



DOVER SCHOOL BOARD – AGENDA

Meeting Type: Special Meeting Session
Meeting Location: McConnell Center, Room 306
Meeting Date: Monday, April 17, 2023
Meeting Time: 6:00 p.m.

- A. Call to Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Citizen's Forum (*Limited to agenda items only*)
- E. Fiscal Year 2024 General Assurances
- F. Fiscal Year 2024 ESEA Program Assurances
- G. School Board Matters of Interest
- H. Adjournment

Citizens, residents of the City of Dover, property owners in the City of Dover, and/or designated representatives of recognized civic organizations or businesses located in the City of Dover and/or residents of sending school districts, are invited to all public meetings and shall be given an opportunity to speak. Time shall be set aside for citizen statements, Citizen's Forum, at all public meetings, unless a vote to the contrary is taken by the School Board.

Citizens shall identify themselves by name and address for the record; address comments to the presiding officer and the Board as a body and not individual members. Citizen's Forum will ensure citizens have the opportunity to speak to all other items on a meeting agenda and/or matters pertaining to the business of the School Board. At workshop meetings and special sessions, Citizens' Forum will be restricted to items on the meeting agenda. Statements shall be limited to five (5) minutes unless otherwise extended by the chairperson, with the approval of the School Board.

All citizens are permitted to place items on the agenda through written application to the Superintendent at least one week prior to the meeting date. Citizen items will require a formal motion and a second by seated members to bring the item to the floor for debate.



Frank Edelblut
Commissioner

Christine Brennan
Deputy Commissioner

STATE OF NEW HAMPSHIRE
DEPARTMENT OF EDUCATION
25 Hall Street
Concord, N.H. 03301
TEL. (603) 271-3495
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April 3, 2023

TO: Superintendents

FROM: Lindsey Labonville, Administrator
Bureau of Federal Compliance

SUBJECT: General Assurances FY 2024

The New Hampshire Department of Education (NHED) has developed the attached "General Assurances, Requirements and Definitions for Participation in Federal Programs" document that must be signed by all agencies and organizations that receive federal funds through the NHED. The federally funded programs which flow money through the NHED require each applicant to file certain assurances. Some of these assurances apply to all programs and are therefore, considered "general assurances."

The submission of general assurances is required in part by:

- Federal regulation 34 CFR §76.301 of the Education Department General Administrative Regulations (EDGAR), which requires a general application for subgrantees/subrecipients for participation in federal programs funded by the U.S. Department of Education that meets the requirements of Section 442 of the General Education Provisions Act (GEPA).
- Applicable federal statutes.
- Applicable regulations of other federal agencies.

The NHED has consolidated the general assurances into one document which also now includes requirements and definitions in an effort to provide more guidance relative to implementation of the underlying assurances. NHED requests an annual submission for all of your Local Education Agencies (LEA's). This will simplify the collection of assurances and facilitate the requirement that the NHED Commissioner

of Education certify to the Secretary of Education the status of all LEAs. In New Hampshire both School Districts and School Administrative Units (SAUs) are considered LEA's. Individual program policy establishes which of these two entities may apply for federal funds. As such, both the Superintendent and the local School Board Chairperson are required to sign the certifications of the attached document.

I am requesting that you and the local School Board complete the certifications at the end of the enclosed general assurance document; initial each page in the spaces provided and return it in full to the attention of the Bureau of Federal Compliance. The Bureau of Federal Compliance office will notify the directors of all NHED programs approving federal funds to LEA's when they have received your assurances. The directors of the various federal programs are not to request additional copies from you, but to accept the Bureau of Federal Compliance list as the basis for determining compliance with these requirements as one item in their approval of proposals for funding. Other program specific assurances will still be requested from the LEA's by individual NHED programs.

Compliance with these general assurances will be subject to review by NHED staff during on-site federal compliance monitoring. Annual audits by CPA's in accordance with the Single Audit Act may also include compliance checks.

On the Certification page, please include the name and number of the SAU office and the name of the School District which will be applying for funds, both certifying parties are asked to execute the document, and return to the NHED Bureau of Federal Compliance office no later than **June 30, 2023**.

If you should have any questions regarding these general assurances, please contact Lindsey Labonville, Administrator of the Bureau of Federal Compliance at Lindsey.L.Labonville@doe.nh.gov or at 603-731-4621.

New Hampshire Department of Education

FY2024

GENERAL ASSURANCES, REQUIREMENTS AND DEFINITIONS FOR PARTICIPATION IN FEDERAL PROGRAMS

Subrecipients of any Federal grant funds provided through the New Hampshire Department of Education (NHED) must submit a signed copy of this document to the NHED Bureau of Federal Compliance prior to any formula grant application being deemed to be “substantially approvable” or any discretionary grant receiving “final approval”. Once a formula grant is deemed to be in substantially approvable form, the subrecipient may begin to obligate funds which will be reimbursed upon final approval of the application by the NHED (34 CFR 708).

Any funds obligated by the subrecipient prior to the application being in substantially approvable form will not be reimbursable even upon final approval of the application by the NHED.

While there have been no significant changes notable in the last year, this FY2024 general assurances document contains a few minor differences from the FY2023 general assurances document. You are encouraged to do a side-by-side comparison of the two documents so that you thoroughly understand the requirements and deadlines to which you are agreeing.

Following your review and acceptance of these General Assurances, Requirements and Definitions for Participation in Federal Programs please sign the certification statement on the appropriate page and then initial each of the remaining pages where indicated.

Please note that the practice of the School Board authorizing the Superintendent to sign on behalf of the School Board Chair is not acceptable to the NHED in this case and will be considered non-responsive.

Once the document is fully executed, email a copy of the entire document to:

**New Hampshire Department of Education
Bureau of Federal Compliance
25 Hall Street
Concord, NH 03301
federalcompliance@doe.nh.gov**

Should you have any questions please contact Lindsey Labonville at 603-731-4621, or Katelyn Komisarek at 603-856-4075.

