



## JUSTICE AND PUBLIC SAFETY CABINET

**Matthew G. Bevin**  
Governor

**Department of Juvenile Justice**  
1025 Capital Center Drive, 3<sup>rd</sup> Floor  
Frankfort, Kentucky 40601-8205  
Phone (502) 573-2738  
Fax (502) 573-4308  
[www.kentucky.gov](http://www.kentucky.gov)

**John Tilley**  
Secretary  
**Carey D. Cockerell**  
Commissioner

November 1, 2018

Mr. Phillip Watts  
Superintendent  
Breathitt County School District  
P.O. Box 750  
Jackson, Kentucky 41339

RE: Title I Part D Subpart 1 Grant No. SO13A170017

Project Title: Title I Part D Subpart 1 Neglected-Delinquent

Dear Mr. Watts:

This is notification that the KY Department of Juvenile Justice has awarded Title I Part D Subpart 1 federal supplemental education grant funding for 2018-2019 as a sub-award to the Breathitt County School District. The purpose of these sub-award funds is to provide supplemental educational and transition services to students at the Breathitt Day Treatment.

The FY 2018-2019 Title I (Project # 313E) allocation for Breathitt Day Treatment is \$24,000.

If you accept the funding, the district must execute the enclosed Award Binder. The following items require signature(s) and should be returned to the KENTUCKY DEPARTMENT OF JUVENILE JUSTICE (attention: Dr. Greg Finkbonner) within ten (10) days of receipt.

- **Grantee Contact Information and Certification Authorization** (Pg. 5)
- **Statement of Action (2)** (Pg. 8)
- **Certification Regarding Lobbying et al** (Pg. 19-21)
- **Special Conditions for Grant Programs** (Pg. 21-24)
- **Signatory Forms (2)** (Pg. 27)

**Send one signed copy of each to me and keep a signed copy for your records, along with any additional pertinent information regarding this grant award. Send copies of appropriate fiscal documents to the school district fiscal manager for this grant to keep on file.** DJJ recommends that you forward grant documents and correspondences to your attorney for review, as well.

You are not required to submit any documentation to the Kentucky State Clearinghouse as it is not applicable to this grant.

The National Technical Assistance Center for the Education of Neglected or Delinquent Children and Youth's Non-Regulatory Guidance for State Agency Programs (Part D, Subpart 1) serves as the primary reference for fiscal management and grant administration of Title I Part D federal funds. A copy of this guide can be downloaded from the internet at <https://neglected-delinquent.ed.gov/title-i-part-d-nonregulatory-guidance-state-agency-programs-part-d-subpart-1>.

The Kentucky Department of Juvenile Justice values the ongoing relationship with the Breathitt County School District. If you have questions or need assistance please contact the interim Title I Program Administrator, Dr. Greg Finkbonner at (502) 573-2738, ext. 289 or by email at [Gregory.Finkbonner@ky.gov](mailto:Gregory.Finkbonner@ky.gov).

Respectfully,

A handwritten signature in black ink, appearing to read "Greg Finkbonner Ed.D.", with a stylized flourish at the end.

Dr. Greg Finkbonner  
Interim Title I Program Administrator

Enclosed Attachments  
CC: File: David Baesler

# KENTUCKY DEPARTMENT OF JUVENILE JUSTICE



## Title I Part D Subpart 1 Formula Grant

Education

Breathitt County School District

### Award Binder

#### **Project Staff Contacts:**

|                       |                                  |
|-----------------------|----------------------------------|
| Program Administrator | Dr. Greg Finkbonner<br>(interim) |
| Financial Officer     | David Baesler                    |

Kentucky Department of Juvenile Justice  
1025 Capital Center Drive  
Frankfort, KY 40601

**Grant Award Information:**

Federal Awarding Agency: US Department of Education

Pass-Through Agency- KY Department of Education

Grant Administering Agency: KY Department of Juvenile Justice

Sub-recipients: KY School Districts

The Title I Part D Subpart 1 (Neglected-Delinquent) grant is awarded by the United States Department of Education to the Kentucky Department of Education. The Kentucky Department of Juvenile Justice administers the grant. The grant administrator determines if, and/or how much, funding is allocated to Kentucky School Districts that contract with the DJJ to provide educational and transition services in DJJ Youth Development Centers, DJJ Day Treatment Centers, and School District operated Day Treatment Centers.

AWARD INFORMATION PR/AWARD NUMBER: S013A180017

ACTION TYPE: Administrative

AWARD TYPE: Formula (Non-Research and Development)

PROJECT DESCRIPTION: 84.013A Neglected and Delinquent

AWARD PERIODS BUDGET PERIOD: 07/01/2018 - 09/30/2020

FEDERAL FUNDING PERIOD: 07/01/2018 - 09/30/2020

AWARD AMOUNT: \$24,000

ADMINISTRATIVE INFORMATION DUNS: 123287682

REGULATIONS CFR PART: 34 CFR 200.331

AUTHORITY: PL 114-95, Section 1401 I ELEMENTARY AND SECONDARY EDUCATION ACT, 2015.

PROGRAM TITLE: TITLE I PROGRAM FOR NEGLECTED AND DELINQUENT CHILDREN

CFDA/SUBPROGRAM NO: 84.013A

PR/AWARD NUMBER: S013A180017

**Grantee Contact Information and Certification Authorization****Grantee:** Breathitt County School District  
Education**Program:** Neglected/Delinquent**Grant Cycle:** July 1, 2018 – September 30, 2020**Grant Number:** S013A180017**Section I: Agency and Program Information:****(SIGN AND FORWARD TO: KENTUCKY DEPARTMENT OF JUVENILE JUSTICE)**

|                                                      |                                                                       |                  |  |
|------------------------------------------------------|-----------------------------------------------------------------------|------------------|--|
| AGENCY NAME:                                         | Breathitt County School District                                      |                  |  |
| AGENCY DIRECTOR:                                     | Mr. Phillip Watts<br>SUPERINTENDENT, Breathitt County School District |                  |  |
| ADDRESS:                                             |                                                                       | TELEPHONE NO.    |  |
| CITY/STATE:                                          |                                                                       | ALTERNATIVE NO:  |  |
| ZIP CODE:                                            |                                                                       | FAX NO:          |  |
| <b>PROGRAM PROJECT NAME:</b> Breathitt Day Treatment |                                                                       |                  |  |
| <b>PROGRAM COORDINATOR:</b> Ms. Kim Gibson           |                                                                       |                  |  |
| PHYSICAL ADDRESS:                                    |                                                                       | MAILING ADDRESS: |  |
| CITY/STATE:                                          |                                                                       | CITY/STATE:      |  |
| ZIP CODE:                                            |                                                                       | ZIP CODE:        |  |
| TELEPHONE NO:                                        |                                                                       | TELEPHONE NO:    |  |
| FAX NO:                                              |                                                                       |                  |  |
| <b>FISCAL AGENT:</b>                                 |                                                                       |                  |  |
| MAILING ADDRESS:                                     |                                                                       | TELEPHONE NO:    |  |
| CITY/STATE:                                          |                                                                       | FAX NO:          |  |
| ZIP CODE:                                            |                                                                       |                  |  |

**CERTIFICATION**

I do hereby certify that all facts, figures and representations made in this application are true and correct. Furthermore, all applicable federal and state statutes, regulations, assurances, procedures for program compliance, documentation requirements, administration of surveys and other data collection requirements and fiscal control will be implemented to ensure proper accountability of grant funds. I certify that the funds requested in this application will not supplant funds that would otherwise be used for the purposes set forth in this program. The filing of this application has been authorized by the grant applicant and I have been duly authorized to act as the representative of the grantee in connection with this application. This completed application, if accepted, becomes a part of the approved contract for these grant funds.

