107–110, Section 1118(d)]

I. In carrying out the parental involvement requirements of Title I, Part A, the LEA and the campuses, to the extent practicable, provide full opportunities for the participation of parents with limited English proficiency, parents with disabilities, and parents of migratory children, including providing information and school reports required under section 1111 in a format, and to the extent practicable, in a language such parents understand. [P.L. 107–110, Section 1118(f)]

J. To ensure effective involvement of parents and to support a partnership among the campus involved, parents, and the community to improve student academic achievement, each campus and the LEA will do the following:

- provide assistance to parents of children served by the school or LEA, as appropriate, in understanding such topics as the State's academic content standards and State student academic achievement standards, State and local academic assessments, the requirements of Title I, Part A, and information on monitoring a child's progress and working with educators to improve the achievement of their children

- provide materials and training, such as literacy training and using technology, to help parents work with their children to improve their achievement, as appropriate, to foster parental involvement
  - educate teachers, pupil services personnel, principals, and other staff with the assistance of parents in understanding the value and utility of contributions of parents, and in reaching out to, communicating with, and working with parents as equal partners, implementing and coordinating parent programs, and building ties between parents and school
  - to the extent feasible and appropriate, coordinate and integrate parent involvement programs and activities with Head Start, Reading First, Early Reading First, Even Start, the Home Instruction Programs for Preschool Youngsters, the Parents as Teachers Program, and public preschool and other programs, and conduct other activities, such as parent resource centers, that encourage and support parents in more fully participating in the education of their children
  - ensure that information related to school and parent programs, meetings, and other activities is sent to the parents of participating children in a format, and to the extent practicable, in a language the parents can understand
  - provide such other reasonable support for parental involvement activities under Title I, Part A, as parents may request [P.L. 107–110, Section 1118(e)]
- K. The LEA and campuses receiving Title I, Part A, assistance will inform parents and organizations of the existence and purpose of parental information and resource centers.
7. Assurance Relating to Coordination

The LEA assures the following:

- A. The LEA will conduct activities which increase coordination among the LEA, Head Start agencies, and if feasible, other early childhood development programs, such as the Early Reading First program. Among those activities are the following:
- developing and implementing a systematic procedure for receiving records about children who are transferred with parental consent from a Head Start program or other early childhood programs such as the Early Reading First program
  - establishing channels of communication between school staff and their counterparts (including teachers, social workers, and health staff) in such Head Start agencies or other entities carrying out early childhood development programs such as the Early Reading First program, as appropriate, to facilitate coordination of programs
  - conducting meetings involving parents, kindergarten or elementary school teachers, and Head Start teachers, or if appropriate, teachers from other early childhood development programs, such as the Early Reading First program, to discuss the developmental and other needs of individual children
  - organizing and participating in joint transition-related training of school staff, Head Start program staff, Early Reading First program staff, and where appropriate, other early childhood development program staff

- linking the educational services provided by such LEA with the services provided by local Head Start agencies and entities carrying out Early Reading First programs [P.L. 107–110, Section 1120B]

#### 8. Assurances Relating to Private Schools

The LEA assures the following:

- A. To the extent consistent with the number of eligible children identified under section 1115(b) and enrolled in private elementary and secondary schools, after timely, ongoing, and meaningful consultation with appropriate private school officials, the LEA provides such children, on an equitable basis, special educational services or other benefits under Title I, Part A, that address their needs and teachers, and families of the children participate on an equitable basis in services and activities developed pursuant to sections 1118 and 1119. [P.L. 107–110, Section 1120(a)(1)]
- B. The Title I, Part A, educational services and other benefits, including materials and equipment, that are provided to private school children will be secular, neutral, and nonideological. [P.L. 107–110, Section 1120(a)(2)]
- C. Title I, Part A, educational services and other benefits for private school children are equitable in comparison to services and other benefits for public school children participating in Title I, Part A, and are provided in a timely manner. [P.L. 107–110, Section 1120(a)(3)]
- D. Title I, Part A, expenditures for educational services and other benefits to eligible private school children are equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families who attend private schools, which the LEA may determine each year or every two years. [P.L. 107–110, Section 1120(a)(4)]
- E. To ensure timely, ongoing, and meaningful consultation, the LEA consulted with appropriate private school officials during the design and development of such agency's Title I, Part A, programs on issues such as the following:
  - how the children's needs will be identified
  - what services will be offered
  - how, where, and by whom the services will be provided
  - how the services will be academically assessed, and how the results of that assessment will be used to improve those services
  - what size and scope of the equitable services are to be provided to the eligible private school children, and what proportion of funds are allocated for such services
  - what method or sources of data are used under subsection (c) (Allocation for Equitable Service to Private School Students) and section 1113(c) (Allocation) to determine the number of children from low-income families in participating school attendance areas who attend private schools