General Assurances, Requirements and Definitions for Participation in Federal Programs

A. General Assurances

Assurance is hereby given by the subrecipient that, to the extent applicable:

- 1) The subrecipient has the legal authority to apply for the federal assistance, and the institutional, managerial, and financial capability (including funds sufficient to pay non-federal share of project costs, as applicable) to ensure proper planning, management, and completion of the project described in all applications submitted.
- 2) The subrecipient will give the awarding agency, the NHED, the Comptroller General of the United States and, if appropriate, other State Agencies, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- 3) The subrecipient will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. The subrecipient will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
 - (a) Per 2 CFR 200.330 the non-Federal entity is required to submit reports at least annually on the status of real property in which the Federal Government retains an interest.
- 4) The subrecipient will comply with the requirements of the assistance awarding agency (2 CFR 200.1 Definitions ‘*Federal Awarding Agency*’) with regard to the drafting, review and approval of construction plans and specifications.
- 5) The subrecipient will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.
- 6) The subrecipient will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
- 7) The subrecipient will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- 8) The subrecipient will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to:
 - (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin;
 - (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex;
 - (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps;

- (d) The Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age;
 - (e) The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse;
 - (f) The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
 - (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
 - (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing;
 - (i) Any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and,
 - (j) The requirements of any other nondiscrimination statute(s) which may apply to the application.
- 9) The subrecipient will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchases.
 - 10) The subrecipient will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with federal funds. The subrecipient further assures that no federally appropriated funds have been paid or will be paid by or on behalf of the subrecipient to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any federal grant; the entering into of any cooperative agreement; and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement.
 - 11) The subrecipient will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported in whole or in part with federal funds.
 - 12) The subrecipient will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported in whole or in part with federal funds.
 - 13) The subrecipient will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
 - 14) The subrecipient will comply with all applicable requirements of all other federal laws, executive orders, regulations, and policies governing all program(s).
 - 15) The subrecipient will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and 2 CFR 200.501, Subpart F, "Audit Requirements," as applicable.
 - 16) The recipient will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a subrecipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

- 17) The control of funds provided to a subrecipient that is a Local Education Agency under each program, and title to property acquired with those funds, will be in a public agency, and a public agency will administer those funds and property.
- 18) Personnel funded from federal grants and their subcontractors will adhere to the prohibition from text messaging while driving an organization-owned vehicle, or while driving their own privately owned vehicle during official Grant business, or from using organization-supplied electronic equipment to text message or email while driving. Recipients must comply with these conditions under Executive Order 13513, "Federal Leadership On Reducing Text Messaging While Driving," October 1, 2009 (pursuant to provisions attached to federal grants funded by the US Department of Education).
- 19) The subrecipient assures that it will adhere to the Pro-Children Act of 2001, which states that no person shall permit smoking within any indoor facility owned or leased or contracted and utilized for the provision of routine or regular kindergarten, elementary, or secondary education or library services to children (P.L. 107-110, section 4303[a]). In addition, no person shall permit smoking within any indoor facility (or portion of such a facility) owned or leased or contracted and utilized for the provision of regular or routine health care or day care or early childhood development (Head Start) services (P.L. 107-110, Section 4303[b][1]). Any failure to comply with a prohibition in this Act shall be considered to be a violation of this Act and any person subject to such prohibition who commits such violation may be liable to the United States for a civil penalty, as determined by the Secretary of Education (P.L. 107-110, section 4303[e][1]).
- 20) The subrecipient will comply with the Stevens Amendment.
- 21) The subrecipient will submit such reports to the NHED and to U.S. governmental agencies as may reasonably be required to enable the NHED and U.S. governmental agencies to perform their duties. The subrecipient will maintain such fiscal and programmatic records, including those required under 20 U.S.C. 1234f, and will provide access to those records, as necessary, for those Departments/agencies to perform their duties.
- 22) The subrecipient will assure that expenditures reported are proper and in accordance with the terms and conditions of any project/grant funding, the official who is authorized to legally bind the agency/organization agrees to the following certification for all fiscal reports and/or vouchers requesting payment [2CFR 200.415(a)].

"By signing this General Assurances, Requirements and Definitions for Participation in Federal Programs document, I certify to the best of my knowledge and belief that the reports submitted are true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purpose and objectives set forth in the terms and conditions of the Project Award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise."

- 23) If an LEA, the subrecipient will provide reasonable opportunities for systematic consultation with and participation of teachers, parents, and other interested agencies, organizations, and individuals, including education-related community groups and non-profit organizations, in the planning for and operation of each program.
- 24) If an LEA, the subrecipient shall assure that any application, evaluation, periodic program plan, or report relating to each program will be made readily available to parents and other members of the general public upon request.

- 25) If an LEA, the subrecipient has adopted effective procedures for acquiring and disseminating to teachers and administrators participating in each program, significant information from educational research, demonstrations, and similar projects, and for adopting, where appropriate, promising educational practices developed through such projects. Such procedures shall ensure compliance with applicable federal laws and requirements.
- 26) The subrecipient will comply with the requirements of the Gun-Free Schools Act of 1994.
- 27) The subrecipient will submit a fully executed and accurate Single-Audit Certification (required) and the Federal Expenditures Worksheet (if applicable) to the NHED no later than December 31, 2023. The worksheet will be provided to each subrecipient by the NHED via email and is posted on the NHED website
- 28) The subrecipient shall comply with the restrictions of New Hampshire RSA 15:5.
- 29) The subrecipient will comply with the requirements in 2 CFR Part 180, Government-wide Debarment and Suspension (Non-procurement).
- 30) The subrecipient certifies that it will maintain a drug-free workplace and will comply with the requirements of the Drug-Free Workplace Act of 1988 and 34 CFR 84.200.
- 31) The subrecipient will adhere to the requirements of Title 20 USC 7197 relative to the Transfer of Disciplinary Records.
- 32) The subrecipient will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
- 33) The subrecipient will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction sub-agreements.
- 34) The subrecipient will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
- 35) The subrecipient will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
- 36) The subrecipient will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

- 37) The subrecipient will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
- 38) As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award (2 CFR 200.322).

B. Explanation of Grants Management Requirements

The following section elaborate on certain requirements included in legislation or regulations referred to in the "General Assurances" section. This section also explains the broad requirements that apply to federal program funds.

1. Financial Management Systems

Financial management systems, including records documenting compliance with federal statutes, regulations, and the terms and conditions of the federal award, must be sufficient to permit the preparation of reports required by general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the Federal statutes, regulations, and the terms and conditions of the Federal award.

Specifically, the financial management system must be able to:

- a) Identify, in its accounts, all federal awards received and expended and the federal programs under which they were received. Federal program and federal award identification must include, as applicable, the CFDA title and number, federal award identification number and year, name of the federal agency, and name of the pass-through entity, if any.
- b) Provide accurate, current, and complete disclosure of the financial results of each federal award or program.
- c) Produce records that identify adequately the source and application of funds for federally funded activities.
- d) Maintain effective control over, and accountability for, all funds, property, and other assets. The subrecipient must adequately safeguard all assets and assure that they are used solely for authorized purposes.
- e) Generate comparisons of expenditures with budget amounts for each federal award.