Phillip Watts Superintendent  
**Print or typed authorized name and title**

Phillip Watts 11-7-18  
**Authorized signature (Blue or Red Ink)/Date**



**Kentucky Department of Juvenile Justice**  
**AWARD BINDER**  
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  - 5. Immigration and Naturalization Service
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  - 8. Provision of Services- Compliance with Laws and Regulations
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**SECTION II**

- A. Budget
- B. Performance Reports

**SECTION III**

- A. Signatory Form Procedure
- B. Payment Request Procedure
- C. Signatory Form (*sign and return*)
- D. Payment Request Form

**APPENDIXES**

Re: Indirect Cost Negotiated Rate

- A. Kentucky Department of Education, Staff Note
- B. Kentucky Department of Education, Indirect Cost Rates used for FY 2018-2019

Submit all correspondence regarding this grant to:

**Interim Title I Program Administrator, Dr. Greg Finkbonner**

Kentucky Department of Juvenile Justice

1025 Capital Center Drive

Frankfort, Kentucky 40601

Phone: 502-573-2738

[Gregory.Finkbonner@ky.gov](mailto:Gregory.Finkbonner@ky.gov)

**KENTUCKY DEPARTMENT OF JUVENILE  
JUSTICE**

**Award Binder**  
**S013A180017- Breathitt- 019**

**SECTION I**  
**Statement of Action &**  
**Special Conditions**

## KENTUCKY DEPARTMENT OF JUVENILE JUSTICE

### STATEMENT OF ACTION CONTINUATION GRANT AWARD

**Grant No.:** Title I Formula Grant S013A180017

**Recipient Federal ID No.:** 123287682

**Recipient:** Breathitt County School District

**Program Title:** Title I Program for Neglected and Delinquent Children

**Project Description:** 84.013A Neglected and Delinquent

**Grant Period:** July 1, 2018 – September 30, 2020

**Federal Funds Awarded (FY2019):** \$ 24,000

---

**Special Conditions:** This grant project is approved subject to 1.) conditions or limitations set forth on the attached pages and 2.) program plan and budget approval from the KY Department of Education.

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In accordance with the provisions of the PL 114-95, Section 1401 I ELEMENTARY AND SECONDARY EDUCATION ACT, 2015, the Kentucky Department of Juvenile Justice does hereby offer this grant contract and award in the amount and for the time specified above.

This grant contract is subject to the liabilities and obligations specified in the Special Conditions and Award Purpose Statement incorporated herein.

In order to legally accept this award and action grant contract, the authorized official of the recipient must execute this acceptance of grant award and immediately return one signed copy to the Kentucky Department of Juvenile Justice.

---

## KENTUCKY DEPARTMENT OF JUVENILE JUSTICE

\_\_\_\_\_  
Carey D. Cockerell  
Commissioner

  
(signature of chief executive official)

Philip Waters Superintendent  
(name and title – type or printed)

**DATE:**

**DATE:** 11-7-18



## KENTUCKY DEPARTMENT OF JUVENILE JUSTICE

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\_\_\_\_\_  
Carey D. Cockerell  
Commissioner

  
(signature of chief executive official)

  
(name and title – type or printed)

**DATE:**

**DATE:** 11-7-18

Retain Copy for your Records

## *Award Conditions*

### **I. FINANCIAL AND GRANTS MANAGEMENT**

- A. The Recipient must adhere to all applicable state and federal laws and procedures and is responsible for establishing and maintaining an adequate system of accounting and internal controls. The following government-wide common rules are applicable:
1. "Government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug-free Workplace (Grants)" codified at 2 CFR Part 180, Subpart F, G, and H.
  2. As required by the Drug-Free Workplace Act of 1988, and implemented at 41 U.S.C. § 8103, for grantees, as defined at 2 CFR Part 182.
    - a. The Recipient certifies that it will make a good faith effort to provide and maintain a drug free workplace by prohibiting the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance in the work place.
    - b. The Recipient shall not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant.
    - c. The Recipient will continue to improve drug-free awareness programs through employee assistance and, in cooperation with state agencies, to eradicate the dangers that drugs in the workplace create for employees. State supported health insurance provides coverage for employees referred to or seeking treatment for drug and alcohol-related problems.
    - d. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, the Recipient will report the conviction, in writing, within 5 calendar days of the conviction, to Department of Juvenile Justice, Title I Administrator.
  3. "New Restrictions on Lobbying" codified at 2 CFR Part 200.450.

The Recipient certifies that to the best of his or her knowledge no federal funds will be used for purposes of lobbying. If funds have been used for lobbying, a Disclosure of Lobbying Activities form will be submitted pursuant to 31 U.S.C. 1352. (Form# 4040-0013 (7-97) can be accessed at [https://www.gsa.gov/cdnstatic/SFLLL\\_1\\_2\\_P-V1.2.pdf?forceDownload=1](https://www.gsa.gov/cdnstatic/SFLLL_1_2_P-V1.2.pdf?forceDownload=1)).
- B. The following Federal Regulations are applicable to the administration of this grant:
1. Title I, Part D, statute:
    - a. Section 1415: Use of Funds
    - b. Section 1416: Institution-wide Projects
    - c. Section 1418: Transition Services
  2. Non-regulatory Guidance:
    - a. Section H: Use of Funds
    - b. Section J: Institution-wide Projects
    - c. Section K: Transition Services
  3. 2 CFR 200: Uniform Administrative Requirements, Cost Principles, and Audit



- Requirements for Federal Awards
4. 34 CFR 200.90: Subpart D- Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk of Dropping Out.
  5. 34 CFR 200.91: SEA counts of Eligible Children
  6. EDGAR: Part 80, Subpart C (Post Award Requirements)
    - a. 80.22: Allowable Costs
    - b. 80.31: Real Property
    - c. 80.32: Equipment
    - d. 80.33: Supplies
- C. The National Technical Assistance Center for the Education of Neglected or Delinquent Children and Youth's Non-Regulatory Guidance for State Agency Programs (Part D, Subpart 1) serves as the primary reference for fiscal management and grant administration of Title I Part D federal funds. A copy of this guide can be downloaded from the internet at <https://neglected-delinquent.ed.gov/title-i-part-d-nonregulatory-guidance-state-agency-programs-part-d-subpart-1>. The provisions of the Non-Regulatory Guidance must be utilized by the Recipient. The Recipient agrees to comply with the financial and administrative requirements as set forth in the Non-Regulatory Guidance and the implementing regulations for the Title I Part D Formula Grants Program as set forth in 2 CFR 200.
- D. Financial management of this grant award, including Financial Status Reports, must be approved by the Recipient's financial director; one of the two authorized signatory personnel.
- E. **Audit Requirements.** The Recipient must comply with the organizational audit requirements of 2 CFR. The audit report and accompanying management letter is to be included in the audit report package. The Recipient shall submit two copies of the audit report package no later than 12 months after the close of each fiscal year during the term of the award. If the audit disclosed findings or recommendations, the Recipient must also include a corrective action plan, in the audit report package, that contains the following:
- a. The name and number of the contact person responsible for the corrective action plan.
  - b. Specific steps taken to comply with the recommendations.
  - c. Timetable for performance and/or implementation dates for each recommendation.
  - d. Descriptions of monitoring to be conducted to ensure implementation.
  - e. Recipient is liable for any disallowed cost as a result of audit exceptions.
- F. The Recipient understands that all funds must be accounted for, including all interest or other income earned by the sub-grantee with respect to sub-grant funds or as a result of conduct of the project (sale of publications, registration fees, service charges on fees, asset forfeitures, etc.). Interest on sub-grant funds must not accrue to the sub-grantee as the sub-grantee is not authorized to have an excess of a one-month supply of federal and state monies in their possession at the end of any calendar month.
- G. The Recipient agrees to prepare and submit any reports of income and expenses used to support any rates established under this award as request by the Kentucky Department of Juvenile Justice. Reports of income and expenses shall be prepared in accordance with 2 CFR 200.
- H. Recipient shall maintain records and financial statements to document income and expenses, records of referrals, case records, statistical records, and all other records and reports pertinent to this award. Said records are to be made available for audit by the Kentucky Department of Juvenile Justice and the Kentucky Department of Education as required by 2 CFR 200.300 through 200.309, and Subpart F- Audit Requirements.
- I. The Recipient understands that any individual that embezzles, willfully misapplies, steals or obtains by fraud any funds, assets or property which are the subject of a sub-grant or contract or other form of assistance, whether received directly or indirectly from the Kentucky Department of Juvenile

Justice, may be fined not more than \$10,000.00 or imprisoned for not more than five (5) years, or both. Whoever knowingly falsifies, conceals or covers up by trick, scheme or device, any material fact in any application for assistance or in any record required to be maintained, will be subject to prosecution under the provisions of Section 1001 of Title 18, United States Code.