- how and when the agency will make decisions about the delivery of services to such children, including a thorough consideration and analysis of the views of the private school officials on the provision of services through a contract with potential third-party providers
  - how, if the agency disagrees with the views of the private school officials on the provision of services through a contract, the LEA will provide in writing to such private school officials an analysis of the reasons why the LEA has chosen not to use a contractor
  - what service delivery mechanisms the LEA can use to provide equitable services to eligible private school children [P.L. 107–110, Section 1120(b)]
- F. Consultation occurred before the LEA made any decision that affected the opportunities of eligible private school children to participate in Title I, Part A, programs. Such meetings will continue throughout implementation and assessment of Title I, Part A, services. [P.L. 107–110, Section 1120(b)(2)]
- G. The LEA maintains in the agency’s records and will provide to TEA a written affirmation signed by officials of each participating private school that the required consultation has occurred. If such officials do not provide such affirmation within a reasonable period of time, the LEA will forward the documentation that such consultation has taken place to TEA. [P.L. 107–110, Section 1120(b)(4)]
- H. Title I, Part A, funds used to provide services to eligible private school students shall supplement and in no case supplant the level of services that would, in the absence of Title I, Part A, services, be available to participating children in private schools. [P.L. 107–110, Section 1120A(b)]
- I. Title I, Part A, funds will be used to meet the special educational needs of participating private school students but not the needs of the private school or the general needs of students in the private school. [P.L. 107–110, Section 1120]
- J. A public agency will keep title to and exercise continuing administrative control of all property, equipment, and supplies that the public agency acquires with these funds for the benefit of eligible private school students. [P.L. 107–110, Section 1120(d)]
- K. Title I, Part A, services to private schools are provided by employees of a public agency or through contact by a public agency with an individual, association, agency, or organization. [P.L. 107–110, Section 1120(d)]
- L. In the provision of Title I, Part A, services, such employee, individual, association, agency, or organization is independent of such private school and of any religious organization, and such employment or contract is under the control and supervision of such public agency. [P.L. 107–110, Section 1120(d)]
- M. To calculate the number of children ages 5 through 17 who are from low-income families and attend private schools, the LEA will do one of the following
- use the same measure of low income used to count public school children
  - use the results of a survey that, to the extent possible, protects the identity of families of private school students, and allow such survey results to be extrapolated if complete actual data are unavailable

- apply the low-income percentage of each participating public school attendance area to the number of private school children who reside in that school attendance area
- use an equated measure of low income correlated with the measure of low income used to count public school children [P.L. 107–110, Section 1120]

## Title I, Part D, Subpart 2

The LEA assures the following:

- A. The LEA will use Title I, Part D, Subpart 2 funds to supplement and to the extent practicable increase the level of funds that would in the absence of Title I, Part D, Subpart 2 funds be made available from nonfederal sources for the education of students participating in programs and projects assisted under Title I, Part D, Subpart 2 and in no case may use funds to supplant such funds from nonfederal sources.  
[P.L. 107–110, Section 1415]
- B. The Title I, Part D, Subpart 2 transitional and supportive programs are designed primarily to meet the transitional and academic needs of students returning to LEAs or alternative education programs from correctional facilities. [P.L. 107–110, Section 1422]
- C. A formal, written agreement between the LEA and each correctional facility and alternative school program serving children and youth involved with the juvenile justice system is on file at the LEA that ensures the following activities will be performed:
  - provide support programs that encourage children and youth who have dropped out of school to reenter school once their term at a correctional facility has been completed, or provide such children and youth with the skills necessary to gain employment or seek a secondary school diploma or its recognized equivalent
  - work to ensure that the correctional facility is staffed with teachers and other qualified staff who are trained to work with children and youth with disabilities, taking into consideration the unique needs of such children and youth
  - ensure that educational programs in the correctional facility are related to assisting students to meet high academic achievement standards
  - coordinate Title I, Part D, Subpart 2 funds with other local, State, and Federal funds available to provide services to participating children and youth, such as funds made available under Title I of Public Law 105–220, the Workforce Investment Act of 1998, as amended, and vocational and technical education funds
  - coordinate Title I, Part D, Subpart 2 programs with activities funded under the Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs, if applicable
  - if appropriate, work with local businesses to develop training, curriculum-based youth entrepreneurship education, and mentoring programs for children and youth
  - to the extent possible, use technology to assist in coordinating educational programs between the correctional facility and the community school
  - where feasible, involve parents in efforts to improve the educational achievement of their children and to prevent the further involvement of such children in delinquent activities