2. Written Policies and Procedures

The subrecipient must have written policies and procedures for:

Policy/Procedure Name	In Accordance With	Policy	Procedure
Drug-Free Workplace Policy	34 CFR 84.200 and the Drug-Free Workplace Act of 1988		N/A
Procurement Policy & Procedure	2 CFR 200.317-327		

Conflict of Interest/Standard of Conduct Policy	2 CFR 318(c)(1)		N/A
Inventory Management Policy & Procedure	2 CFR 200.313(d)		
District Travel Policy	2 CFR 200.475(b)		N/A
Policy/Procedure Name	In Accordance With	Policy	Procedure
Subrecipient Monitoring Policy & Procedure (if applicable)	2 CFR 200.332(d)		
Time and Effort Policy & Procedure	2 CFR 200.430		
Records Retention Policy & Procedure	2 CFR 200.334		
Prohibiting the Aiding and Abetting of Sexual Abuse Policy	ESEA 8546		N/A
Allowable Cost Determination Policy	2 CFR 200.302(b)(7)		N/A
Gun Free School Act	Gun Free School Act of 1994		N/A
Cash Management	2 CFR 200.302(b)(6) and 200.305		

3. Internal Controls

The subrecipient must:

- Establish and maintain effective internal control over the federal award that provides reasonable assurance that the non-federal entity is managing the federal award in compliance with federal statutes, regulations, and the terms and conditions of the federal award. These internal controls should be in compliance with the guidance outlined in “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States or the “Internal Control Integrated Framework”, issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
- Comply with federal statutes, regulations, and the terms and conditions of the federal awards.
- Take prompt action when instances of noncompliance are identified, including noncompliance identified in audit findings.
- Take reasonable measures to safeguard and protect personally identifiable information and other information the federal awarding agency or pass-through entity designates as sensitive or the subrecipient considers sensitive consistent with applicable federal, state, local, and tribal laws regarding privacy and obligations of confidentiality.
- Maintain all accounts, records, and other supporting documentation pertaining to all costs incurred and revenues or other applicable credits acquired under each approved project in accordance with 2 CFR 200.334.

4. Allowable Costs

In accounting for and expending project/grant funds, the subrecipient may only charge expenditures to the project award if they are;

- in payment of obligations incurred during the approved project period;
- in conformance with the approved project;
- in compliance with all applicable statutes and regulatory provisions;
- costs that are allocable to a particular cost objective;
- spent only for reasonable and necessary costs of the program; and
- not used for general expenses required to carry out other responsibilities of the subrecipient.

5. Audits

This part is applicable for all non-federal entities as defined in 2 CFR 200, Subpart F.

- a) In the event that the subrecipient expends \$750,000 or more in federal awards in its fiscal year, the subrecipient must have a single or program-specific audit conducted in accordance with the provisions of 2 CFR 200, Subpart F. In determining the federal awards expended in its fiscal year, the subrecipient shall consider all sources of federal awards, including federal resources received from the NHED. The determination of amounts of federal awards expended should be in accordance with the guidelines established by 2 CFR 200, Subpart F.
- b) In connection with the audit requirements, the subrecipient shall also fulfill the requirements relative to auditee responsibilities as provided in 2 CFR 200.508.
- c) If the subrecipient expends less than \$750,000 in federal awards in its fiscal year, an audit conducted in accordance with the provisions of 2 CFR 200, Subpart F, is not required. In the event that the subrecipient expends less than \$750,000 in federal awards in its fiscal year and elects to have an audit conducted in accordance with the provisions of 2 CFR 200, Subpart F, the cost of the audit must be paid from non-federal resources (i.e., the cost of such an audit must be paid from subrecipient resources obtained from non-federal entities).

The subrecipient assures it will implement the following audit responsibilities;

- a) Procure or otherwise arrange for the audit required by this part in accordance with auditor selection regulations (2 CFR 200.509), and ensure it is properly performed and submitted no later than nine months after the close of the fiscal year in accordance with report submission regulations (2 CFR 200.512).
- b) Provide the auditor access to personnel, accounts, books, records, supporting documentation, and other information as needed so that the auditor may perform the audit required by this part.
- c) Prepare appropriate financial statements, including the schedule of expenditures of federal awards in accordance with financial statements regulations (2 CFR 200.510).
- d) Promptly follow up and take corrective action on audit findings, including preparation of a summary schedule of prior audit findings and a corrective action plan in accordance with audit findings follow-up regulations (2 CFR 200.511(b-c)).
- e) Upon request by the NHED Bureau of Federal Compliance (BFC), promptly submit a corrective action plan using the NHED template provided by the BFC for audit findings related to NHED funded programs.
- f) For repeat findings not resolved or only partially resolved, the subrecipient must provide an explanation for findings not resolved or only partially resolved to the BFC for findings related to all NHED funded programs. The BFC will review the subrecipient's submission and issue an appropriate Management Decision in accordance with 2 CFR 200.521.

6. Reports to be Submitted

Audits/Management Decisions

Copies of reporting packages for audits conducted in accordance with 2 CFR 200, Subpart F shall be submitted, by or on behalf of the recipient directly to the following:

- a) The Federal Audit Clearinghouse (FAC) in 2 CFR 200, Subpart F requires the auditee to electronically submit the data collection form described in 200.512(b) and the reporting package described in 200.512(c) to FAC at: [https://harvester.census.gov/facides/\(S\(mqamohbpjf0hmyh1r45p1po1\)\)/account/login.aspx](https://harvester.census.gov/facides/(S(mqamohbpjf0hmyh1r45p1po1))/account/login.aspx)

Copies of other reports or management decision letter(s) shall be submitted by or on behalf of the

subrecipient directly to:

- a) **New Hampshire Department of Education
Bureau of Federal Compliance
25 Hall Street**

Concord, NH 03301 Or via email to: federalcompliance@doe.nh.gov

- b) In response to requests by a federal agency, auditees must submit a copy of any management letters issued by the auditor, 2 CFR 200.512(e).

Any other reports, management decision letters, or other information required to be submitted to the NHED pursuant to this agreement shall be submitted in a timely manner.

Single Audit Certifications and Federal Expenditures Worksheet

A fully executed and accurate Single-Audit Certification (required) and Federal Expenditures Worksheet (if applicable) shall be submitted to the NHED no later than **December 31, 2023**. A copy of the forms will be provided to each subrecipient by the NHED via email.

7. Debarment, Suspension, and Other Responsibility Matters

As required by Executive Orders (E.O.) 12549 and 12689, Debarment and Suspension, and implemented at 2 CFR Part 180, for prospective participants in primary covered transactions, as defined in 2 CFR 180.120, 180.125 and 180.200, no contract shall be made to parties identified on the General Services Administration's *Excluded Parties List System* as excluded from Federal Procurement or Non-procurement Programs in accordance with E.O.s 12549 and 12689, "Debarment and Suspension." This list contains the names of parties debarred, suspended, or otherwise excluded by agencies, and contractors declared ineligible under statutory or regulatory authority other than E.O. 12549. Contractors with awards that exceed the small purchase threshold shall provide the required certification regarding their exclusion status and that of their principal employees.