- J. The Recipient understands that federal grant funds made available under the auspices of the U.S. Departments of Juvenile Justice or Education will not be used to supplant state or local funds, but will be used to initiate, enhance and/or expand the program according to individual program requirements.
- K. The recipient/subrecipient must comply with applicable requirements to report first-tier subawards ("subgrants") of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier "subgrantees") of award funds. The details of recipient/subrecipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the OJP web site at <https://ojp.gov/funding/Explore/FFATA.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here. This condition, including its reporting requirement, does not apply to—
  - 1. an award of less than \$25,000, or
  - 2. an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
- L. The Recipient certifies that when issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with federal money, all grantees receiving federal funds, including but not limited to state and local governments, shall clearly state: (1) the percentage of the total cost of the program or project which will be financed by federal money, and (2) the dollar amount of federal funds for the project or program.

## **II. EXPENDITURE and COMPENSATION OF FUNDS**

Requests for reimbursement for expenditures not included in the Recipient's approved budget or not receiving prior approval from the Kentucky Department of Education will be disallowed. The Kentucky Department of Juvenile Justice retains the right to withhold payments if the Recipient fails to comply with any of the terms of this contract.

- A. The Recipient understands that grant funds may not be obligated prior to the effective date of the grant or subsequent to the termination date of the grant period.
- B. The Recipient is liable for any disallowed cost.
- C. Title I Part D funds are intended to be spent during the year awarded. If funds are not spent during that year, a district may submit a carryover request.
  - 1. The district Title I Part D program coordinator must submit a request in writing. The request must:
    - a. Explain why there is a need to carryover funds beyond September 30, and how the funds will positively affect students.
    - b. Focus on outcomes, and include a proposed budget and plan for use of carryover funds and,
    - c. The request must be submitted on district letterhead.

2. The district will submit the request via email to the KDE Title I Part D program consultant(s).
  3. KDE Title I Part D program consultant(s) will discuss the request and approve or deny it.
  4. Districts will receive final notification of the request.
  5. If approved, the district must spend carryover funds first to ensure they are spent within period of availability, September 30 of the following school year. The funds must be obligated by December of the following school year.
- D. The payment request must be in accordance with the Recipients' approved budget contained in Section III of the Award Binder.
- E. The negotiated indirect cost rate is predetermined between the Kentucky Department of Education and the Local Education Agency. The individual rate is provided in the Appendix.
- F. All supporting documentation for expenditures must be kept on file and organized in a manner that is conducive for auditors and management of the grant; readily available for audits of grant funding.
- G. The Recipient must adhere to all due dates for program reports. If program reports are not submitted by due dates, payment reimbursement may not be dispersed.
- H. The Recipient agrees that accounting, auditing, monitoring, and evaluation procedures are necessary to keep records to assure fiscal control, proper management, and efficient distribution of funds received.
- I. The Recipient agrees to maintain data and information and submit reports in a designated format, in a timely manner and containing information as the Kentucky Department of Juvenile Justice or the Kentucky Department of Education may require. Maintain such data at the applicant's office, regardless of whether the administration of that office has changed.
- J. The Recipient understands that if the requested project is funded, continuation is not guaranteed.
- K. The Recipient understands that a sub-grant may be terminated or fund payments discontinued by the Kentucky Department of Juvenile Justice where it finds a substantial failure to comply with the provisions under which the application was made or regulations promulgated, including these sub-grant conditions or application obligations, but only after notice and hearing and pursuant to all procedures set forth in Sections 510 and 511 of Public Law 90-351, as amended.
- L. The Recipient shall notify DJJ in the case that any of its principles are or become debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.
- M. The Recipient agrees to establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business or other ties.
- N. The Recipient will give the grantor agency or the Comptroller General, through any authorized representative, the access to and the right to examine all records, books, papers, or documents related to the grant.



- O. The applicant agrees that should the Kentucky Department of Juvenile Justice determine that it needs to take legal action against the applicant for actions arising out of the grant, the applicant will waive jurisdiction and have the case heard in either state or federal court in Franklin County, Kentucky.

### **III. PURCHASING AND SPECIFICATIONS**

The Recipient or any person with an interest therein will not attempt in any manner to influence any specifications to be restrictive in any way or respect, nor will the Recipient attempt in any way to influence any purchasing of services or commodities by the Commonwealth of Kentucky.

### **IV. CIVIL RIGHTS REQUIREMENTS**

#### **A. DISCRIMINATION PROHIBITED.**

The sub-grantee assures that no person shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with, any activity receiving funds from the Title I Part D program on the basis of race, color, religion, national origin, sex, disability, or age. The sub-grantee shall also assure the designation of an employee who will have lead responsibility for insuring sub-grantees compliance with civil rights regulations. In accordance with federal civil rights laws, applicant assures it shall not retaliate against an individual for taking action or participating in action to secure rights protected by these laws.

1. The Recipient assures that it will comply, and all its sub-grantees and contractors will comply, with the nondiscrimination requirements of the Victims of Crime Act (42 U.S.C. Â§ 10604), as appropriate; Title VI of the Civil Rights Act of 1964 (42 U.S.C. Â§ 2000d); Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Â§ 794); subtitle A, Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. Â§ 12132); Title IX of the Education Amendments of 1972 (20 U.S.C. Â§ 1681); the Age Discrimination Act of 1975 (42 U.S.C. Â§ 6102); and Department of Justice regulations at 28 C.F.R. pt. 42, subpts. C, D, E, and G, 28 C.F.R. pt. 35, and 28 C.F.R. pt. 54.
2. The Recipient assures that in the event a federal or state court or federal or state administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin or sex against a recipient of funds, the recipient will forward a copy of the finding to the Department of Juvenile Justice, Title I Part D Administrator.
3. The Recipient assures that it is in compliance with Title VI of the Civil Rights Act by providing services that are accessible to persons with limited English proficiency (LEP). Recipients will prepare and maintain a written policy on language assistance for LEP persons.
4. The Recipient assures that the agency possesses legal authority to apply for the grant; that resolution, motion, or similar action has been duly adopted or passes as an official act of the applicants governing body, authorizing the filing of the application including all understandings and assurances contained therein, and directing the authorizing person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

- B. The Recipient is required to comply with all applicable state and Federal nondiscrimination laws and regulations.
- C. The Recipient must comply with the Federal Civil Rights Act of 1964 as amended, and the Kentucky Civil Rights Act of 1996 as amended, and the Establishment Clause of the United States Constitution.

The Recipient shall not on the ground of race, color, religion, sex, age (40-70), or national origin:

- 1. Deny any individual aid, care, services, or other benefits provided under this program;
- 2. Provide any aid, care, services, or other benefits to an individual which is different, or is provided in a different manner, from that provided to others under the program;
- 3. Subject any individual to segregation or separate treatment in any matter related to receipt of any aid, care, services, or other benefits provided under the program;
- 4. Restrict any individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any aid, care, services, or other benefits provided under the program;
- 5. Treat an individual differently from others in determining whether he or she satisfied any eligibility or other requirement or condition which individuals must meet in order to receive any aid, care, services, or other benefits provided under the program; or
- 6. Deny any individual an opportunity to participate in the program through the provision of services or otherwise afford an opportunity to do so which is different from that afforded others under the program.

D. Equal Employment Opportunity

- 1. The Recipient agrees to comply with the Equal Employment Opportunity guidelines.
  - a. The Kentucky Commission on Human Rights is the state government authority that enforces the Kentucky Civil Rights Act (Kentucky Revised Statutes Chapter 344), and, through its affiliations with the U.S. Dept. of Housing and Urban Development and the U.S. Equal Employment Opportunity Commission, enforces federal civil rights laws.
  - b. The Kentucky Civil Rights Act makes it unlawful to discriminate against people in the areas of employment, financial transactions, housing and public accommodations. Discrimination is prohibited in the aforementioned areas based on race, color, religion, national origin, gender, and disability. In employment, discrimination is further prohibited on the basis of age (40-years and over) and on the basis of tobacco-smoking status. In housing, discrimination is further prohibited based on familial status, which protects people with children in the household under the age of 18-years old, and it protects women who are pregnant. It is a violation of the law to retaliate against a person for complaining of discrimination to the commission.
- 2. The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.
- 3. The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

4. The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38, specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries. Part 38 of 28 C.F.R., a DOJ regulation, was amended effective May 4, 2016.
5. 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38 also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipient and subrecipients that are faith-based or religious organizations.
6. The text of the regulation, now entitled "Partnerships with Faith-Based and Other Neighborhood Organizations," is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.