- where feasible, provide transition assistance to help the child or youth stay in school, including coordinating services for the family, counseling, providing assistance in accessing drug and alcohol abuse prevention programs, tutoring, and family counseling
  - where feasible, ensure that educational programs in the correctional facility are coordinated with the student's home school, particularly with respect to a student with an individualized education program under part B of the IDEA, and if the child or youth is identified as in need of special education services while in the correctional facility, the local school of the child or youth shall be notified of such need [P.L. 107–110, Section 1425]
- D. The LEA will submit TEA evaluation results based on multiple and appropriate measures of student progress to determine the program's impact on the ability of participants to do the following:
- maintain and improve educational achievement
  - accrue school credits that meet State requirements for grade promotion and secondary school graduation
  - make the transition to a regular program or other education program operated by an LEA
  - complete secondary school (or secondary school equivalency requirements) and obtain employment after leaving the correctional facility or institution for neglected or delinquent children and youth
  - as appropriate, participate in postsecondary education and job training programs [P.L. 107–110, Section 1431]
- E. The LEA will use the results of evaluations to plan and improve subsequent programs for participating children and youth. [P.L. 107–110, Section 1431(d)(2)]
- F. The LEA will disaggregate data on participation by the following [P.L. 107–110, Section 1431]:
- gender
  - race and ethnic group
  - age

## Title II, Part D

The LEA assures that:

- A. Funds will be used to (1) improve student academic achievement, including technology literacy of all students, and (2) improve the capacity of all teachers teaching in schools served by the LEA to integrate technology effectively into curricula and instruction.
- B. Not more than 5% of its current year entitlement will be used for administrative costs. [P.L. 107–110, Section 2404(d)]
- C. The LEA will do the following:
- identify and promote curricula and teaching strategies that integrate technology effectively into curricula and instruction, based on a review of relevant research

- provide ongoing, sustained professional development for teachers, principals, administrators, and school library media personnel serving the LEA, to further the effective use of technology in the classroom or library media center
- D. The LEA will coordinate activities carried out with Title II, Part D, funds with technology-related activities carried out with funds available from other Federal, State, and local sources.
- E. The LEA will ensure the effective use of technology to promote parental involvement and increase communication with parents, including a description of how parents will be informed of the technology being applied to their children's education.
- F. The LEA will implement a process and accountability measures to evaluate the extent to which the activities funded under Title II, Part D, are effective in integrating technology into curricula and instruction, increasing the ability of teachers to teach, and enabling students to meet challenging State academic content and student academic achievement standards.
- G. The LEA shall use not less than 25% of Title II, Part D, funds to provide ongoing, sustained, and intensive, high-quality professional development to all teachers in core academic subjects.
- H. No funds made available under Title II, Part D, Subpart 4 will be used to purchase computers used to access the Internet or to pay for direct costs associated with accessing the Internet for such school unless the school, school board, LEA, or other authority with responsibility for administration of such school does the following:
- has in place a policy of Internet safety for minors that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are obscene, are child pornography, or are harmful to minors, and is enforcing the operation of such technology protection measure during any use of such computers by minors
  - has in place a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are obscene or child pornography, and is enforcing the operation of such technology protection measure during any use of such computers
- I. LEAs applying for Title II, Part D, funding must have a current approved technology plan within the Texas e-Plan system before receiving Title II, Part D, funds. LEAs that do not have a current approved technology plan will have their Title II, Part D, funding placed on hold until the plan has been submitted and approved. To ensure that LEA technology plans are approved and therefore eligible to receive Title II, Part D, funding through TEA's online Expenditure Reporting (ER) system, LEAs should submit their 2008–2009 technology plan by March 30, 2008, to ensure approval by September 1, 2008. This requirement includes LEAs that transfer 100% of the use of their Title II, Part D, funds through the Rural Education Achievement Program (REAP).