The federal government imposes this requirement in order to protect the public interest, and to ensure that only responsible organizations and individuals do business with the government and receive and spend government grant funds. Failure to adhere to these requirements may have serious consequences – for example, disallowance of cost, termination of project, or debarment.

To assure that this requirement is met, there are four options for obtaining satisfaction that subrecipients and contractors are not suspended, debarred, or disqualified. They are:

The subrecipient certifies that it and its principals:

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

Where the subrecipient is unable to certify to any of the statements in this certification, they shall attach an explanation to this document.

8. Drug-Free Workplace (Grantees Other Than Individual)

As required by the Drug-Free Workplace Act of 1988 and implemented in 34 CFR 84.200 the subrecipient certifies that it will continue to provide a drug-free workplace by:

- a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance (34 CFR 84.610) is prohibited in the subrecipient's workplace and specifying the actions that will be taken against employees for violation of such prohibition.
 - b) Establishing, as required by 34 CFR 84.215, an ongoing drug-free awareness program to inform employees about:
 - The dangers of drug abuse in the workplace.
 - The recipient's policy of maintaining a drug-free workplace.
 - Any available drug counseling, rehabilitation, and employee assistance programs.
 - The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
 - c) Requiring that each employee engaged in the performance of the project is given a copy of this statement.
 - d) Notifying the employee in the statement that, as a condition of employment under the project, the employee will:
 - Abide by the terms of the statement.
 - Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.
 - e) Notifying the agency in writing within 5 calendar days after receiving notice of an employee's conviction of a violation of a criminal drug statute in the workplace, as required by 34 CFR 84.205(c)(2), from an employee or otherwise receiving actual notice of employee's conviction. Employers of convicted employees must provide notice, including position title to:

Director, Grants and Contracts Service
U.S. Department of Education
400 Maryland Avenue, S.W. [Room 3124, GSA – Regional Office Building No. 3]
Washington, D.C. 20202-4571
- (Notice shall include the identification number[s] of each affected grant).
- f) Taking one of the following actions, as stated in 34 CFR 84.225(b), within 30 calendar days of receiving the required notice with respect to any employee who is convicted of a violation of a criminal drug statute in the workplace.
 - 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.
 - Requiring such employee to participate satisfactorily in drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or

other appropriate agency.

- g) Making a good-faith effort to maintain a drug-free workplace through implementation of the requirements stated above.

9. General Education Provisions Act (GEPA) Requirements - Section 427 (Federal Requirement) Equity for Students, Teachers, and Other Program Beneficiaries

The purpose of Section 427 of GEPA is to ensure equal access to education and to promote educational excellence by ensuring equal opportunities to participate for all eligible students, teachers, and other program beneficiaries in proposed projects, and to promote the ability of such students, teachers, and beneficiaries to meet high standards. Further, when designing their projects, grant applicants must address the special needs and equity concerns that might affect the ability of students, teachers, and other program beneficiaries to participate fully in the proposed project.

Program staff within the NHED must ensure that information required by Section 427 of GEPA is included in each application that the Department funds. *(There may be a few cases, such as research grants, in which Section 427 may not be applicable because the projects do not have individual project beneficiaries. Contact the Government Printing Office staff should you believe a situation of this kind exists).*

The statute highlights **six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, and age**. Based on local circumstances, the applicant can determine whether these or other barriers may prevent participants from access and participation in the federally assisted project, and how the applicant would overcome these barriers.

These descriptions may be provided in a single narrative or, if appropriate, may be described in connection with other related topics in the application. Subrecipients should be asked to state in the table of contents where this requirement is met.

NHED program staff members are responsible for screening each application to ensure that the requirements of this section are met before making an award. If this condition is not met, after the application has been selected for funding the program staff should contact the subrecipient to find out why this information is missing. Documentation must be in the project file indicating that this review was completed before the award was made. If an oversight occurred, the program staff may give the applicant another opportunity to satisfy this requirement, but must receive the missing information before making the award, 34 CFR 75.231.

All applicants for new awards must satisfy this provision to receive funding. Those seeking *continuation* awards do not need to submit information beyond the descriptions included in their original applications.

10. Gun Possession (Local Education Agencies (LEAs) only)

As required by Title XIV, Part F, and Section 14601 (Gun-Free Schools Act of 1994) of the Improving America's Schools Act:

The LEA assures that it shall comply with the provisions of RSA 193:13 III.

RSA 193:13, III. Any pupil who brings or possesses a firearm as defined in section 921 of Title 18 of the United States Code in a safe school zone as defined in RSA 193-D:1 without written authorization from the Superintendent or designee shall be expelled from school by the local school board for a period of not less than 12 months.

The LEA assures that it has adopted a policy, which allows the Superintendent or Chief Administrative officer to modify the expulsion requirement on a case by case basis. RSA 193:13, IV.

The LEA assures that it shall report to the NHED in July of each year, a description of the circumstances surrounding any expulsions imposed under RSA 193:13, III and IV including, but not limited to:

- a) The name of the school concerned;
- b) The grade of the student disciplined;
- c) The type of firearm involved;
- d) Whether or not the expulsion was modified, and
- e) If the student was identified as Educationally Disabled.

The LEA assures that it has in effect a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to school.

Ed 317.03 Standard for Expulsion by Local School Board.

- a) A school board which expels a pupil under RSA 193:13, II or III, shall state in writing its reasons, including the act leading to expulsion, and shall provide a procedure for review as allowed under RSA 193:13, II.
- b) School boards shall make certain that the pupil has received notice of the requirements of RSA 193-D and RSA 193:13 through announced, posted, or printed school rules.
- c) If a student is subject to expulsion and a firearm is involved, the Superintendent shall contact local law enforcement officials whenever there is any doubt concerning:
 - 1) Whether a firearm is legally licensed under RSA 159; or
 - 2) Whether the firearm is lawfully possessed, as opposed to unlawfully possessed, under the legal definitions of RSA 159.
- d) If a pupil brings or possesses a firearm in a safe school zone without written authorization from the Superintendent, the following shall apply:
 - 1) The Superintendent shall suspend the pupil for a period not to exceed 10 days, pending a hearing by the local board; and
 - 2) The school board shall hold a hearing within 10 days to determine whether the student was in violation of RSA 193:13, III and therefore is subject to expulsion.

11. Lobbying

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

- a) No federally appropriated funds have been paid or will be paid by or on behalf of the subrecipient to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any federal grant; the entering into of any cooperative agreement; and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement.
- b) If any funds other than federally 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 federal grants or cooperative agreements, the subrecipient shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its

instructions.

- c) The subrecipient shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, contracts under grants, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

New Hampshire RSA 15:5 - Prohibited Activities.

