

# Carl D. Perkins Career & Technical Education Act of 2006 State & Federal Requirement

# **ASSURANCES**

Programs, services, and activities included under this application shall be operated in accordance with the Carl D. Perkins Career & Technical Education Improvement Act of 2006 and the provisions of the Oregon State Transition Plan for 2007-2008.

**THE APPLICANT CERTIFIES COMPLIANCE WITH:**

* Title VI and VII of the Civil Rights Act of 1964;
* Title IX of the Education Amendments of 1972;
* Section 503 and 504 of the Rehabilitation Act of 1973;
* Executive Order 11246 prohibiting employment discrimination based on race, color, sex, religion, and national origin;
* The Age Discrimination Act of 1975 and the Age Discrimination in Employment Act of 1967;
* The Equal Pay Act of 1963;
* The Americans with Disabilities Act of 1990;
* ORS 326.051 and ORS 659.105, education standards and all rules issued by the State Board of Education pursuant to these laws; and,
* All health and safety laws and regulations issued by the U.S. Department of Education pursuant to their laws, when classroom facilities will be used by students and/or faculty.

**THE APPLICANT AGREES AND ASSURES THAT:**

1. The applicant will comply with the requirements of the Act and the provisions of the State Plan, including the provision of a financial audit of funds received under the Act which may be included as part of an audit of other Federal or State programs. [§122(c)(11)]
2. Federal funds made available under this Act for career and technical education shall supplement, and shall not supplant non-Federal funds expended to carry out vocational and technical education activities and tech-prep activities. [§311(a)]
3. The applicant will report data relating to students participating in career and technical education in order to adequately measure the progress of the students in meeting State adjusted levels of performance established under section 113, including special populations and will ensure that the data are complete, accurate and reliable. [§122(c)(13); §134(b)(2)]
4. The applicant will report to the State annually on student achievement of the core indicators of performance:
	1. Student attainment of challenging academic content standards
	2. Student attainment of career and technical skill proficiencies;
	3. Student attainment of a secondary school diploma, General Education Development (GED) credential, or proficiency credential, certificate, or degree in conjunction with a secondary school diploma;
	4. Student graduation rates (as described in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965);
	5. Placement in, retention in, and completion of, postsecondary education or advanced training, placement in military service, or placement or retention in employment;
	6. Student participation in and completion of career and technical education programs that lead to nontraditional fields.[§113(b)(2)(A)(i-vi); §122(c)(13)]
5. None of the funds expended under this Act 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. [§122(c)(12)]
6. The applicant will provide a career and technical education program that:
	1. Meet State and local adjusted levels of performance established under section 113; [§134(b)(2)]
	2. Offer the appropriate courses of not less than 1 of the career and technical programs of study described in section 122(c)(1)(A); [§134(b)(3)(A)]
	3. Improve the academic and technical skills of students participating in career and technical education programs by strengthening the academic and career and technical education components of such programs through the integration of coherent and rigorous content aligned with challenging academic standards and relevant career and technical education programs; [§134(b)(3)(B)]
	4. Provide students with strong experience in, and understanding of, all aspects of an industry; [§134(b)(3)(C)]
	5. Ensure that students who participate in such career and technical education program are taught to the same coherent and rigorous content aligned with challenging academic standards as are taught to all other students; [§134(b)(3)(D)] and
	6. Encourage career and technical education students at the secondary level to enroll in rigorous and challenging courses in core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965); [§134(b)(3)(E)]

**OREGON CAREER AND TECHNICAL EDUCATION PROGRAM**

**CERTIFICATE OF ASSURANCE**

***(For Perkins secondary, direct sub-grant recipients)***

The school district certifies that the career and technical program requirements for state-recognized secondary career

and technical education programs (CTE) and CTE Programs of Study (including appropriate CTE endorsement for licensed teachers), the rules and regulations for The Carl D. Perkins Career and Technical Education Improvement

Act of 2006 (Public Law 109-270), and the requirements contained in the Oregon State Plan for Career and Technical Education will be met by the district or through contract between the district and other agencies, institutions, or individuals. The district agrees to furnish accurate fiscal and career and technical program data\* as requested by the Oregon Department of Education in a timely fashion.

**CARL D. PERKINS CAREER & TECHNICAL EDUCATION ACT of 2006**

***ANNUAL REPORT* CERTIFICATE OF ASSURANCE**

As the authorized official for the Perkins fiscal agent, I hereby certify that the agency has complied with our 2008-2013 approved Perkins application; career and technical education program requirements, rules and regulations of the Carl D. Perkins Act (PL 109-270); and the requirements contained in the 2008-2013 Oregon Plan for Career and Technical Education. All of the information contained in this Annual Report is complete, accurate, and verifiable to the best of my knowledge. Funds have been expended according to federal and state guidelines and the approved application (including any subsequent approved requests for change) for Carl D. Perkins funds.