Funding will also be placed on hold for fiscal agents of SSAs if all member LEAs do not have a current approved technology plan. Fiscal agents for the Title II, Part D, program must ensure that all members of their SSAs have an approved 2008–2009 technology plan before receiving funding.

Fiscal agents that do not receive a planning amount (that is, regional ESCs) do not need to submit a technology plan by March 30, 2008; however, all members of the SSA must have an approved plan.

Technology plans must be entered into the electronic Texas e-Plan system. Technical assistance is provided through the Technology and E-Rate Support Center (TPESC) located at ESC 12 in Waco, Texas. You can contact TPESC at 254-297-1275 or send an e-mail to [techplan@esc12.net](mailto:techplan@esc12.net).

**Note:** LEAs that receive services at discount rates under section 254(h)(5) of the Communications Act of 1934 [47 U.S.C. 254(h)(5)] are in compliance with this assurance.

## Provisions and Assurances for the American Recovery and Reinvestment Act

By submitting the application for American Recovery and Reinvestment Act (ARRA) funds (Public Law (P.L.) 111-5), the applicant agrees to comply with the following provisions and assurances for all programs authorized in Division A of the ARRA, including Title I, Part A; Title I, School Improvement Program (SIP); Title I, SIP Academy; Title I, Part D, Subpart 2 (Neglected and Delinquent); IDEA Part B Formula and Preschool; Title II, Part D, Technology Education (formula and discretionary); and McKinney Homeless Education Funds. The applicant understands that failure to comply with one or more of these provisions and assurances may result in the Texas Education Agency (TEA) taking one or more enforcement actions authorized in Title 34 of the Code of Federal Regulations (CFR) §§ 74.62 and 80.43.

In addition to the standard terms of award, all funding provided under the Recovery Act will be subject to the provisions, assurances, and conditions for ARRA. Except for Title II, Part D, Technology Education discretionary grants, the grant application program description schedules and provisions and assurances contained within the regular formula applications identified in the previous paragraph, as negotiated and approved by TEA for the 2008–2009, 2009–2010, and/or 2010–2011 school years, as appropriate, are hereby incorporated by reference into this ARRA grant application unless otherwise explicitly stated. Grantees must use ARRA funds as described in those applications unless use is described differently in this ARRA application.

## Terms Defined

**Recipient:** A State, including TEA. A recipient is also any entity that applies for and receives a grant directly from the federal government.

**Recovery Funds:** Any funds that are made available from appropriations made under the Recovery Act

**Recovery Act:** The American Recovery and Reinvestment Act (ARRA) of 2009 [P.L. 111-5]

**Stimulus Funds:** Any funds that are made available from appropriations under the Recovery Act; the term may be used interchangeably with “recovery funds”

**Grantee:** The sub-recipient of TEA and applicant of funds

## Provisions and Assurances

- A. **One-Time Funding:** Unless otherwise specified, ARRA funding is considered one-time funding that is expected to be temporary. Grantees should expend funds in ways that do not result in unsustainable, continuing commitments after the funding expires. Grantees must move rapidly, while using prudent grant management practices, to develop plans for using funds consistent with the ARRA’s reporting and accountability requirements and must promptly begin spending funds to help drive the nation’s economic

recovery. All ARRA funds must be separately accounted for and tracked in their obligation, expenditure, and reporting.

- B. **Period of Availability and Encumbrances/Obligations:** Unless otherwise specified in the Notice of Grant Award (NOGA), all funds are effective from the beginning date specified on the NOGA through September 30, 2011. Carryover of funds will not be available beyond that date. Unobligated/unexpended funds will be returned to the Department of Treasury. The paragraph in the General Provisions pertaining to Encumbrances and Obligations applies as follows:

**For Discretionary Programs:** All encumbrances shall occur on or between the beginning and ending dates of the contract. All goods must be received and services rendered and subsequently liquidated (recorded as an expenditure or accounts payable) within the contract dates. In no manner shall encumbrances be considered or reflected as accounts payable or as expenditures. Obligations that are liquidated and recognized as expenditures must meet the allowable cost principles in Office of Management and Budget (OMB) Circular A-87, A-21, or A-122 (as applicable) and program rules, regulations, and guidelines contained elsewhere. When an obligation is made is defined in 34 CFR 76.707.

