

ASSURANCES, DESCRIPTIONS, AND DEFINITIONS

In performing its responsibilities under this Grant/Agreement, the Awardees' signature on the funding agreement hereby certifies and assures that they will fully comply with the following assurances and certifications

Funds made available under this Act for career and technical education activities shall supplement, and shall not supplant, non-Federal funds expended to carry out career and technical education activities and tech-prep activities. [SEC 311(a)]

The eligible recipient will provide a career and technical education program that is of such size, scope, and quality to bring about improvement in the quality of career and technical education programs. [SEC 134(b)(6)]

The eligible agency will provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper accounting for federal funds paid to the local educational agency. [SEC 122(c)(11)]

None of the funds expended under this title 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, the employees of the purchasing entity, or any affiliate of such an organization. [SEC. 122(c)(12)]

Eligible recipients will assure that students who participate in such career and technical education programs are taught to the same challenging academic proficiencies as are taught for all other students. [SEC 134(b)(3)(d)]

All of the funds made available under this Act shall be used in accordance with the requirements of this Act. [SEC 6. LIMITATION.]

No funds made available under this Act shall be used (1) to require any secondary school student to choose or pursue a specific career path or major; and (2) to mandate that any individual participate in a career and technical education program, including a career and technical education program that requires the attainment of a federally funded skill level, standard, or certificate of mastery. [SEC 314. VOLUNTARY SELECTION AND PARTICIPATION]

No funds received under this Act may be used to provide career and technical education programs to students prior to the seventh grade, except that equipment and facilities purchased with funds under this Act may be used by such students. [SEC 315. LIMITATION FOR CERTAIN STUDENTS]

Nothing in the Act shall be construed to supersede the privacy protections afforded parents and students under section 444 of the General Education Provisions Act (20 U.S.C. 1232g). [SEC 5. PRIVACY]

Nothing in this Act shall be construed to permit the development of a national database of personally identifiable information on individuals receiving services under this Act. [SEC 5. PRIVACY]

Nothing in this Act shall be construed to be inconsistent with applicable Federal law prohibiting discrimination on the basis of race, color, sex, national origin, age, or disability in the provision of Federal programs or services (SEC 316. FEDERAL LAWS GUARANTEEING CIVIL RIGHTS)

Nothing in this Act shall be construed—

- A. to prohibit a local educational agency or a consortium thereof that receives assistance under section 131, from working with an eligible institution or consortium thereof that receives assistance under section 132, to carry out career and technical education programs at the secondary level in accordance with this title;
- B. to prohibit an eligible institution or consortium thereof that receives assistance under section 132, from working with a local educational agency or consortium thereof that receives assistance under section 131, to carry out postsecondary and adult career and technical education programs in accordance with this title; or
- C. to require a charter school, that provides career and technical education programs and is considered a local educational agency under State law, to jointly establish the charter school's eligibility for assistance under this title unless the charter school is explicitly permitted to do so under the State's charter school statute. [SEC 133(c)(1-3)]

Nothing in this Act shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of a private, religious, or home school, regardless of whether a home school is treated as a private school or home school under State law. This section shall not be construed to bar students attending private, religious, or home schools from participation in programs or services under this Act. [SEC 313. CONSTRUCTION]

No funds provided under this Act shall be used for the purpose of directly providing incentives or inducements to an employer to relocate a business enterprise from one State to another State if such relocation will result in a reduction in the number of jobs available in the State where the business enterprise is located before such incentives or inducements are offered. [SEC 322. PROHIBITION ON USE OF FUNDS TO INDUCE OUT-OF-STATE RELOCATION OF BUSINESS]

The portion of any student financial assistance received under this Act that is made available for attendance costs described below shall not be considered as income or resources in determining eligibility for assistance under any other program funded in whole or in part with Federal funds. The attendance costs described in this subsection are--

- (1) tuition and fees normally assessed a student carrying an academic workload as determined by the institution, and including costs for rental or purchase of any equipment, materials, or supplies required of all students in that course of study; and
- (2) an allowance for books, supplies, transportation, dependent care, and miscellaneous personal expenses for a student attending the institution on at least a half-time basis, as determined by the institution.