- I. Except as provided in paragraph II, no recipient of a grant or appropriation of state funds may use the state funds to lobby or attempt to influence legislation, participate in political activity, or contribute funds to any entity engaged in these activities.
- II. Any recipient of a grant or appropriation of state funds that wishes to engage in any of the activities prohibited in paragraph I, or contribute funds to any entity engaged in these activities, shall segregate the state funds in such a manner that such funds are physically and financially separate from any non-state funds that may be used for any of these purposes. Mere bookkeeping separation of the state funds from other moneys shall not be sufficient.

12. Subrecipient Monitoring

In addition to reviews of audits conducted in accordance with 2 CFR 200, Subpart F, subrecipient monitoring procedures may include, but not be limited to, on-site or remote visits by NHED staff, limited scope audits, and/or other procedures. By signing this document, the subrecipient agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by the NHED. In the event the NHED determines that a limited scope audit of the project recipient is appropriate, the subrecipient agrees to comply with any additional instructions provided by NHED staff to the subrecipient regarding such audit.

13. More Restrictive Conditions

Subrecipients found to be in noncompliance with program and/or fund source requirements or determined to be “high risk” shall be subject to the imposition of more restrictive conditions as determined by the NHED.

14. Obligations by Subrecipients

Obligations will be considered to have been incurred by subrecipients on the basis of documentary evidence of binding commitments for the acquisition of goods or property or for the performance of work, except that funds for personal services, for services performed by public utilities, for travel, and for the rental of facilities shall be considered to have been obligated at the time such services were rendered, such travel was performed, and/or when facilities are used (see 34 CFR 76.707).

15. Personnel Costs – Time Distribution

Charges to federal projects for personnel costs, whether treated as direct or indirect costs, are allowable to the extent that they satisfy the specific requirements of 2 CFR 200.430, and will be based on payrolls documented in accordance with generally accepted practices of the subrecipient and approved by a responsible official(s) of the subrecipient.

When employees work solely on a single federal award or cost objective, charges for their salaries and wages must be supported by personnel activity reports (PARs), which are periodic certifications (at least semi-annually) that the employees worked solely on that program for the period covered by the certification. These certifications must be signed by the employee or a supervisory official having firsthand knowledge

of the work performed by the employee.

When employees work on multiple activities or cost objectives (e.g., more than one federal project, a federal project and a non-federal project, an indirect cost activity and a direct cost activity, two or more indirect activities which are allocated using different allocation bases, or an unallowable activity and a direct or indirect cost activity), the distribution of their salaries or wages will be supported by personnel activity reports or equivalent documents that meet the following standards:

- a) Reflect an after-the-fact distribution of the actual activity of each employee
- b) Account for the total activity for which each employee is compensated
- c) Prepared at least monthly and must coincide with one or more pay period
- d) Signed and dated by the employee

16. Protected Prayer in Public Elementary and Secondary Schools

As required in Section 9524 of the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the No Child Left Behind Act of 2001, LEAs must certify annually that they have no policy that prevents or otherwise denies participation in constitutionally protected prayer in public elementary and secondary schools.

17. Purchasing/Procurement

The non-Federal entity must have and use documented procurement procedures, consistent with the standards of this section and 2 CFR 200.317, 200.318, and 200.319 for any of the following methods of procurement used for the acquisition of property or services required under a Federal award or sub-award.

1. Informal procurement methods
 - a. Micro-purchases
 - b. Small purchases
2. Formal procurement methods
 - a. Sealed bids
 - b. Proposals
3. Noncompetitive procurement

18. Retention and Access to Records

Requirements related to retention and access to project/grant records, are determined by federal rules and regulations. Federal regulation 2 CFR 200.334, addresses the retention requirements for records that applies to all financial and programmatic records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal or Project award. If any litigation, claim, or audit is started before the expiration date of the retention period, the records must be maintained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.

Access to records of the subrecipient and the expiration of the right of access is found at 2 CFR 200.337 (a) and (c), which states:

- a) Records of non-Federal entities. The Federal awarding agency, Inspectors General, the Comptroller General of the United States, and the pass-through entity, or any of their authorized representatives [including but not limited to the NHED] must have the right of access to any documents, papers, or other records of non-Federal entity which are pertinent to the Federal award, in order to make audits, examinations, excerpts, and transcripts. The right also includes timely and reasonable access to the non-Federal entity's personnel for the purpose of interview and discussion related to such documents.

- d) Expiration of right of access. The rights of access in this section are not limited to the required retention period but last as long as the records are retained.

19. The Stevens Amendment

All federally funded projects must comply with the Stevens Amendment of the Department of Defense Appropriation Act, found in Section 8136, which provides:

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 with federal money, (2) the dollar amount of federal funds for the project or program, and (3) the percentage and dollar amount of the total costs of the project or program that will be funded by non-governmental sources.

20. Transfer of Disciplinary Records

Title 20 USC 7197 requires that the State have a procedure to assure that a student's disciplinary records, with respect to suspensions and expulsions, are transferred by the project recipient to any public or private elementary or secondary school where the student is required or chooses to enroll. In New Hampshire, that assurance is statutory and found at RSA 193-D:8.

The relevant portions of the federal and state law appear below.

- a) **Disciplinary Records** - In accordance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g), not later than 2 years after the date of enactment of this part, each State receiving Federal funds under this Act shall provide an assurance to the Secretary that the State has a procedure in place to facilitate the transfer of disciplinary records, with respect to a suspension or expulsion, by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, on a full- or part-time basis, in the school.
- b) **193-D:8 Transfer Records; Notice** – All elementary and secondary educational institutions, including academies, private schools, and public schools, shall upon request of the parent, pupil, or former pupil, furnish a complete school record for the pupil transferring into a new school system. Such record shall include, but not be limited to, records relating to any incidents involving suspension or expulsion, or delinquent or criminal acts, or any incident reports in which the pupil was charged with any act of theft, destruction, or violence in a safe school zone.

C. Definitions (2 CFR 200.1)

- 1) **Audit finding** - *Audit finding* means deficiencies which the auditor is required by 2 CFR 200.516 (a) to report in the schedule of findings and questioned costs.
- 2) **Management decision** - *Management decision* means the Federal awarding agency's or pass-through entity's written determination, provided to the auditee, of the adequacy of the auditee's proposed corrective actions to address the findings, based on its evaluation of the audit findings and proposed corrective actions.
- 3) **Pass-through entity** - *Pass-through entity (PTE)* means a non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program.