**E. SECTION 504 (REHABILITATION ACT)**

1. The Recipient must comply with the provision of Section 504 of the Rehabilitation Act of 1973, P.L.93-112, and applicable federal regulations relating thereto prohibiting discrimination against otherwise qualified individuals with disabilities under any program or activity receiving federal financial assistance.
2. The Recipient shall:
  - a. Conduct an annual self-evaluation for compliance with Section 504; and
  - b. If the Recipient has fifteen or more employees, it shall appoint an employee to coordinate efforts to comply with Section 504 and adopt procedures that provide for the resolution of complaints related to Section 504.

**V. IMMIGRATION AND NATURALIZATION SERVICE**

The Recipient must complete and keep on file, as appropriate, the Immigration and Naturalization Service Employment Eligibility Form (I-9). The Recipient shall use this form to verify that persons employed by the Recipient are eligible to work in the United States.

**VI. LIMITED ENGLISH PROFICIENCY**

- A. The federal government and those receiving assistance from the federal government must take reasonable steps to ensure that Limited English Proficient (LEP) persons have meaningful access to the programs, services and information those entities provide. Persons who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English can be classified as LEP. These individuals are entitled to language assistance with respect to a particular type of service, benefit or encounter. All programs and operations of entities that receive assistance from the federal government must comply with providing services to LEP individuals. These services include providing oral language services and providing translation of written materials.
- B. The Recipient shall provide a copy of their agency LEP plan. If applicable, the Recipient will provide a copy of the mandatory signatory documents and/or upload the form with the application on the Electronic Grants Management System.

**VII. SCREENING REQUIREMENT**

- A. In DJJ residential and DJJ day treatment programs, the Recipient will cooperate with the facility superintendent in obtaining the information and releases required for criminal and administrative



background investigations to be conducted on any certified or classified staff who may have contact with youth and agrees to not assign any certified or classified staff to work at the program until background checks have been completed for the assigned staff.

- B. Contracted day treatment programs shall ensure that staff have undergone criminal background investigations and ensure that staff employed do not have criminal charges relating to abuse or sexual abuse.

#### **VIII. PROVISION OF SERVICES – COMPLIANCE WITH LAWS AND REGULATIONS**

Recipient must comply with all applicable Federal and State laws and regulations for services provided under this award, including KRS Chapters 600 through 645; 922 KAR 1:300 relating to standards for child-caring facilities; 707 KAR Chapter 1 relating to exceptional children's programs; 803 KAR 1:005 through 803 KAR 1:100 relating to labor standards and child labor laws; 815 KAR 4:010 through 815 KAR 35:010 relating to Life Safety Code requirements; and 902 KAR 2:020 through 902 KAR 4:100 relating to health and sanitation. As additional State and Federal requirements are made available, the Kentucky Department of Juvenile Justice will make the information available to active grantees.

#### **IX. YOUTH'S RIGHTS**

- A. Recipient shall assure that all youths are informed of their rights to file a grievance, in accordance with the Kentucky Department of Juvenile Justice Policy DJJPP 331 and 505 KAR 1:202 for:
  - 1. Actions arising from service rendered under this agreement,
  - 2. A belief their civil rights have been violated, or
  - 3. A belief that they have been discriminated against on the basis of disability.
- B. Recipient shall assure that youths aggrieved by actions arising from service rendered under this agreement shall have the right to a hearing. Such assurance shall include an opportunity for an aggrieved client to request a hearing and to be heard, and shall include the right of appeal to the Kentucky Department of Juvenile Justice's Ombudsman Office if the grievance is not resolved to the client's satisfaction by the Recipient. Complete records shall be maintained of such complaints and any informal meetings, telephone calls, hearing, or appeals arising from them. Such records shall be made available to representatives of the Kentucky Department of Juvenile Justice upon request.

#### **X. ETHICS CODE**

- A. The Recipient agrees to adhere to the Department's Code of Conduct ([DJJPP 104-  
https://djj.ky.gov/100%20Policy%20Manual/DJJ%20104%20%20Code%20of%20Conduct.pdf](https://djj.ky.gov/100%20Policy%20Manual/DJJ%20104%20%20Code%20of%20Conduct.pdf)) and Code of Ethics ([DJJPP 102-  
https://djj.ky.gov/100%20Policy%20Manual/DJJ%20102%20Staff%20Code%20of%20Ethics.pdf](https://djj.ky.gov/100%20Policy%20Manual/DJJ%20102%20Staff%20Code%20of%20Ethics.pdf)) Policies and Procedures and to cooperate with any investigation of misconduct.
- B. If a violation occurs, disciplinary issues relating to school district personnel shall be governed by the local school district's policy and procedures.
- C. If the Department of Juvenile justice provides written notice that it believes that any teacher and/or other educational staff has violated any Department of Juvenile Justice policy, then the individual that is believed to have violated Policy shall not be allowed to return to the Department of Juvenile Justice's property, and the Recipient will forthwith provide a different teacher and/or other educational staff to replace the individual that would not be allowed to return.

#### **XI. PRISON RAPE ELIMINATION ACT (PREA)**

PREA standards and monitoring is applicable in residential and DJJ Day Treatment programs. All contracted day treatment programs shall have policies and procedures incorporated into programming



that promote a zero tolerance environment against sexual abuse, sexual harassment, sexual contact or any type of sexual offense.

- A. The Recipient shall comply with the Prison Rape Elimination Act (PREA) (42 U.S.C. §15601, et seq.) and with all applicable PREA National Standards (28 C.F.R. Part 115), which can also be found at <http://www.prearesourcecenter.org/sites/default/files/library/preafinalstandardstype-juveniles.pdf>. The contractor shall also comply with all Kentucky Department of Juvenile Justice policies related to PREA which can be found at <https://djj.ky.gov/900%20Policy%20Manual/Chapter%209%20Table%20of%20Contents.pdf>
- B. The Recipient shall make itself familiar with and at all times shall observe and comply with all PREA regulations and the Kentucky Department of Juvenile Justice PREA policies which in any manner affect performance under this Contract.
- C. The Recipient agrees to self-monitor its activities and facilities for compliance with the PREA standards and the Kentucky Department of Juvenile Justice policies.
- D. The Recipient acknowledges that in addition to the self-monitoring requirement, the Kentucky Department of Juvenile Justice will conduct announced or unannounced compliance monitoring that may include on-site monitoring visits.
- E. If the Recipient provides residential services for youth, the Recipient will also be subject to a Department of Juvenile Justice PREA audit once every three (3) year period.
- F. All costs associated with the PREA audit shall be borne by the Recipient.
- G. The Kentucky Department of Juvenile Justice will conduct a mock-audit prior to the Department of Juvenile Justice PREA audit. Failure to comply with PREA standards and related Kentucky Department of Juvenile Justice policies may result in termination of the contract.

## **XII. NONSUPPLANTING REQUIREMENT**

Award funds cannot be used to supplant state or local funds. They must increase the amount of funds that would otherwise be available from state and local sources.

## **XIII. RETENTION/ACCESS OF RECORDS**

- A. The Recipient shall retain all financial records, supporting documents, statistical records, data bases, and all other records pertinent to the award for a minimum of eight (8) years following the closure of the most recent audit report following the end of program activities.
- B. Case/client records and/or data-bases shall be maintained indefinitely in accordance with applicable laws and regulations.
- C. The Kentucky Department of Juvenile Justice, the Kentucky Department of Education, the DOJ Office of the Inspector General, the Comptroller General of the United States, or any of their authorized representatives, shall have the right of access to any pertinent books, documents, papers, or other records of the Recipient which are pertinent to the award, in order to make audits, examinations, excerpts and transcripts and/or to be utilized for continued and or expanded study.

#### **XIV. CERTIFICATION REQUIREMENTS**

Recipient is required to execute certification forms which commit the Recipient to compliance with the certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "A Government-Wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug-Free Workplace (Grants)."

#### **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 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Non-procurement) 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 Juvenile Justice determines to award the covered transaction, grant, or cooperative agreement.

#### **INITIAL BY EACH LINE ON ALL SECTIONS.**

##### **A. LOBBYING**

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 2 CFR 200.450, the applicant certifies that:

72 (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 marking of any Federal grant, the entering into any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

72 (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, 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 of Lobbying Activities," in accordance with its instructions (form can be accessed in Section I. A. 3. above);

72 (c) 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.

##### **B. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)**

As required by Executive Order 12549, Debarment and Suspension, and implemented at 2 CFR



180, for prospective participants in primary covered transactions--

1. The applicant certifies that it and its principal:

PV (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency,

PV (b) Have not within a three-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 contact 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;

PV (c) Are not presently indicated for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or Local) with commission of any offenses enumerated in paragraph (1)(b) of this certification; and

PV (d) 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

2. 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.