**For Formula Programs:** All encumbrances shall occur on or between the beginning and ending dates of the contract. Contractor must liquidate (record as an expenditure) all obligations (encumbrances) incurred under the contract not later than 30 days after the end of the contract (or as specified in a program regulation, the standard application system (SAS) rules, or a request for application (RFA)) to coincide with the submission of the final expenditure report, due 45 days after the end of the contract. "Obligations" mean the amounts of orders placed, contracts and subgrants awarded, goods and services received, and similar transactions during a given period that will require payment by the contractor during the same or a future period. Obligations representing orders placed are reflected in the accounting records as encumbrances. In no manner shall encumbrances be considered or reflected as accounts payable or as expenditures. Obligations that are liquidated and recognized as expenditures must meet the allowable cost principles in OMB Circular A-87, A-21, or A-122 (as applicable) and program rules, regulations, and guidelines contained elsewhere. When an obligation is made is defined in 34 CFR 76.707.

- C. **Compliance with Other Provisions and Assurances:** All provisions and assurances stated in the General Provisions, Certification Regarding Debarment and Suspension, Lobbying Certification and Disclosure of Lobbying, No Child Left Behind Act (NCLB) Special Provisions and Assurances, and all other program-specific provisions and assurances apply unless they conflict with or are superseded by the following terms and conditions implementing the ARRA requirements below. This provision includes compliance with Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; and all other nondiscrimination provisions. It also includes compliance with Title VII of the Civil Rights Act of 1964 (prohibiting race, color, national origin, religion, and sex discrimination in employment); the Americans with Disabilities Act (prohibiting disability discrimination in employment and in services provided by entities receiving federal funds); as well as any other applicable civil rights laws. **By submitting this application, the applicant agrees to comply with all such provisions and assurances.**
- D. **Compliance with Other Program Statutes:** The applicant agrees to comply with the authorizing program statutes, regulations, non-regulatory guidelines, and other guidance in the implementation of the programs receiving funding under ARRA. This agreement includes compliance with comparability; supplement, not supplant; maintenance of effort (MOE); equitable participation for private nonprofit school students and teachers; and all other program-specific provisions and requirements. All such are hereby incorporated by reference.
- E. **DUNS Number:** All entities receiving any federal funds, including ARRA funds, are required to have a DUNS (Dunn & Bradstreet) number. The DUNS number serves as the grantee organization's unique identifier for reporting federal funds received and expended. TEA must use this same DUNS number to

report grant awards and expenditures for sub-recipients under ARRA to the web site specifically provided for in ARRA— <http://www.federalreporting.gov>. The assignment of a DUNS number is a condition of award of ARRA funds and must be validated by TEA prior to issuing a NOGA for ARRA funds. (Section 1512[c][4] of ARRA and the federal OMB to comply with the Federal Funding Accountability and Transparency Act [FFATA], P.L. 109-282. OMB adopted the DUNS number as the “unique identifier” required for reporting under FFATA.)

- F. **Central Contractor Registration (CCR):** All grantees receiving ARRA funds, as well as any other federal funds, are required to register and maintain current registration with the Central Contractor Registration (CCR) database at <http://www.ccr.gov>. Registration in CCR is a condition of award of ARRA funds and must be validated by TEA prior to issuing a NOGA for ARRA funds.
- G. **ARRA Reporting Requirements:** The federal OMB is in the process of developing guidance related to reporting the use of ARRA funds to the various web sites. The definition of terms and data elements, as well as any specific instructions for reporting, including required formats, will be provided in subsequent guidance issued by the TEA.

TEA, as a direct recipient of funds, is required to report certain information at certain intervals throughout the grant period as required in Section 1512 of ARRA. In order to meet the reporting requirements, grantees will be required to provide certain information to TEA. By submitting this application, the grantee agrees to provide information in the form, time, and manner requested so that TEA can meet its reporting requirements and deadlines.