- 4) **Period of performance** - *Period of performance* means the total estimate time interval between the start of an initial Federal award and the planned end date, which may include one or more funded portions, or budget periods. Identification of the Period of Performance in the Federal award per 2 CFR 200.211(b)(5) does not commit the awarding agency to fund the award beyond the currently approved budget period.
- 5) **Subaward** - *Subaward* means an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.
- 6) **Subrecipient** - *Subrecipient* mean an entity, usually but not limited to non-Federal entities, that receives a subaward from a pass-through entity to carry out part of a Federal award; but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

CERTIFICATION

Instructions: The Superintendent, or other Qualifying Administrator, if the School District or School Administrative Unit (SAU) does not have a Superintendent, (*See* RSA 194-C:5, II) **must** consult with the School Board for the School District/SAU by informing said School Board about the District's/SAU's participation in Federal Programs and the terms and conditions of the General Assurances, Requirements and Definitions for Participation in Federal Programs. The Superintendent or other Qualifying Administrator and the Chair of the School Board **must** sign this certification page (and initial the remaining pages) as described below and return it to the NHED. **No payment for project/grant awards will be made by the NHED without a fully executed copy of this General Assurances, Requirements and Definitions for Participation in Federal Programs on file.** For further information, contact the NHED Bureau of Federal Compliance at federalcompliance@doe.nh.gov

Superintendent or other Qualifying Administrator Certification:

We the undersigned acknowledge that [a] person is guilty of a violation of R.S.A. § 641:3 if [h]e or she makes a written or electronic false statement which he or she does not believe to be true, on or pursuant to a form bearing a notification authorized by law to the effect that false statements made therein are punishable; or (b) With a purpose to deceive a public servant in the performance of his or her official function, he or she: (1) Makes any written or electronic false statement which he or she does not believe to be true; or (2) Knowingly creates a false impression in a written application for any pecuniary or other benefit by omitting information necessary to prevent statements therein from being misleading; or (3) Submits or invites reliance on any writing which he or she knows to be lacking in authenticity; or (4) Submits or invites reliance on any sample, specimen, map, boundary mark, or other object which he or she knows to be false.

Accordingly, I, the undersigned official legally authorized to bind the named School District/SAU hereby apply for participation in federally funded education programs on behalf of the School District/SAU named below. I certify, to the best of my knowledge, that the below School District/SAU will adhere to and comply with these General Assurances, Requirements and Definitions for Participation in Federal Programs (pages 1 through 17 inclusive). I further certify, as is evidenced by the Minutes of the School Board Meeting held on _____, _____, that I have informed the members of the School Board of the federal funds the District/SAU will be receiving and of these General Assurances, Requirements and Definitions for the Participation in Federal Programs for the District's/SAU's participation in said programs.

SAU Number: _____ District or SAU Name: _____

District UEI : _____ UEI(Sam.gov) Expiration: _____

Typed Name of Superintendent
or other Qualifying Administrator

Signature

Date

School Board Certification:

I, the undersigned official representing the School Board, acknowledge that the Superintendent, or other Qualifying Administrator, as identified above, has consulted with all members of the School Board, in furtherance of the School Board's obligations, including those enumerated in RSA 189:1-a, and pursuant to the School Board's oversight of federal funds the District will be receiving and of the General Assurances, Requirements and Definitions for Participation in Federal Programs in said programs.

Typed Name of School Board
Chair (on behalf of the School Board)

Signature

Date

Please email a fully executed copy of the entire document to:

**New Hampshire Department of Education
Bureau of Federal Compliance
25 Hall Street
Concord, NH 03301
federalcompliance@doe.nh.gov**

New Hampshire Department of Education School Year 2023-2024

GRANT PROGRAM ASSURANCES DOCUMENT

Following are the 2023-2024 school year (SY) New Hampshire Department of Education (NHED) **ESEA Program Assurances** for the following federal formula grants (see below).

DEADLINE by **May 5, 2023**, the entire ESEA Program Assurances document should be:

- Emailed to ESEAAssurances@doe.nh.gov **and**
- Uploaded in the Grants Management System (GMS) on the LEA homepage for the 2023-2024 SY

Superintendent/Charter School Administrator: indicate which federal program(s) in which the LEA is accepting federal funds for the 2023-2024 SY.

Elementary and Secondary Education Act (ESEA) Programs	Participating	Not participating
Title I, Part A (Improving Basic Programs Operated by LEAs)	☐	☐
Title II, Part A (Supporting Effective Instruction state grants)	☐	☐
Title III, Part A (English Language Acquisition, Language Enhancement, and Academic Achievement Act)	☐	☐
Title IV, Part A (Student Support and Academic Enrichment Grants)	☐	☐
Title IV, Part B (21 st Century Community Learning Centers)	☐	☐
Title V, Part B, Subpart 2 (Rural and Low-Income School Program)	☐	☐
IDEA, Part B (Individuals with Disabilities Education Act)	☐	☐
Perkins V (Carl D. Perkins Strengthening Career and Technical Education for the 21st Century Act)	☐	☐

Superintendent/Charter School Administrator Contact Information:

Local Education Agency (LEA): _____ SAU Number: _____

Superintendent/Charter School Administrator Contact Name: _____

Superintendent/Charter School Administrator Contact Phone: _____

Superintendent/Charter School Administrator Contact Phone Email: _____

Local Education Agencies (LEAs) must submit a signed copy of these Grant Assurances to the NHED prior to receiving formula funds for grants awarded under the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA), Individuals with Disabilities Education Act (IDEA) and Carl D. Perkins Strengthening Career and Technical Education for the 21st Century Act. By signing these Grant Assurances, the LEA assures that it will accept and administer these formula funds in accordance with all applicable Federal and State statutes and regulations.

As the Superintendent/Charter School Administrator you must carefully review and sign each funding source that you will be accepting for the 2023-2024 SY. There is a signature field for Title III certification and one signature block at the end of the document Assurances that must be signed. Once the document is fully executed it needs to be emailed to ESEAAssurances@doe.nh.gov and uploaded to the LEA homepage of the online Grants Management System (GMS) no later than May 5, 2023. The NHED ESEA team will review and subsequently approve/return the document if it is/is not fully executed. **ESEA grants will not be substantially approved until the LEA has a fully executed and approved ESEA Program Assurances document on file with NHED.**

At the end of this document, you will find the General Education Provisions Act (GEPA) Section 427 which requires each LEA applying for federal funds to include in its application a description of the steps the LEA proposes to take to ensure equitable access to and participation in its federally assisted programs for students, teachers, and other program beneficiaries with special needs. The statute highlights six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, or age. Based on local circumstances, you should determine whether these or other barriers may prevent your students, teachers, et al from such access to, or participation in, the federally funded projects or activities.

Each LEA accepting federal grants must provide a description of how it will ensure equitable access for students and teachers to participate in federally assisted programs. Please provide a clear and succinct description of how you plan to address those barriers that are applicable to the LEAs circumstances.

Please remember that Program Assurances are reviewed and signed by you, the Superintendent/Charter School Administrator, as a way of indicating your agreement with the laws and regulations specific to certain grant types. The assurances below are not all-inclusive as to the entire scope of requirements for the LEA. Superintendents/Charter School Administrators are responsible for understanding all requirements of the grants they receive.