**C. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 41 U.S.C § 8103:

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

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

PV (b) Establishing an on-going drug-free awareness program to inform employees about:

- i. The dangers of drug abuse in the workplace;
- ii. The grantee's policy of maintaining a drug-free workplace;
- iii. Any available drug counseling, rehabilitation, and employee assistance programs; and
- iv. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

pu (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);

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

- i. Abide by the terms of the statement; and
- ii. 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 (5) calendar days after such conviction;

pu (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 the Department of Juvenile Justice, Title I Program Administrator.

pu (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 convicted

- i. 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
- ii. 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;

pu (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).

The site(s) for the performance of work done in connection with the specific grant is found in GMAP at <https://gmap.education.ky.gov>.

### Special Conditions for Grant Programs

*\*Initial each line*

The applicant assures that the agency possesses legal authority to apply for the grant; that resolution, motion, or similar action has been duly adopted or passes as an official act of the applicants governing body, authorizing the filing of the application including all understandings and assurances contained therein, and directing the authorizing person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

**DISCRIMINATION PROHIBITED.** The sub-grantee agrees to assure that no person shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with, any activity receiving funds from the Office of Justice Programs, Office on Violence Against Women, or the Office of Community Oriented Policing Services on the basis of race, color, religion, national origin, sex, handicap, or age. The sub-grantee shall also assure the designation of an employee who will have lead responsibility for insuring sub-grantees compliance with civil rights regulations. In accordance with federal civil rights laws, applicant assures it shall not retaliate against individual for taking action or participating in action to secure rights protected by these laws.

pu The applicant assures that it will comply, and all its sub-grantees and contractors will comply, with the nondiscrimination requirements of the Victims of Crime Act (42 U.S.C. § 10604), as appropriate; Title VI of the Civil Rights Act of 1964 (42



U.S.C. § 2000d); Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794); subtitle A, Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. § 12132); Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681); the Age Discrimination Act of 1975 (42 U.S.C. § 6102); and Department of Justice regulations at 28 C.F.R. pt. 42, subpts. C, D, E, and G, 28 C.F.R. pt. 35, and 28 C.F.R. pt. 54.

pu The applicant assures that in the event a federal or state court or federal or state administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin or sex against a recipient of funds, the recipient will forward a copy of the finding to the Office for Civil Rights (OCR) of the Office of Justice Programs.

pu The applicant assures that it complies with Title VI of the Civil Rights Act by providing services that are accessible to persons with limited English proficiency (LEP). Recipients will prepare and maintain a written policy on language assistance for LEP persons.

pu The applicant agrees to establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business or other ties.

pu The applicant will give the grantor agency or the Comptroller General, through any authorized representative, the access to and the right to examine all records, books, papers, or documents related to the grant.

pu The applicant understands that whoever embezzles, willfully misapplies, steals or obtains by fraud any funds, assets or property which are the subject of a sub-grant or contract or other form of assistance, whether received directly or indirectly from the Kentucky Department of Juvenile Justice, may be fined not more than \$10,000.00 or imprisoned for not more than five (5) years, or both. Whoever knowingly falsifies, conceals or covers up by trick, scheme or device, any material fact in any application for assistance or in any record required to be maintained, will be subject to prosecution under the provisions of Section 1001 of Title 18, United States Code. Any law enforcement program or project underwritten in whole or in part by any sub-grantee, or contract or other form of assistance, whether received directly or indirectly from the Kentucky Department of Juvenile Justice, will be subject to the provisions of Section 371 of Title 18, United States Code.

pu The applicant agrees to implement this project according to the approved program plan found in GMAP <https://gmap.education.ky.gov>.

pu If the project is not operational within 90 days after acceptance of the award, a further statement explaining the implementation delay will be submitted by the sub-grantee to the Kentucky Department of Juvenile Justice.

pu The applicant understands that all interest or other income earned by the sub-grantee with respect to sub-grant funds or as a result of conduct of the project (sale of publications, registration fees, service charges on fees, asset forfeitures, etc.) must be accounted for. Interest on sub-grant funds must not accrue to the sub-grantee as the sub-grantee is not authorized to have an excess of a one-month supply of federal and state monies in their possession at the end of any calendar month.

pu The applicant understands that federal grant funds made available under the auspices of Title I Part D will not be used to supplant state or local funds, but will be used to initiate, enhance and/or expand the program according to individual program requirements.

pu The applicant understands that grant funds may not be obligated prior to the effective date of the grant or subsequent to the termination date of the grant period. The Tydings Amendment allows an additional twelve months to spend the funds. However, the funds are intended to be used in the year awarded. Refer to Section II, C. of this award binder for details about the spending of award funds.

pu The applicant agrees that no contract or agreement may be entered into by the sub-grantee for execution of project activities or provision of services to a sub-grant project (other than the purchase of supplies or standard commercial or maintenance

services) which is not incorporated in the approved application. Any such arrangements will provide that the sub-grantee will retain ultimate control and responsibility for the project and that the contractor will be bound by these conditions as well as the sub-grantee.

PJ The applicant agrees that fund accounting, auditing, monitoring, and evaluation procedures, that may be necessary to keep records as the Kentucky Department of Juvenile Justice, will be provided to assure fiscal control, proper management, and efficient distribution of funds received under the Title I Part D program.

PJ The applicant agrees that fund accounting, auditing, monitoring, and evaluation procedures, that may be necessary to keep records as the Kentucky Justice and Public Safety Cabinet shall prescribe, will be provided to assure fiscal control, proper management, and efficient distribution of funds received.

- A. All awards made by the Kentucky Department of Juvenile Justice are subject to requirements of: individual federal grant guidelines; Department of Juvenile Justice; Department of Education; Office of Management and Budget Circulars; relevant state and federal statutes; Department of Juvenile Justice Policies and Procedures Manual, forms, and general and special grant conditions; and other relevant documents.
- B. The applicant agrees that it will maintain data and information and submit reports in a designated format, in a timely manner and containing information as the Department of Juvenile Justice and the Department of Education may require. Such data must be maintained at the applicant's office, regardless of whether the administration of that office has changed.
- C. The applicant agrees that, where federal funds are awarded, audit requirements as specified in the National Technical Assistance Center for the Education of Neglected or Delinquent Children and Youth's Non-Regulatory Guidance for State Agency Programs (Part D, Subpart 1) (most current edition) or the 2 CFR 200, will be followed until the OMB establishes new audit guidelines.

PJ The applicant assures that it will comply, and all its sub-grantees and contractors will comply, with the provisions of the National Technical Assistance Center for the Education of Neglected or Delinquent Children and Youth's Non-regulatory Guidance for State Agency Programs (Part D, Subpart 1); and all other applicable federal laws, orders, circulars, or regulations.

PJ The applicant assures that it will not release the individual names of clients served by the program to any person or entity other than the grant administrator. The applicant further assures that all information collected on clients will remain confidential. If the applicant is subject to the provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), it will adhere to all HIPAA requirements. Any research studies the applicant conducts will conform to the confidentiality of 28 CFR Part 22.

PJ The applicant understands that a sub-grant may be terminated or fund payments discontinued by Department of Juvenile Justice if it finds a substantial failure to comply with the provisions under which the application was made or regulations promulgated, including these sub-grant conditions or application obligations, but only after notice and hearing and pursuant to all appropriate procedures.

PJ The applicant understands that if funds are used in a manner inconsistent with the award, the award can be terminated.

PJ The applicant understands that if the requested project is funded, continuation is not guaranteed.

PJ Recipients are required to report progress on meeting goals in the approved Program Plan.

PJ The applicant certifies that neither it nor its principles are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

PJ The applicant certifies that when issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with federal money, all grantees receiving federal funds, including but not limited to state and local governments, shall clearly state: (1) the percentage of the total cost of the program or



project which will be financed federal money, and (2) the dollar amount of federal funds for the project or program.

✓ The applicant certifies that it will make a good faith effort to provide and maintain a drug free workplace by prohibiting the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance in the work place.

✓ The applicant certifies that to the best of his or her knowledge no federal funds will be used for purposes of lobbying. If funds have been used for lobbying, a Disclosure of Lobbying Activities form will be submitted.