1. **School-by-School Listing of Per-Pupil Educational Expenditures:** Each local educational agency (LEA) that receives ARRA funds for use under Title I, Part A, funds (including Title I, Part A, Improving Basic Programs and Title I SIP Academy Grant) must file with the TEA, no later than December 1, 2009, a school-by-school listing of per-pupil educational expenditures from State and local sources during the 2008-2009 academic year. The format for collecting this information has not yet been determined by TEA. Subsequent instructions will be provided to grantees for reporting this information. By submitting this application, the grantee agrees to submit this information in the time, form, and manner requested by TEA. TEA must report the information to the Secretary of Education by March 31, 2010 (ARRA, Title VIII, Department of Education, Education for the Disadvantaged).
2. **Separate Tracking and Monitoring of ARRA Funds:** ARRA funds must be separately tracked and monitored independently of any non-Recovery Act funding. Funds shall not be commingled with non-Recovery Act funds. Grantees must submit certain information to TEA in order for TEA to comply with quarterly reporting requirements established in Section 1512 of the Recovery Act. Recovery Act-related reporting requirements are incorporated as a special condition of this award.
3. **Quarterly Reporting for ARRA:** Not later than 10 calendar days after the end of each calendar quarter, TEA and any other **direct** recipient of ARRA funds must report to the U.S. Department of Education with regard to recovery funds received in accordance with number 4 below (Section 1512[c]). (A “direct recipient” is a state agency or any entity that applies for and receives funds **directly** from a federal government agency.) TEA must obtain certain information from grantees in order to comply with this reporting requirement. By submitting this application, the grantee agrees to submit information to TEA in the time, form, and manner requested.
4. **Data Elements for Quarterly Reporting for ARRA:** In accordance with Section 1512(c) of ARRA and the [Federal Funding Accountability and Transparency Act of 2006 \(Public Law 109-282\)](#), TEA is required to provide quarterly reports to the U.S. Department of Education or through a central government-wide portal (<http://www.federalreporting.gov>). The information proposed by OMB (not yet adopted in final form by OMB) contains the following data elements (Refer to the Federal Register, Vol. 74, No. 61, published April 1, 2009, Office of Management and Budget, Standard Data

Elements for Reports under Section 1512 of the ARRA <http://www.gpoaccess.gov/fr/>). By submitting this application, the grantee agrees to submit the information to TEA in the time, form, and manner requested. The information may change pending final adoption by OMB.

**For each grant that equals or exceeds \$25,000 in total grant award amount:**

- a. Grantee organization's DUNS number (TEA will need to collect this information from grantees.)
- b. Grant award number (i.e., NOGA ID number) assigned by TEA (TEA will have this information on file.)
- c. Legal name of the grantee organization (as registered in the CCR, if registered) (TEA will have this information on file provided it is the same legal name on file with TEA.)
- d. Physical location (street address) (as listed in the CCR, if registered) (TEA will have this information on file provided it is the same street address on file with TEA.)
- e. Federal Congressional district number
- f. Grantee organization type (i.e., independent school district, nonprofit organization, etc) (TEA will have this information on file.)
- g. Total amount of the grant award (TEA will have this information on file.)
- h. Total amount paid to the grantee as of date of report (TEA will have this information on file.)
- i. Physical location (street address) of the primary place of performance of the grant (TEA will have this information on file provided it is the same address on file with TEA.)
- j. Evaluation (i.e., status report) of the completion status of the project or activity (for example, Not Started; Less than 50% Completed; Completed 50% or More; Fully Completed) (It is not clear at this time whether this information will need to be collected from the grantees. TEA will notify the grantee in the event status information needs to be collected.)
- k. Estimate of the number of jobs created and the number of jobs retained by the project or activity and a brief description of the types of those jobs (i.e., job titles) (TEA will need to collect this information from grantees.)
- l. Names and total compensation of the five most highly compensated officers of the grantee organization if the organization in its preceding year received 80% or more of its annual gross revenues in Federal awards and \$25,000,000 or more in annual gross revenues from Federal awards and the public does not have access to information about the compensation of senior executives. (This data element is proposed by OMB. It is not known at this time whether this data element will be required once the data elements are finalized by OMB. If it is required in the final data elements, TEA will need to collect this information from the grantees.)

**For grants that equal less than \$25,000 in total grant award amount** or for grantees that in the previous tax year had gross income under \$300,000, amounts will be reported in the aggregate according to the following (pending final adoption by OMB):

- a. Total number of grants awarded less than \$25,000 (TEA will have this information file.)
- b. Total award (aggregate) amount for all grants less than \$25,000 (TEA will have this information on file.)