Funds made available under this Act may be used to pay for the costs of career and technical education services required in an individualized education plan developed pursuant to section 614(d) of the Individuals with Disabilities Education Act and services necessary to meet the requirements of section 504 of the Rehabilitation Act of 1973 with respect to ensuring equal access to career and technical education. [SEC 324. STUDENT ASSISTANCE AND OTHER FEDERAL PROGRAMS]

Definitions Related to P.L. 109-597

(1) ADMINISTRATION

The term `administration,' when used with respect to an eligible agency or eligible recipient, means activities necessary for the proper and efficient performance of the eligible agency or eligible recipient's duties under this Act, including the supervision of such activities, but does not include curriculum development activities, personnel development, or research activities.

(2) ALL ASPECTS OF AN INDUSTRY

The term `all aspects of an industry' means strong experience in, and comprehensive understanding of, the industry that the individual is preparing to enter.

(3) AREA CAREER AND TECHNICAL EDUCATION SCHOOL

The term `area career and technical education school' means--

- (A) a specialized public secondary school used exclusively or principally for the provision of career and technical education to individuals who are available for study in preparation for entering the labor market;
- (B) the department of a public secondary school exclusively or principally used for providing career and technical education in not fewer than 5 different occupational fields to individuals who are available for study in preparation for entering the labor market;

- (C) a public or nonprofit technical institution or career and technical education school used exclusively or principally for the provision of career and technical education to individuals who have completed or left secondary school and who are available for study in preparation for entering the labor market, if the institution or school admits, as regular students, individuals who have completed secondary school and individuals who have left secondary school;
or
1. the department or division of an institution of higher education, that operates under the policies of the eligible agency and that provides career and technical education in not fewer than five different occupational fields leading to immediate employment but not necessarily leading to a baccalaureate degree, if the department or division admits as regular students both individuals who have completed secondary school and individuals who have left secondary school.
- D. ARTICULATION AGREEMENT— The term ‘articulation agreement’ means a written commitment –
- ◆ that is agreed upon at the State level or approved annually by the lead administrators of
 - (i) a secondary institution and a postsecondary educational institution;
or
 - (ii) a sub-baccalaureate degree granting postsecondary educational institution and a baccalaureate degree granting postsecondary educational institution; and
 - ◆ to a program that is –
 - (i) designed to provide students with a non-duplicative sequence of progressive achievement leading to technical skill proficiency, a credential, a certificate, or a degree; and
 - (ii) linked through credit transfer agreements between the 2 institutions described in clause (i) or (ii) of subparagraph (A) (as the case may be).
- (5) CAREER AND TECHNICAL EDUCATION
- The term ‘career and technical education’ means organized educational activities that--
- ◆ offer a sequence of courses that
 - provides individuals with coherent and rigorous content aligned with challenging academic standards and relevant technical knowledge and skills needed to prepare for further education and careers in current or emerging professions;
 - provides technical skill proficiency, an industry-recognized credential, a certificate, or an associate degree; and
 - may include prerequisite courses (other than a remedial course) that meet the requirements of this subparagraph; and

- ♦ include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills, and knowledge of all aspects of an industry, including entrepreneurship, of an individual.

(6) CAREER AND TECHNICAL STUDENT ORGANIZATION

- In General.--the term 'career and technical student organization' means an organization for individuals enrolled in a career and technical education program that engages in career and technical education activities as an integral part of the instructional program.
- State and National Units.--An organization described in subparagraph (A) may have state and national units that aggregate the work and purposes of instruction in career and technical education at the local level.

(7) CAREER GUIDANCE AND ACADEMIC COUNSELING--The term 'career guidance and academic counseling' means guidance and counseling that—

- provides access for students (and parents, as appropriate) to information regarding career awareness and planning with respect to an individual's occupational and academic future; and
- provides information with respect to career options, financial aid, and postsecondary options, including baccalaureate degree programs.

(8) CHARTER SCHOOL

The term 'charter school' has the meaning given the term in section 5210 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8066).

(9) COOPERATIVE EDUCATION

The term 'cooperative education' means a method of education for individuals who, through written cooperative arrangements between a school and employers, receive instruction, including required rigorous and challenging academic courses and related career and technical education instruction, by alternation of study in school with a job in any occupational field, which alternation shall be planned and supervised by the school and employer so that each contributes to the education and employability of the individual, and may include an arrangement in which work periods and school attendance may be on alternate half days, full days, weeks, or other periods of time in fulfilling the cooperative program.

