

VII. EDGAR CERTIFICATIONS AND OTHER ASSURANCES

A. EDGAR Certifications

1. **Provide a written and signed certification that—**
 - (a) **The plan is submitted by the State agency that is eligible to submit the plan. [34 CFR 76.104(a)(1)]**
 - (b) **The State agency has authority under State law to perform the functions of the State under the program. [34 CFR 76.104(a)(2)]**
 - (c) **The State legally may carry out each provision of the plan. [34 CFR 76.104(a)(3)]**
 - (d) **All provisions of the plan are consistent with State law. [34 CFR 76.104(a)(4)]**
 - (e) **A State officer, specified by title in the certification, has authority under State law to receive, hold, and disburse Federal funds made available under the plan. [34 CFR 76.104(a)(5)]**
 - (f) **The State officer who submits the plan, specified by title in the certification, has authority to submit the plan. [34 CFR 76.104(a)(6)]**
 - (g) **The agency that submits the plan has adopted or otherwise formally approved the plan. [34 CFR 76.104(a)(7)]**
 - (h) **The plan is the basis for State operation and administration of the program. [34 CFR 76.104(a)(8)]**

In carrying out the administrative responsibilities identified in the Act, the Department of Elementary and Secondary Education provides the certifications listed above. (See Appendix I for the signed EDGAR Certifications.)

B. Other Assurances

1. **Submit a copy of the State Plan to the State office responsible for the Intergovernmental Review Process if your State implements that review process under Executive Order 12372. [See 34 CFR Part 79]**

Missouri submitted its State Plan to the Office of Administration for the Intergovernmental Review Process pursuant to Executive Order 12372. See Appendix D for a copy of the letter showing compliance of this requirement.

2. **Provide a complete and signed ED Form 80-0013 for certifications regarding lobbying; [See 34 CFR Part 82. To download ED Form 80-0013, and the SF LLL Form (Disclosure of Lobbying Activities) referred therein, See: <http://www.ed.gov/fund/grant/apply/appforms/appforms.html>]**

The signed Certification Regarding Lobbying is included in Appendix E.

- 3. Provide a complete and signed Assurance for Non-Construction Programs Form. [See <http://www.ed.gov/fund/grant/apply/appforms/appforms.html>]**

The signed Assurances for Non-Construction Programs form is included in Appendix F.

- 4. Provide a signed assurance that the eligible agency 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. [Sec. 122(c)(11)]**

The Department 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.

- 5. Provide a signed assurance that none of the funds expended under the 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 acquiring entity or the employees of the acquiring entity, or any affiliate of such an organization. [Sec. 122(c)(12)]**

The Department will not expend any funds made available under the Act 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 acquiring entity or the employees of the acquiring entity or any affiliate of such an organization.

- 6. Provide a signed assurance that the State will waive the minimum allocation as required in Section 131(c)(1) in any case in which the local educational agency is located in a rural, sparsely populated area or is a public charter school operating secondary school career and technical education programs and demonstrates that it is unable to enter into a consortium for purposes of providing services under the Act. [Section 131(c)(2)]**

The Department will waive the minimum allocation as required in Section 131(c)(1) of the Act in any case in which the local educational agency is located in a rural, sparsely populated area or is a public charter school operating secondary school career and technical education programs and demonstrates that it is unable to enter into a consortium for purposes of providing services under the Act.

- 7. Provide a signed assurance that the State will provide, from non-Federal sources for the costs the eligible agency incurs for the administration of programs under this Act, an amount that is not less than the amount provided by the eligible agency from non-Federal sources for such costs for the preceding fiscal year. [Sec. 323(a)]**

The Department will provide, from non-Federal sources for the costs the eligible agency incurs for the administration of programs under the Act, an amount that is not less than the amount provided by the eligible agency from non-Federal sources for such costs for the preceding fiscal year.

- 8. Provide a signed assurance that the State and eligible recipients that use funds under this Act for in-service and pre-service career and technical education professional development programs for career and technical education teachers, administrators, and other personnel shall, to the extent practicable, upon written request, permit the participation in such programs of career and technical education secondary school teachers, administrators, and other personnel in nonprofit private schools offering career and technical secondary education programs located in the geographical area served by such eligible agency or eligible recipient. [Sec. 317(a)]**

The Department and eligible recipients that use funds made available under the Act for in-service and pre-service career and technical education professional development programs for career and technical education teachers, administrators, and other personnel shall, to the extent practicable, upon written request, permit the participation in such programs of career and technical education secondary school teachers, administrators, and other personnel in nonprofit private schools offering career and technical secondary education programs located in the geographical area served by such eligible agency or eligible recipient.

- 9. Provide a signed assurance that, except as prohibited by State or local law, that an eligible recipient may, upon written request, use funds made available under this Act to provide for the meaningful participation, in career and technical education programs and activities receiving funds under this Act, of secondary school students attending nonprofit private schools who reside in the geographical area served by the eligible recipient. [Sec. 317(b)(1)]**

Except as prohibited by State or local law, the eligible recipient may, upon written request, use funds made available under the Act to provide for the meaningful participation, in career and technical education programs and activities receiving funds under this Act, of secondary school students attending nonprofit private schools who reside in the geographical area served by the eligible recipient.

- 10. Provide a signed assurance that eligible recipients that receive an allotment under this Act will consult, upon written request, in a timely and meaningful manner with representatives of nonprofit private schools in the geographical area served by the eligible recipient regarding the meaningful participation, in career and technical education programs and activities receiving funding under this Act, of secondary school students attending nonprofit private schools. [Sec. 317(b)(2)]**

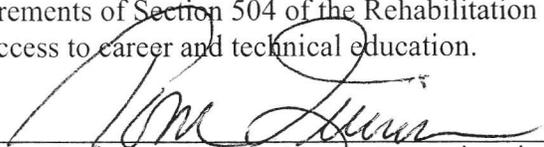
The eligible recipients that receive an allotment under the Act will consult, upon written request, in a timely and meaningful manner with representatives of nonprofit private schools in the geographical area served by the eligible recipient regarding the meaningful participation, in career and technical education programs and activities receiving funding under this Act, of secondary school students attending nonprofit private schools.

B. Other Assurances:

1. The Department and eligible recipients will not use funds made available under the Act 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.
2. The Department will meet the maintenance of fiscal effort requirements on either a per student or aggregate expenditure basis.
3. The Department and eligible recipients will not use funds made available under the Act to require any secondary school student to choose or pursue a specific career path or major.
4. The Department and eligible recipients will not use funds made available under the Act 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.
5. The Department and eligible recipients will use funds made available under the Act in accordance with the Act.
6. The Department and eligible recipients will use funds made available under the Act to supplement, not supplant, non-Federal funds expended to carry out career and technical education activities and Tech Prep program activities.
7. The Department and eligible recipients will not use funds made available under the Act 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.
8. The portion of any student financial assistance received under the Act that is made available for attendance costs 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.
9. Eligible recipients may use funds made available under the Act to pay for the costs of career and technical education services required in an individualized education program 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.

May 12, 2008

Date


Tom Quinn, Assistant Commissioner
Division of Career Education