The Process:

Please read each step carefully:

1. The Superintendent/Charter School Administrator indicates which federal program(s) in which the LEA is accepting funds for the 2023-2024 SY and provides their contact information.
2. The Superintendent/Charter School Administrator carefully reviews the assurances for each federal program in which the LEA is participating and consults with the LEA School Board/Board of Trustees about the assurances.
3. The Superintendent/Charter School Administrator signs and dates the bottom of the Program Assurance document.
4. **All** Superintendent/Charter School Administrators (or designee) must complete the GEPA section.
5. The assurances must then be emailed to ESEAAssurances@doe.nh.gov and uploaded to the LEA Homepage of the online Grants Management System (GMS) by May 5, 2023.

Please contact your NHED program manager if you have any questions.

Section A: Assurances for ESEA - Title I, Part A

All Sections cited are from the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act through P.L. 114-95, unless otherwise noted.

The local education agency (LEA) hereby assures the New Hampshire Department of Education that pursuant to the requirements in ESEA, Title I, Part A the LEA will:

A-1 USE FEDERAL FUNDS ONLY TO SUPPLEMENT, NOT SUPPLANT, OTHER RESOURCES

Use federal funds received under this part only to supplement the funds that would, in the absence of such federal funds, be made available from non-federal sources for the education of students participating in programs assisted under Title I, and not to supplant such funds. *Section 1118(b).*

Under ESEA, LEAs must demonstrate that the methodology they use to allocate state and local funds to schools provides each Title I school with all of the state and local money it would receive if it did not participate in the Title I program. This should expand Title I's spending options. Title I costs must still be allowable and must still support eligible students among other requirements.

A-2 MEET COMPARABILITY OF SERVICES REQUIREMENTS

Ensure compliance with all comparability requirements, including establishing and implementing on a grade-span by grade-span basis or a school-by-school basis: (a) a local educational agency-wide salary schedule; (b) a policy to ensure equivalence among schools in teachers, administrators, and other staff; and (c) a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies. *Section 1118(c).*

A-3 INFORM SCHOOLS ABOUT SCHOOLWIDE PROGRAM OPTIONS AND PROVIDE TECHNICAL ASSISTANCE TO SCHOOLWIDE PROGRAMS

Inform eligible schools (40% poverty and above) and parents of schoolwide program authority and the ability of such schools to consolidate funds from federal, state, and local sources under *Section 1114*.

Provide technical assistance and support to schoolwide programs, including a one-year planning period (exceptions provided in *Section 1114 (b)(1)*), in consultation with stakeholders described in *Section 1114(b)(2)* resulting in a written plan that addresses the required components pursuant to *Section 1114*.

A-4 PROVIDE SERVICES TO ELIGIBLE STUDENTS IN TARGETED ASSISTANCE SCHOOLS

Provide supplementary services to educationally disadvantaged students in Title I schools. Eligible students are children identified by the school as failing, or most at risk of failing, to meet the state's challenging student academic achievement standards on the basis of multiple, educationally related, objective criteria, pursuant to *Section 1115*.

A-5 PROVIDE ASSISTANCE TO SCHOOLS TO CLOSE THE ACHIEVEMENT GAP

Ensure that all children receive a high-quality education and close the achievement gap between children meeting the challenging State academic standards and those children who are not meeting such standards. *Section 1112(b).*

A-6 ENSURE QUALIFIED AND EFFECTIVE EDUCATORS IN ALL LEA SCHOOLS

Ensure, through incentives for voluntary transfers, the provision of professional development, recruitment programs, or other effective strategies, that students from low-income families and minority students are not taught at higher rates than other students by unqualified, out-of-field, or beginning educators. *Section 1111(g)(1)(B)*.

Ensure that all teachers and paraprofessionals working in a program supported with Title I funds meet applicable state certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification. *Section 1111(g)(2)(J)*.

At the beginning of each school year, the LEA receiving funds under this Part shall notify the parent(s) of each student attending any school receiving funds under this Part that the parents may request, and the LEA will provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers, including at a minimum, the following: (I) Whether the students' teacher (I) has met State qualifications and licensing criteria for the grade levels and subject areas in which the teacher provides instruction; (II) is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived; and, (III) is teaching in the field of discipline of the certification of the teacher. *Section 1112(e)(1)*.

A-7 USE INTERVENTIONS THAT IMPROVE OUTCOMES FOR STUDENTS

Take into account the strength of the evidence when selecting curricula and relevant interventions, identifying supports, services, and interventions that are likely to be effective for improving student outcomes. Title I, Section 1003 requires the use of evidence-based interventions that meet higher levels of evidence for schools identified for Comprehensive or Targeted Support and Improvement. *Section 1003 (b)(1)(B)* and *Section 8101(21)(A)*.

A-8 ASSIST SCHOOLS TO INCREASE PARENT AND FAMILY ENGAGEMENT

Develop and maintain a written policy on parent and family engagement and work in consultation with schools as they develop and implement their plans for activities under *Section 1116*. Parents shall be notified of this policy in an understandable and uniform format and to the extent practicable, provided in a language the parents can understand. Such policy shall be made available to the local community and updated periodically to meet the changing needs of parents and the school. *Section 1116(b)(1)*.

Conduct outreach to all parents and family members and implement programs, activities, and procedures for the involvement of parents and family members in programs assisted under this Part consistent with this Section. Such programs, activities, and procedures shall be planned and implemented with meaningful consultation with parents of participating children. Each LEA shall develop jointly with, agree on with, and distribute to, parents and family members of participating children a written parent and family engagement policy. The policy shall establish the LEA's expectations and objectives for meaningful parent and family involvement. *Section 1116(a)(1-2)*.

A-9 ALIGN EARLY CHILDHOOD SERVICES WITH HEAD START STANDARDS

In the case of an LEA that chooses to use funds under this Part to provide early childhood education services to low-income children below the age of compulsory school attendance, ensure that such services comply with the performance standards established under *Section 641A(a)* of the Head Start Act (42 USC §9836a(a)). *Section 1112(c)(7)*.

A-10 PROVIDE EQUITABLE SERVICES FOR ELIGIBLE STUDENTS IN PRIVATE SCHOOLS:

Provide, after timely and meaningful consultation with private school officials, equitable services to eligible students attending private elementary and secondary schools in accordance with *Section 1117*.

The LEA must consult with each non-public school about the Title I, Part A grant. The LEA must maintain a written record of the consultation in its records and provide a copy to the SEA by emailing ESAffirmation@doe.nh.gov and posting the fully executed document on the LEA homepage in the online Grants Management System (GMS).