(10) DISPLACED HOMEMAKER

The term 'displaced homemaker' means an individual who--

- (i) has worked primarily without remuneration to care for a home and family, and for that reason has diminished marketable skills;
- (ii) has been dependent on the income of another family member but is no longer ported by that income; or

(iii) is a parent whose youngest dependent child will become ineligible to receive assistance under part A of Title IV of the Social Security Act (42 U.S.C. 601 et seq.) not later than 2 years after the date on which the parent applies for assistance under this title; and

(B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

(11) EDUCATIONAL SERVICE AGENCY

The term `educational service agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

(12) ELIGIBLE AGENCY

The term `eligible agency' means a State board designated or created consistent with State law as the sole State agency responsible for the administration of career and technical education or for supervision of the administration of career and technical education in the State.

(13) ELIGIBLE INSTITUTION

The term `eligible institution' means

- a public or nonprofit private institution of higher education that offers career and technical education courses that lead to technical skill proficiency, an industry-recognized credential, a certificate, or a degree;

(B) a local educational agency providing education at the postsecondary level;

- an area career and technical education school providing education at the postsecondary level;

(D) a postsecondary educational institution controlled by the Bureau of Indian Affairs or operated by or on behalf of any Indian tribe that is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination Act or the Act of April 16, 1934 (25 U.S.C. 452 et seq.);

(E) an educational service agency; or

(F) a consortium of 2 or more of the entities described in subparagraphs

(A) through (E).

(14) ELIGIBLE RECIPIENT

The term `eligible recipient' means--

(A) a local educational agency, (including a public charter school that operates as a local educational agency), an area career and technical education school, an educational service agency, or a consortium, eligible to receive assistance under section 131; or

(B) an eligible institution or consortium of eligible institutions eligible to receive assistance under section 132.

(15) GOVERNOR

The term `Governor' means the chief executive officer of a State.

(16) INDIVIDUAL WITH LIMITED ENGLISH PROFICIENCY

The term 'individual with limited English proficiency' means a secondary school student, an adult, or an out-of-school youth, who has limited ability in speaking, reading, writing, or understanding the English language, and--
(A) whose native language is a language other than English; or
(B) who lives in a family or community environment in which a language other than English is the dominant language.

(17) INDIVIDUAL WITH A DISABILITY

(A) IN GENERAL-

The term 'individual with a disability' means an individual with any disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

(B) INDIVIDUALS WITH DISABILITIES

The term 'individuals with disabilities' means more than 1 individual with a disability.

(18) INSTITUTION OF HIGHER EDUCATION

The term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965.

(19) LOCAL EDUCATIONAL AGENCY

The term 'local educational agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

(20) NONTRADITIONAL FIELDS

The term nontraditional training and employment' means occupations or fields of work, including careers in computer science, technology, and other current emerging high skill occupations, for which individuals from one gender comprise less than 25 percent of the individuals employed in each such occupation or field of work.

(21) OUTLYING AREA

The term 'outlying area' means the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau.

(22) POSTSECONDARY EDUCATIONAL INSTITUTION

The term 'postsecondary educational institution' means--

(A) an institution of higher education that provides not less than a 2-year program of instruction that is acceptable for credit toward a bachelor's degree;

(B) a tribally controlled college or university; or

(C) a nonprofit educational institution offering certificate or apprenticeship programs at the postsecondary level.

(23) POSTSECONDARY EDUCATION TECH PREP STUDENT.—The term

'postsecondary education tech prep student' means a student who—

(3) has completed the secondary education component of a tech prep program; and

- (4) has enrolled in the postsecondary education component of a tech prep program at an institution of higher education described in clause (i) or (ii) of section 203(a)(1)(B).

(24) SCHOOL DROPOUT

The term 'school dropout' means an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent.

(25) SCIENTIFICALLY BASED RESEARCH—The term 'scientifically based research' means research that is carried out using scientifically based research standards, as defined in section 102 of the Education Sciences Reform Act of 2002 (20 U.S.C. 9501).