✓ The applicant understands that in order to receive funding reimbursed, the applicant must become a vendor of the state. The following link may be used to access the Kentucky Vendor Self Service Website:

<http://finance.ky.gov/services/eprocurement/pages/default.aspx>

✓ Funds may only be spent during the grant cycle 7/1/2018-9/30/2020. Funds cannot be spent on new activities after September 30, 2020. The funds will revert back to the U.S. Department of Education if not spent prior to the grant end date.

✓ Applicant understands that federal grant funds, if awarded, may not be used to support inherently religious activities, such as religious worship, instruction, or proselytization. Recipients may use federal grant funds awarded as a result of this application only to support approved, non-religious program activities. Therefore, organizations that receive direct governmental funds should take steps to separate, in time or location, any inherently religious activities from the government-funded services that they offer. Such organizations should also carefully account for their use of all government money.

✓ The applicant agrees that should the Department of Juvenile Justice determine that it needs to take legal action against the applicant for actions arising out of the grant, the applicant will waive jurisdiction and have the case heard in either state or federal court in Franklin County, Kentucky.

*I have read and understand all Sub-Grantee Conditions and assure that the project(s) proposed in this application meet all the requirements of the Title I, Part D program, that all the information presented is correct, that there has been appropriate coordination with affected agencies, and that the applicant will comply with the provisions of the Act and all other federal laws. By appropriate language incorporated in each grant, sub-grantee or other document under which funds are to be disbursed, and undersigned assures that the applicable conditions above apply to all recipients of funds from the Title I, Part D program.*

Phillip V. H.  
Signature and Title

Superintendent

11-7-18  
Date



# **KENTUCKY DEPARTMENT OF JUVENILE JUSTICE**

## **Award Binder S013A180017- Breathitt- 019**

### **SECTION II Budget & Performance Reports**

#### **A. Budget**

The state agency FY2019 Title I Part D funds for this district is made available in the Grant Management Application and Planning System (GMAP). It includes the total amount allocated from the Kentucky Department of Education, through the Department of Juvenile Justice. Once approved, these funds are to be expended within the budgeted guidelines. Any revisions to this budget can be made at any time throughout the grant cycle period upon request and approval from the Department of Juvenile and Justice and the Department of Education.

#### **B. Performance Reports**

1. Title I, Part D requires State Education Agencies (SEAs) to annually submit information regarding the educational progress of students served with Part D funds. The purpose of the Performance Report is to collect program data that the U.S. Department of Education (ED) can use to demonstrate the effectiveness of the Part D education programs in relation to the progress students are making regarding academic, vocational, and transition outcomes.
2. The Performance Report requests data for the previous school year, which is typically defined as, July 1 through June 30.
3. The process for completing the Performance Report is to log onto GMAP and select the year in which you are reporting, and click on the "Title I-D Subpart 1 Performance Report" located under "District Application Supplement". Then click on "Title I-D Performance Report Started" to begin the process. Once complete, you must select "Title I-D Performance Report Completed." The report is typically due by October 15 following the year it is initiated.

# KENTUCKY DEPARTMENT OF JUVENILE JUSTICE

## Award Binder S013A180017- Breathitt- 019

### SECTION III Signatory Form & Payment Request Procedure

#### A. Signatory Form (2)

This form designates the person authorized by the recipient to request Payments from the KENTUCKY DEPARTMENT OF JUVENILE JUSTICE.

1. *Submit the form with original signature to the Kentucky Department of Juvenile Justice according to the timeline below.*
2. *Retain a copy for your files. Retain a blank copy for future use.*

#### B. Payment Request Procedure

All payment requests must be submitted utilizing MUNIS.

1. Only request payments in the MUNIS codes open in the approved budget.
2. Send payment requests quarterly using the Payment Request Form included in this section of the Award Binder. Do not wait until the last quarter to request reimbursement.
3. It is recommended to spend or encumber all allocated funds by the end of the school year.
4. Quarterly reports are due 25 days after the end of each quarter, which makes them due October 25, January 25, April 25, and July 25.
5. Quarterly reports must include the MUNIS report, invoices, itemized receipts, or other supporting documents that demonstrate appropriate usage of funding for all expenditures, including salary and benefits.
6. Submit payment requests to Dr. Greg Finkbonner.
7. If you have budget/financial questions, please contact Dr. Greg Finkbonner at [Gregory.Finkbonner@ky.gov](mailto:Gregory.Finkbonner@ky.gov).

Submit all correspondence regarding this grant to:

**Interim Title I Program Administrator, Dr. Greg Finkbonner**

Kentucky Department of Juvenile Justice

1025 Capital Center Drive

Frankfort, Kentucky 40601

Phone: 502-573-2738

[Gregory.Finkbonner@ky.gov](mailto:Gregory.Finkbonner@ky.gov)

**Kentucky Department of Juvenile Justice  
SIGNATORY FORM**

|                                             |                           |
|---------------------------------------------|---------------------------|
| Recipient: Breathitt County School District | DUNS Number:<br>123287682 |
| Grant Number:<br>S013A180017                | Grant Amount:<br>\$24,000 |

**Instructions:** The persons listed below are authorized to request payments. Two authorized signatures are required to be filed. Only one signature is required on the quarterly MUNIS report.

Stacy C. McKnight  
Name (type or print)

Finance Officer  
Title (type or print)

Stacy C. McKnight  
Signature

Brittany Sloas  
Name (type or print)

Finance Administrative Asst.  
Title (type or print)

Brittany Sloas  
Signature

| Reimbursement Recipient Information:      |  |                                        |  |
|-------------------------------------------|--|----------------------------------------|--|
| Legal Recipient<br>(Name to be on check): |  | Alternate Recipient<br>(If Applicable) |  |
| Address (1):                              |  | Address (1):                           |  |
| Address (2):                              |  | Address (2):                           |  |
| City:                                     |  | City:                                  |  |
| Zip Code:                                 |  | Zip Code:                              |  |

**Supporting Documentation is required for all expenditures. Submit supporting documentation with each quarterly MUNIS report.**

**Required Documentation includes:** Invoice, itemized receipt, or other documents that demonstrate appropriate usage of funding for reimbursement request. Submit Payment Request forms with the quarterly MUNIS report.



**Kentucky Department of Juvenile Justice  
SIGNATORY FORM**

|                                             |                           |
|---------------------------------------------|---------------------------|
| Recipient: Breathitt County School District | DUNS Number:<br>123287682 |
| Grant Number:<br>S013A180017                | Grant Amount:<br>\$24,000 |

**Instructions:** The persons listed below are authorized to request payments. Two authorized signatures are required to be filed. Only one signature is required on the quarterly MUNIS report.

*Stacy C. McKnight*

Name (type or print)

*Finance Officer*

Title (type or print)

*Stacy C. McKnight*  
Signature

*Brittany Sloas*

Name (type or print)

*Finance Administrative Assistant*

Title (type or print)

*Brittany Sloas*  
Signature

**Reimbursement Recipient Information:**

|                                           |                                        |
|-------------------------------------------|----------------------------------------|
| Legal Recipient<br>(Name to be on check): | Alternate Recipient<br>(If Applicable) |
| Address (1):                              | Address (1):                           |
| Address (2):                              | Address (2):                           |
| City:                                     | City:                                  |
| Zip Code:                                 | Zip Code:                              |

**Supporting Documentation is required for all expenditures. Submit supporting documentation with each quarterly MUNIS report.**

**Required Documentation includes:** Invoice, itemized receipt, or other documents that demonstrate appropriate usage of funding for reimbursement request. Submit Payment Request forms with the quarterly MUNIS report.

**Retain Copy for your Records**

THE UNIVERSITY OF CHICAGO  
DIVISION OF THE PHYSICAL SCIENCES

Department of Chemistry  
530 North Dearborn Avenue  
Chicago, Illinois 60607  
Telephone: 373-3901

Enclosed for the Department of Chemistry are two copies of the report of the Committee on the Status of the Department of Chemistry, dated June 1967.