The fiscal agent assures that for an employee to be eligible to participate in the Fixed Schedule Time and Effort reporting system, the employees must work on multiple funding sources (one of which is a federal fund), the work is based on a predetermined schedule and the work on multiple funds sources does not occur at the exact same time on their schedule.

The fiscal agent assures that only eligible employees will participate in the Fixed Schedule Time and Effort reporting and the fiscal agent has sufficient controls to ensure that the schedules are accurate.

The fiscal agent assures that the schedule reflects the total time the employee is compensated for and is certified at least semi-annually.

**CARL D. PERKINS CAREER & TECHNICAL EDUCATION ACT of 2006**

**PROGRAM ASSURANCES TITLE I**

**PART C—Local Provisions**

1. Federal funds received under Title I, Part C of Public Law 109-270 are used to improve career and technical education programs.
2. Funds are used according to the requirements identified in Title I, Part C, Section 135; Local Uses of Funds.
3. Eligible recipients shall not receive an allocation under Section 131 (a) unless the amount allocated is greater than $15,000.00. Those whose allocation is not greater than $15,000.00 may apply for a waiver or form a consortium. [Section 131(c)(1)]
4. Comprehensive professional development (including initial teacher preparation) for career and technical, academic, guidance, and administrative personnel will be provided that promotes the integration of coherent and rigorous content aligned with challenging academic standards and relevant career and technical education (including curriculum development). [Section 134(b)(4)]
5. Eligible recipients shall involve parents, students, teachers, representatives of business and industry, labor organizations, representatives of special populations, and other interested individuals in the development, implementation, and evaluation of career and technical education programs assisted under Title I. Eligible recipients shall maintain documentation on how such individuals and entities are effectively informed about, and assisted in understanding the requirements of Title I. [Section 134(b)(5)]
6. Eligible recipients 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. [Section 134(b)(6)]
7. The local school district will implement a process to evaluate and continuously improve its performance. [Section 134(b)(7)]
8. Eligible recipient (A) will review career and technical education programs, and identify and adopt strategies to overcome barriers that result in lowering rates of access to or lowering success in programs, for special populations, (B) will provide programs that are designed to enable the special populations to meet the State adjusted levels of performance, and (C) provide activities to prepare special populations, including single parents and displaced homemakers, for high skill, high wage, or high demand occupations that will lead to self-sufficiency. [Section 134(b)(8)]
9. Individuals who are members of the special populations will not be discriminated against on the basis of their status as members of the special populations. [Section 134(b)(9)]
10. Funds will be used to promote preparation for nontraditional fields. [Section 134(b)(10)]
11. The local school district shall not bar students attending private, religious, or home schools from participation in programs or services under this Act. [Section 313]
12. No funds made available under the Carl D. Perkins Career and Technical Education Act of 2006 shall be used:
	1. to require any secondary school student to choose or pursue a special 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, standards, or certificate of mastery. (Section 314)
13. No funds received under Carl D. Perkins Career and Technical Education Act of 2006 may be used to provide career and technical programs to students prior to the seventh grade, except that equipment and facilities purchased may be used by such students. [Section 315]
14. Eligible recipients will adhere to federal law prohibiting discrimination on the basis of race, color, sex, national origin, age, or disability in the provision of Federal programs or services. [Section 316]

**CERTIFICATIONS REGARDING LOBBYING; DEBARMENT,**

**SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND**

**DRUG-FREE WORKPLACE REQUIREMENTS**

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 certification requirements under 34 CFR Part 82, “New Restrictions on Lobbying,” and 34 CFR Part 85, “Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants).” The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperating agreement.

**1. LOBBYING**

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

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions;
3. The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including sub grants, contracts under grants and cooperative agreements, and subcontracts) and that all sub recipients shall certify and disclose accordingly.

**2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS**

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110.

A. The applicant certifies that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any Federal department or agency.
2. Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
4. Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

**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, Sections 85.605 and 85.610.

1. The applicant certifies that it will or will continue to provide a drug-free workplace by:
	1. 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 specifying the actions that will be taken against employees for violation of such prohibition;
	2. Establishing an on-going drug-free awareness program to inform employees about -
		1. The dangers of drug abuse in the workplace.
		2. The grantee’s policy of maintaining a drug-free workplace;
		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.
2. 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);
3. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will -
	* 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;
4. 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, S.W. (Room 3124, GSA Regional Office Building No.3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant;
5. 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 convicted -
	* 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;
6. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

 **DRUG-FREE WORKPLACE (GRANTEES WHO ARE 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, Sections 85.605 and 85.610.

1. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and
2. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office Building No. 3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant/recipient will comply with the above certifications.

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| **NAME OF APPLICANT/RECIPIENT**  |
| **NAME OF SCHOOL/DISTRICT/INSTITUTION** |
| **PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE** |
| **SIGNATURE DATE** |