(26) SECONDARY EDUCATION TECH PREP STUDENT.—The term 'secondary education tech prep student' means a secondary education student who has enrolled in 2 courses in the secondary education component of a tech prep program.

(27) SECONDARY SCHOOL--The term 'secondary school' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

(28) SECRETARY

The term 'Secretary' means the Secretary of Education.

(29) SPECIAL POPULATIONS

The term 'special populations' means--

- (A) individuals with disabilities;
- (B) individuals from economically disadvantaged families, including foster children;
- (C) individuals preparing for nontraditional fields;
- (D) single parents, including single pregnant women;
- (E) displaced homemakers; and
- (F) individuals with limited English proficiency.

(30) STATE

The term 'State', unless otherwise specified, means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and each outlying area.

(31) SUPPORT SERVICES

The term 'support services' means services related to curriculum modification, equipment modification, classroom modification, supportive personnel, and instructional aids and devices.

(32) TECH-PREP PROGRAM

The term 'tech-prep program' means a tech prep program described in 203(c)--

- (A) combines at least 2 years of secondary education (as determined under State law) and 2 years of postsecondary education in a non-duplicative sequential course of study;
- (B) strengthens the applied academic component of vocational and technical education through the integration academic, and vocational and technical, instruction;

- (C) provides technical preparation in an area such as engineering technology, applied science, a mechanical, industrial, or practical art or trade, agriculture, a health occupation, business, or applied economics;
- (D) builds student competence in mathematics, science, and communications (including through applied academics) in a coherent sequence of courses; and
- (E) leads to an associate degree or a certificate in a specific career field, and to high skill, high wage employment, or further education.

(33) TRIBALLY CONTROLLED COLLEGE OR UNIVERSITY

The term 'tribally controlled college or university' has the meaning given such term in section 2 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)).

(34) TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTION

The term 'tribally controlled postsecondary career and technical institution' means an institution of higher education (as defined in section 101 of the Higher Education Act of 1965, except that subsection (a)(2) of such section shall not be applicable and the reference to Secretary in paragraph (A)(5) of such section shall be deemed to refer to the Secretary of the Interior) that--

- (A) is formally controlled, or has been formally sanctioned or chartered, by the governing body of an Indian tribe or Indian tribes;
- (B) offers a technical degree or certificate-granting program;
- (C) is governed by a board of directors or trustees, a majority of whom are Indians;
- (D) demonstrates adherence to stated goals, a philosophy, a plan of operation, that fosters individual Indian economic and self-sufficiency opportunity, including programs that are appropriate to stated tribal goals of developing individual entrepreneurship and self-sustaining economic infrastructures on reservations;
- (E) has been in operation for at least 3 years;
- (F) holds accreditation with or is a candidate for accreditation by a nationally recognized accrediting authority for postsecondary vocational and technical education; and
- (G) enrolls the full-time equivalent of not less than 100 students, of whom a majority are Indians.

Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements Lower Tier

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with the certification requirements under 34 CFR Part 82, A New Restrictions on Lobbying,[≡] and 34 CFR Part 85, A Government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug-Free Workplace (Grants).[≡]

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

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, A Disclosure Form to Report Lobbying,[≡] in accordance with its instructions;

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

2. Debarment, Suspension, and Other Responsibility Matters: As required by Executive order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85-110-

(a) By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

(b) The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

(c) The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

(e) The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

(f) The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled A Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transactions,[≡] without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

(g) A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to, check the Non-procurement List.

(h) Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

(i) Except for transactions authorized under paragraph (e) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. Drug-Free Workplace: (Grantees Other Than Individuals) As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Section 85.605 and 85.610-

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee=s workplace and

(d) The terms Acovered transaction,≡ Adebarred,≡ Asuspended,≡ Aineligible,≡ Alower tier covered transaction,≡ Aparticipant,≡ Aperson,≡ Aprimary covered transaction,≡ Aprincipal,≡ Aproposal,≡ and Avoluntarily excluded,≡ as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee willX

(1) Abide by the terms of the statement; and
(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, SW (Room 3124, GSA Regional Office building No. 3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convictedX

specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees aboutX

(1) The dangers of drug abuse in the workplace;
(2) The grantee=s policy of maintaining a drug-free workplace;

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)