Stanley C. McKnight

Brittany Spolz

Finance Officer

Finance Administrative Assistant

Stanley C. McKnight

Brittany Spolz

|                                                                                                                                                                                                                         |  |                                                           |  |                                                                                         |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------|--|-----------------------------------------------------------------------------------------|--|
| Department of Juvenile Justice                                                                                                                                                                                          |  | <h1 style="text-align: center;">PAYMENT REQUEST FORM</h1> |  | Grant Program<br><b>Title 1 Program</b>                                                 |  |
| SUBMIT TO:<br><br>Dr. Greg Finkbonner<br>Department of Juvenile Justice<br><br>1025 Capital Center Dr., 3rd Floor<br><br>Frankfort, KY 40601                                                                            |  | Grantee Name and Address                                  |  | Federal ID No.                                                                          |  |
|                                                                                                                                                                                                                         |  |                                                           |  | Grant Number<br>STATE ID 313E<br>S013<br>FEDER A180<br>AL ID 017<br>CATAL 84.0<br>OG 13 |  |
| Amount Requested      \$      -                                                                                                                                                                                         |  | Person Preparing Request:                                 |  | Date of Request                                                                         |  |
|                                                                                                                                                                                                                         |  |                                                           |  | Period/Quarter Covered by this Report<br>From:<br>To:                                   |  |
| <b>Note:</b> Please list requests by quarter and denote the last request as "Final." Payment Requests will be processed quarterly. Original signature is required.                                                      |  |                                                           |  |                                                                                         |  |
| <b>Additional Notes/Information:</b>                                                                                                                                                                                    |  |                                                           |  |                                                                                         |  |
| I certify this request for funds has been prepared in accordance with the terms and conditions of the Grant Award. I further certify the information contained herein is true and accurate to the best of my knowledge. |  |                                                           |  |                                                                                         |  |
| Authorized Signature                                                                                                                                                                                                    |  | Name and Title<br>(type or print)                         |  | Area Code & Phone Number                                                                |  |
| Fiscal Agent (if applicable)                                                                                                                                                                                            |  | Name and Title<br>(type or print)                         |  | Area Code & Phone Number                                                                |  |

**I certify that the expenditures provided meet the requirements for use of Title 1 Part D funds under subpart 1 SEC. 1415**

Date  
Approved

**Date Processed**



# KENTUCKY DEPARTMENT OF JUVENILE JUSTICE

## Award Binder S013A180017- Breathitt- 018

### APPENDIXES

#### A. KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

**Action/Consent Item:**

Request for Approval of School District Indirect Cost Rates for Fiscal Year 2018-2019

**Commissioner's Recommendation:**

The Commissioner recommends the approval of the indirect cost rates as presented.

**Rationale:**

To allow each district to charge indirect costs against federal programs, subject to program limitations, during the 2018-2019 fiscal year. Approval of the rates, however, does not commit districts to charge any amount of indirect costs. The Kentucky Board of Education (KBE) is required by federal regulation (2 CFR 200 - Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards) to approve the rates for school districts since the delegation agreement is executed between the United States Department of Education (USED) and the Kentucky Department of Education (KDE). Each school district is then recommended (not required) to have local board approval of their individual rates.

**Action Question:**

Should the KBE approve the indirect cost rates for school districts for 2018-2019 (see attachment) as calculated by KDE in accordance with the indirect cost allocation plan approved by the USED?

**Applicable Statute or Regulation:**

2 CFR 200 - Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards

**History/Background:**

**Existing Policy:** Each district's Audited Annual Financial Report (AFR) is used to calculate indirect cost rates. Therefore, it is essential that Local Education Agencies

(LEAs) classify expenditures uniformly and consistently and in accordance with the Chart of Accounts maintained on the KDE website. Districts are responsible for understanding the requirements of 2 CFR 200 and must verify the accuracy of the data used in the indirect cost rate calculation by completing the Indirect Cost Rate Adjustment form.

**Summary:** The federal regulation outlines in detail how the Cost Principles for State, Local, and Indian Tribal Governments is to be utilized by the state educational agency and the LEA. The approval of these rates will allow school districts to recover the allowable amount of general management costs that benefit federal programs, which should result in increased, unrestricted resources to expend toward instructional activities. Some of the highlights for this process are explained at a high level below.

Indirect costs are costs of a general nature which are not readily identifiable with the activities of the grant but are, nevertheless, incurred for the joint benefit of those activities and other activities or programs of the organization. In other words, they are the administrative overhead or expenses necessary for an organization's smooth and efficient administration, but they are not tied to any one grant, contract or program. Some examples of indirect costs are accounting, auditing, payroll, personnel, budgeting, and purchasing services. Direct costs are those incurred specifically for one activity and can be identified specifically with that activity. For example, if a federal grant provides funding for special education, a direct cost could be the salary for a special education teacher. These costs may be charged directly to grants, contracts, or to other programs. Excluded costs identified in 2 CFR 200 are those items which must be excluded from the indirect cost rate determination because they require minimal administrative support. Excluded costs include but are not limited to: pass-through funds, sub-awards exceeding \$25,000, on-behalf payments, capital outlay, debt service, certain transfers, and food purchases. The same costs are excluded when applying the indirect cost rate to actual expenditures.

Indirect cost rates are a device for determining, in a reasonable manner, the proportion of indirect costs each program should bear. Kentucky utilizes the federal Predetermined Indirect Cost Rate methodology to calculate indirect costs. The indirect costs are included in the numerator (the indirect cost pool) and the direct costs are included in the denominator (along with unallowed costs under the Kentucky methodology). The result is expressed as a percentage (rate) of the indirect costs to direct costs (and unallowed costs) and includes an annual adjustment to account for fluctuations.

**Budget Impact:** There is no budget impact to KDE's budget.

**Contact Person:**

Robin Fields Kinney, Associate Commissioner Donna Duncan, Director  
Office of Finance and Operations Division of District Support  
(502) 564-1976 ext. 4302 (502) 564-3930 ext. 4433  
Robin.Kinney@education.ky.gov Donna.Duncan@education.ky.gov

**Interim Commissioner of Education**

**Date:** June 2018

B. Kentucky Department of Education  
Indirect Cost Rates used for FY 2018-2019  
Based on FYE 2016-2017

| <b>District</b>                | <b>Non Restricted Rates</b> | <b>Restricted Rates</b> |
|--------------------------------|-----------------------------|-------------------------|
| 001 Adair County               | 12.88                       | 1.93                    |
| 005 Allen County               | 13.85                       | 2.23                    |
| 006 Anchorage Independent      | 28.41                       | 8.24                    |
| 011 Anderson County            | 10.42                       | 1.23                    |
| 012 Ashland Independent        | 13.56                       | 0.95                    |
| 013 Augusta Independent        | 15.09                       | 3.11                    |
| 015 Ballard County             | 18.42                       | 3.52                    |
| 016 Barbourville Independent   | 17.72                       | 5.66                    |
| 017 Bardstown Independent      | 10.83                       | 1.95                    |
| 021 Barren County              | 11.70                       | 1.66                    |
| 025 Bath County                | 11.45                       | 1.67                    |
| 026 Beechwood Independent      | 17.11                       | 4.33                    |
| 031 Bell County                | 13.63                       | 1.65                    |
| 032 Bellevue Independent       | 18.89                       | 5.04                    |
| 034 Berea Independent          | 10.66                       | 1.49                    |
| 035 Boone County               | 11.98                       | 2.31                    |
| 041 Bourbon County             | 13.63                       | 1.68                    |
| 042 Bowling Green Independent  | 17.00                       | 1.96                    |
| 045 Boyd County                | 16.49                       | 1.50                    |
| 051 Boyle County               | 10.33                       | 2.92                    |
| 055 Bracken County             | 9.64                        | 0.99                    |
| 061 Breathitt County           | 7.34                        | 1.32                    |
| 065 Breckinridge County        | 14.49                       | 3.50                    |
| 071 Bullitt County             | 11.34                       | 1.50                    |
| 072 Burgin Independent         | 14.72                       | 3.02                    |
| 075 Butler County              | 13.62                       | 2.11                    |
| 081 Caldwell County            | 17.25                       | 2.84                    |
| 085 Calloway County            | 13.57                       | 1.56                    |
| 091 Campbell County            | 15.67                       | 2.64                    |
| 092 Campbellsville Independent | 13.77                       | 1.28                    |
| 095 Carlisle County            | 13.52                       | 2.93                    |
| 101 Carroll County             | 13.91                       | 2.56                    |
| 105 Carter County              | 13.75                       | 1.32                    |
| 111 Casey County               | 14.70                       | 2.52                    |
| 113 Caverna Independent        | 8.57                        | 0.13                    |
| 115 Christian County           | 15.98                       | 3.14                    |
| 121 Clark County               | 13.45                       | 2.38                    |
| 125 Clay County                | 10.96                       | 0.75                    |
| 131 Clinton County             | 10.19                       | 0.91                    |
| 132 Cloverport Independent     | 14.76                       | 5.90                    |
| 133 Corbin Independent         | 11.12                       | 2.69                    |
| 134 Covington Independent      | 15.92                       | 3.80                    |