- c. Total (aggregate) amount paid to grantees for all grants less than \$25,000 as of date of report (TEA will have this information on file.)
5. **Posting the Information on the Public Web Site:** Not later than 30 days after the end of each calendar quarter, each federal agency, including the U.S. Department of Education, shall make the information in those reports publicly available by posting the information on the designated public web site (Section 1512[d]). Grantees will not be required to post information on the public web site unless they apply for and receive other ARRA grants directly from a federal government agency.

Once OMB adopts the final data reporting elements and TEA receives specific instructions for reporting, TEA will provide subsequent guidance to grantees related to required reporting information.

- H. **Electronic Drawdown of ARRA Funds from TEA and Use of FAR Fund Codes:** Recipients will draw down ARRA funds on an award-specific basis. **Pooling of ARRA award funds with other funds for drawdown or other purposes is not permitted.** Recipients must account for each ARRA award separately by referencing the assigned FAR (Financial Accounting and Resource) fund code for each award.
- I. **Availability of Records:** The applicant agrees to make all financial and programmatic records available in detail for inspection by TEA auditors, local independent auditors, and the offices described below.
  1. **Examination of Records:** The Comptroller General of the United States and any of its employees, contractors, agents, representatives, or designees may examine any records related to obligations and use by any state or local government of funds made available under ARRA. (Section 901[b]).
  2. **Access of Government Accountability Office (GAO):** Each contract and each subcontract awarded using funds made available under ARRA shall provide that the Comptroller General of the United States and his representatives are authorized to examine any records of the contractor or any of its subcontractors, or any State or local agency administering such contract, that directly pertain to, and involve transactions relating to, the contract or subcontract and to interview any officer or employee of the contractor or any of its subcontractors, or of any State or local government agency administering the contract, regarding such transactions (Section 902).
  3. **Reviews by Inspector General:** The inspector general of the U.S. Department of Education shall review, as appropriate, any concerns raised by the public about specific investments using funds made available in this Act. Any findings of such reviews shall be relayed immediately to the Secretary of Education. In addition, the findings of such reviews, along with any audits conducted by any inspector general of ARRA funds, shall be posted on the inspector general's web site and linked to the recovery.gov web site, except that portions of reports may be redacted to the extent the portions would disclose information that is protected from public disclosure under sections 552 and 552a of Title 5, United States Code (Section 1514).
  4. **Access of Offices of Inspector General to Certain Records and Employees:** With respect to each contract or grant awarded using ARRA funds, any representative of an Inspector General of the U.S. Department of Education or other appropriate federal agency is authorized to examine any records of the contractor or grantee, any of its subcontractors or subgrantees, or any State or local agency administering such contract, that pertain to, and involve transactions relating to, the contract, subcontract, grant, or