|                                  |       |      |
|----------------------------------|-------|------|
| 135 Crittenden County            | 12.97 | 1.45 |
| 141 Cumberland County            | 13.80 | 3.27 |
| 143 Danville Independent         | 14.03 | 2.11 |
| 145 Daviess County               | 10.36 | 1.76 |
| 146 Dawson Springs Independent   | 14.94 | 3.64 |
| 147 Dayton Independent           | 14.06 | 4.13 |
| 149 East Bernstadt Independent   | 14.63 | 3.30 |
| 151 Edmonson County              | 15.22 | 2.02 |
| 152 Elizabethtown Independent    | 13.82 | 2.48 |
| 155 Elliott County               | 16.39 | 4.08 |
| 156 Eminence Independent         | 14.58 | 1.51 |
| 157 Erlanger-Elsmere Independent | 8.57  | 1.25 |
| 161 Estill County                | 13.11 | 2.20 |
| 162 Fairview Independent         | 24.03 | 7.96 |
| 165 Fayette County               | 16.68 | 5.21 |
| 171 Fleming County               | 11.91 | 0.52 |
| 175 Floyd County                 | 14.96 | 1.45 |
| 176 Fort Thomas Independent      | 16.40 | 3.82 |
| 177 Frankfort Independent        | 16.17 | 4.31 |
| 181 Franklin County              | 11.90 | 1.50 |
| 185 Fulton County                | 16.18 | 3.59 |
| 186 Fulton Independent           | 16.23 | 3.43 |
| 191 Gallatin County              | 15.98 | 3.43 |
| 195 Garrard County               | 11.54 | 1.36 |
| 197 Glasgow Independent          | 10.88 | 1.33 |
| 201 Grant County                 | 14.92 | 1.59 |
| 205 Graves County                | 12.41 | 1.29 |
| 211 Grayson County               | 10.97 | 1.26 |
| 215 Green County                 | 12.21 | 2.33 |
| 221 Greenup County               | 15.76 | 2.99 |
| 225 Hancock County               | 12.18 | 2.28 |
| 231 Hardin County                | 11.10 | 1.44 |
| 235 Harlan County                | 13.31 | 1.18 |
| 236 Harlan Independent           | 11.52 | 1.65 |
| 241 Harrison County              | 17.10 | 3.32 |
| 245 Hart County                  | 12.00 | 2.04 |
| 246 Hazard Independent           | 14.21 | 2.03 |
| 251 Henderson County             | 15.76 | 3.65 |
| 255 Henry County                 | 11.62 | 1.81 |
| 261 Hickman County               | 15.03 | 2.98 |
| 265 Hopkins County               | 15.03 | 3.30 |
| 271 Jackson County               | 14.52 | 2.19 |
| 272 Jackson Independent          | 16.10 | 1.83 |
| 275 Jefferson County             | 14.02 | 3.25 |
| 276 Jenkins Independent          | 19.96 | 6.27 |
| 281 Jessamine County             | 14.82 | 3.75 |
| 285 Johnson County               | 13.24 | 1.28 |
| 291 Kenton County                | 12.14 | 1.23 |



|                             |       |      |
|-----------------------------|-------|------|
| 295 Knott County            | 11.83 | 2.37 |
| 301 Knox County             | 12.57 | 1.56 |
| 305 LaRue County            | 11.30 | 1.67 |
| 311 Laurel County           | 14.43 | 2.30 |
| 315 Lawrence County         | 14.69 | 0.91 |
| 321 Lee County              | 15.89 | 3.98 |
| 325 Leslie County           | 13.30 | 1.36 |
| 331 Letcher County          | 16.10 | 2.11 |
| 335 Lewis County            | 12.60 | 2.51 |
| 341 Lincoln County          | 14.17 | 1.58 |
| 345 Livingston County       | 12.54 | 1.86 |
| 351 Logan County            | 12.51 | 1.30 |
| 354 Ludlow Independent      | 12.52 | 1.56 |
| 361 Lyon County             | 15.42 | 2.49 |
| 365 Madison County          | 11.35 | 1.44 |
| 371 Magoffin County         | 12.27 | 1.63 |
| 375 Marion County           | 9.74  | 2.51 |
| 381 Marshall County         | 15.14 | 1.86 |
| 385 Martin County           | 13.14 | 2.11 |
| 391 Mason County            | 12.01 | 2.45 |
| 392 Mayfield Independent    | 13.65 | 1.40 |
| 395 McCracken County        | 15.98 | 2.48 |
| 401 McCreary County         | 13.51 | 2.81 |
| 405 McLean County           | 15.09 | 2.01 |
| 411 Meade County            | 13.31 | 1.22 |
| 415 Menifee County          | 16.45 | 3.02 |
| 421 Mercer County           | 11.99 | 1.78 |
| 425 Metcalfe County         | 17.48 | 2.91 |
| 426 Middlesboro Independent | 15.79 | 1.15 |
| 431 Monroe County           | 16.60 | 1.98 |
| 435 Montgomery County       | 14.35 | 3.22 |
| 441 Morgan County           | 16.99 | 2.17 |
| 445 Muhlenberg County       | 15.42 | 1.97 |
| 446 Murray Independent      | 10.27 | 1.72 |
| 451 Nelson County           | 15.59 | 3.28 |
| 452 Newport Independent     | 15.82 | 3.88 |
| 455 Nicholas County         | 13.01 | 1.91 |
| 461 Ohio County             | 16.32 | 3.66 |
| 465 Oldham County           | 11.09 | 1.91 |
| 471 Owen County             | 17.38 | 3.96 |
| 472 Owensboro Independent   | 12.77 | 2.82 |
| 475 Owsley County           | 11.18 | 1.82 |
| 476 Paducah Independent     | 19.71 | 2.80 |
| 477 Paintsville Independent | 13.19 | 2.03 |
| 478 Paris Independent       | 17.37 | 3.87 |
| 481 Pendleton County        | 15.26 | 3.06 |
| 485 Perry County            | 16.09 | 2.48 |
| 491 Pike County             | 17.06 | 1.70 |

|                               |       |      |
|-------------------------------|-------|------|
| 492 Pikeville Independent     | 14.74 | 0.90 |
| 493 Pineville Independent     | 15.60 | 1.82 |
| 495 Powell County             | 9.91  | 1.28 |
| 501 Pulaski County            | 11.65 | 0.87 |
| 502 Raceland Independent      | 14.09 | 1.98 |
| 505 Robertson County          | 9.05  | 2.02 |
| 511 Rockcastle County         | 11.22 | 0.54 |
| 515 Rowan County              | 12.39 | 0.65 |
| 521 Russell County            | 12.62 | 3.05 |
| 522 Russell Independent       | 14.15 | 1.00 |
| 523 Russellville Independent  | 17.25 | 3.47 |
| 524 Science Hill Independent  | 13.51 | 2.35 |
| 525 Scott County              | 12.50 | 1.90 |
| 531 Shelby County             | 13.42 | 2.29 |
| 533 Silver Grove Independent  | 11.73 | -    |
| 535 Simpson County            | 15.03 | 2.41 |
| 536 Somerset Independent      | 16.05 | 2.03 |
| 537 Southgate Independent     | 10.94 | -    |
| 541 Spencer County            | 10.80 | 2.64 |
| 545 Taylor County             | 15.15 | 2.61 |
| 551 Todd County               | 13.41 | 2.44 |
| 555 Trigg County              | 13.52 | 3.49 |
| 561 Trimble County            | 14.81 | 4.32 |
| 565 Union County              | 15.11 | 3.96 |
| 567 Walton Verona Independent | 10.53 | 1.29 |
| 571 Warren County             | 16.44 | 2.36 |
| 575 Washington County         | 15.81 | 4.73 |
| 581 Wayne County              | 10.26 | 0.97 |
| 585 Webster County            | 17.36 | 1.66 |
| 586 West Point Independent    | 12.03 | 3.95 |
| 591 Whitley County            | 11.48 | 1.63 |
| 592 Williamsburg Independent  | 12.59 | 2.44 |
| 593 Williamstown Independent  | 10.56 | 1.85 |
| 595 Wolfe County              | 10.50 | 1.92 |
| 601 Woodford County           | 12.59 | 2.80 |

Office of Finance and Operations

Division of District Support

District Funding and Reporting Branch

Date: April 23, 2018

Source: based on 2016-17 audited Annual Financial Reports (AFRs)