- subgrant, and to interview any officer or employee of the contractor, grantee, subgrantee, or agency regarding such transactions (Section 1515).
5. **Recovery Accountability and Transparency Board:** Section 1521 of the ARRA establishes the Recovery Accountability and Transparency Board to coordinate and conduct oversight of ARRA funds to prevent fraud, waste, and abuse. The Board shall submit “flash reports” on potential management and funding problems that require immediate attention; quarterly reports; and annual reports to the President and Congress, including the Committees on Appropriations of the Senate and House of Representatives, summarizing the findings on the use of ARRA funds. The Board may conduct its own independent audits and reviews of ARRA funds. All reports shall be made publicly available on the [www.recovery.gov](http://www.recovery.gov) web site established by the Board. See paragraphs J and K below with regard to reports of suspected fraud or abuse (Sections 1523 and 1524).
  6. **Recovery Independent Advisory Panel:** Section 1541 of the ARRA establishes the Recovery Independent Advisory Panel to make recommendations to the Recovery Accountability and Transparency Board on action the Board could take to prevent fraud, waste, and abuse relating to ARRA funds.
- J. **Disclosure of Fraud or Misconduct:** Each grantee awarded funds made available under the ARRA shall promptly refer to the USDE Office of Inspector General any credible evidence that a principal, employee, agent, contractor, sub-recipient, subcontractor, or other person has submitted a false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving those funds.
- K. **Protection for Whistle-blowers:** Section 1553 of the ARRA provides protection for State and local government and contractor whistle-blowers. Any employee of any employer receiving ARRA funds may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing, including a disclosure made in the ordinary course of an employee’s duties, to the Recovery Accountability and Transparency Board, an inspector general, the U. S. Comptroller General, a member of Congress, a State or federal regulatory or law enforcement agency, a person with supervisory authority over the employee (or such other person working for the employer who has the authority to investigate, discover, or terminate misconduct), a court or grand jury, the head of a federal agency, or their representatives, information that the employee reasonably believes is evidence of (1) gross mismanagement of an agency contract or grant relating to ARRA funds; (2) a gross waste of ARRA funds; (3) a substantial and specific danger to public health or safety related to the implementation or use of ARRA funds; (4) an abuse of authority related to the implementation or use of ARRA funds; or (5) a violation of law, rule, or regulation related to an agency contract (including the competition for or negotiation of a contract), or grant, awarded or issued relating to ARRA funds. A person who believes that he or she has been subjected to a reprisal may submit a complaint regarding the reprisal to the inspector general for the appropriate federal agency (in most cases, the U.S. Department of Education).
- L. **Use of Funds:** The grantee agrees to comply with the applicable federal cost principles in the obligation and expenditure of ARRA funds as identified in the General Provisions and Assurances as well as other limitations or restrictions and expenditures identified therein. The grantee also agrees to the following:
1. **Consolidation of ARRA Administrative Funds:** Due to the significant reporting requirements under ARRA, it is not known at this time whether grantees may consolidate ARRA administrative funds with other NCLB consolidated administrative funds. TEA will issue further guidance with regard to this provision once guidance is provided by the U.S. Department of Education. If ARRA funds are permitted to be consolidated with other NCLB consolidated administrative funds, grantees must still be able to report the types and number of jobs that were created or saved with ARRA funds.

2. **Combining ARRA Funds on a Schoolwide Program:** Due to the significant reporting requirements under ARRA, it is not known at this time whether grantees may combine ARRA funds with non-ARRA funds on a Title I Part A schoolwide campus. TEA will issue further guidance with regard to this provision once guidance is provided by the U.S. Department of Education. If ARRA funds are permitted to be used on a Title I Schoolwide Campus/Program, funds may be combined with other funding sources, but grantees still must be able to identify precisely the items of obligation and expenditure for ARRA. You must also be able to report the types and number of jobs that were created or saved with ARRA funds.
3. **Special Contracting Provisions:** To the maximum extent possible, contracts funded under the ARRA shall be awarded as fixed-price contracts through the use of competitive procedures. A summary of any new contract awarded with ARRA funds that is not fixed-price and not awarded using competitive procedures shall be posted in a special section of the [www.recovery.gov](http://www.recovery.gov) web site established by the Recovery Accountability and Transparency Board (Section 1554).
4. **Use of Funds for Certain Expenditures Prohibited:** ARRA funds shall not be used for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool (Section 1604).
5. **Use of Funds for Construction Prohibited:** Unless specifically authorized in the applicable program statute, regulations, guidelines, RFA, TEA SAS, the approved grant application, or other written authorization, none of the ARRA additional formula funds shall be used for construction, remodeling, or renovation.
6. **Buy American - Use of American Iron, Steel, and Manufactured Goods:** If construction is allowed and approved pursuant to the previous paragraph pertaining to “Use of Funds for Construction Prohibited,” none of the funds may be used for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States unless waived by the Secretary of Education (Section 1605).
7. **Wage Rate Requirements for Contracted Laborers and Mechanics— Compliance with the Davis-Bacon Act:** Subject to further clarification issued by the OMB, and notwithstanding any other provision of law and in a manner consistent with other provisions of ARRA, all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to this award shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code. With respect to the labor standards specified in this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code (Section 1606).
8. **Compliance with OMB Circular A-133, Audits and Schedule of Expenditures of Federal Awards:**

Grantees agree to separately identify the expenditures for each grant award funded under ARRA as required by OMB Circular A-133, “Audits of States, Local Governments, and Non-Profit Organizations” and to comply with all other provisions of the Single Audit Act and OMB Circular A-133.

For electronic grants in eGrants, the certification and submittal of the eGrants application indicates acceptance of and compliance with all requirements described on this schedules.