A-11 IMPLEMENT THE STATEWIDE ASSESSMENT PROGRAM AND USE ASSESSMENT RESULTS TO REVIEW AND ASSESS PROGRESS:

Comply with the statewide assessment program requirements under *Section 1111 (b)(2)* or Innovative Assessment and Accountability Demonstration Authority under *Section 1204(b)(1)*, (i.e. Performance Assessment for Competency Education). Use the results of the statewide assessment and other measures or indicators available to the LEA, to review annually the progress of each school served by the LEA and receiving funds under this Part. In addition, make widely available through public means (includes posting in a clear and easily accessible manner on the LEA's website and, where practicable, on the website of each school served by the LEA for each grade level served, information on each assessment required by the State to comply with *Section 1111*, other assessments required by the State, and where such information is available and feasible to report, assessments required by the LEA, including: (i) subject matter assessed; (ii) the purpose for which the assessment is designed and used; (iii) the source of the requirement for the assessment; and (iv) where such information is available: (I) the amount of time students will spend taking the assessment and the schedule for the assessment; and (II) the time and format for disseminating results.

A-12 PARTICIPATE IN THE NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS (NAEP), GRADES 4 and 8, READING AND MATHEMATICS:

Participate, if selected, in NAEP for reading and mathematics in grades 4 and 8 carried out under *Section 303(b)(3)* of the NAEP Authorization Act (*20 USC SEC 9622(b)(3)*).

A-13 PROVIDE TIMELY STUDENT REPORTS TO PARENTS AND TEACHERS

Ensure that the results from the statewide academic assessments required under *Section 1111(b)(2)* and *Section 1204(b)(1)* will be provided to parents and teachers as soon as practicable after the assessment is taken, in an understandable and uniform format and, to the extent feasible, in a language that the parents can understand.

A-14 PUBLICLY DISSEMINATE ANNUAL LEA AND SCHOOL REPORT CARDS

Disseminate LEA and school report cards containing, at a minimum, information on teacher quality, assessment, and school and LEA accountability to all schools in the LEA and to all parents of students attending those schools in an understandable and uniform format and, to the extent practicable, in a language that the parents can understand, and make the information available through public means. *Section 1111(h)(2)*.

A-15 COORDINATE WITH OTHER EDUCATIONAL SERVICES

Coordinate and integrate services provided under this Part with other educational services at the LEA or individual school level, such as services for English Learners, children with disabilities, migratory children, American Indian, Alaska Native, and the Native Hawaiian children, and homeless children and youths, in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program.

In compliance with *Section 1112*, coordinate and integrate services with other programs under this Act (including Title I, Part C, Title II, Title III, etc.), the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973, the Carl D. Perkins Career and Technical Education Act of 2006, the Workforce Innovation and Opportunity Act, the McKinney-Vento Homeless Assistance Act, the Head Start Act, the Adult Education and Family Literacy Act, and other Acts, as appropriate. Equity of services will be met for disadvantaged students, to include:

- Selecting migratory children who are eligible to receive services on the same basis as other children who are selected to receive services;
- Conducting outreach to identify homeless children and youth and working in consultation with shelters and other community agencies to identify and remove barriers to enrollment;
- Assuring space is available in Title I programs for students in foster care, homeless children and youth, and that homeless students are eligible for Title I services by virtue of their homelessness.
- Complying with the requirements of Immigrant Data Collection Survey located in the NH DOE Education Statistics System on an annual basis to ensure appropriate services are provided to English language learners; and
- If the LEA uses Title I or Title III funds to provide a language instruction educational program as determined under Title III, the LEA must comply and coordinate parent services for English learners as outlined in *Section 1112(3)(A-D)*.

A-16 ENSURE THE EDUCATIONAL STABILITY OF STUDENTS IN FOSTER CARE

Enroll foster youth or allow the foster youth to remain in their school of origin, unless a determination is made that it is not in the child's best interest to attend that school. Best interest factors include, but are not limited to, appropriateness of the current educational setting and proximity to the school in which the child is enrolled at the time of placement. *Section 1111(g)(1)(E)(i)*.

Ensure that if a determination is made that it is not in the child's best interest to remain in the school of origin, the child will be immediately enrolled in a new school, even if the child is unable to produce records normally required for enrollment. *Section 1111(g)(1)(E)(ii)*. LEAs will immediately contact the school of origin to obtain relevant academic and other records. *Section 1111(g)(1)(E)(iii)*.

Develop and implement clear written procedures governing transportation for students in foster care in their school of origin when in their best interest. The procedure will be provided, arranged, and funded for the duration of their time in foster care, and ensure that students promptly receive that transportation. The transportation procedure must describe how this requirement will be met in the event of a dispute regarding which agency or agencies (LEA, multiple LEAs or child welfare agency) will pay any additional costs incurred in providing transportation and must describe which agency or agencies will initially pay the additional costs so that transportation is provided promptly during the pendency of the dispute. *Section 1112(c)(5); 34 Code of Federal Regulations §299.13(c)(1)(ii)*.

Designate a point of contact (POC) if the corresponding child welfare agency notifies the LEA in writing that it has designated an employee to serve as a POC for the LEA. *Section 1111(g)(1)(E)(iv)*.

A-17 COORDINATION REQUIREMENTS:

Coordinate activities described under Section 1119 (b) with Head Start agencies and, if feasible, other entities carrying out early childhood development programs. Each LEA shall develop agreements with such Head Start agencies and other entities to carry out such activities, i.e., systematic procedures for receiving records of preschool children, communication, parent and

family engagement, teachers and Head Start to discuss needs of children, joint transition-related training and linking LEA educational services with Head Start agencies. *Section 1119.*

A-18 EDUCATION FOR HOMELESS CHILDREN AND YOUTHS

Reserve Title I, Part A funds as necessary to provide comparable services to homeless children and youth that assist them to effectively take advantage of educational opportunities as provided to children in schools funded under Title I, Part A. These comparable services shall be provided to homeless children and youth in public schools, shelters and other locations where children may live (institutions for neglected children and, where appropriate, local institutions such as local community day school programs). This reservation requirement is not formula driven. The method of determination of such funds shall be determined as follows:

- Based on the total allocation received by the LEA; and,
- Prior to any allowable expenditure or transfers by the LEA. *Section 1113(c)(3)(A).*

Section B: Assurances for ESEA - Title II, Part A

All Sections cited are from the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act through P.L. 114-95, unless otherwise noted.

The local education agency (LEA) hereby assures the New Hampshire Department of Education that pursuant to the requirements in ESEA, Title II, Part A the LEA will:

B-1 ENGAGE IN CONSULTATION AND USE DATA

Use data (*Section 2102(b)(2)(D)*) and ongoing consultation described in *Section 2102(b)(3)* to continually update and improve activities supported under this Part.

B-2 TARGET FUNDS TO NEEDIEST SCHOOLS

Target funds to schools within the jurisdiction of the LEA that are implementing comprehensive support and improvement activities under *Section 1111(d)* and have the highest percentage of low income children counted under *Section 1124(c)*. *Section 2102(c)*

B-3 ENSURE PRIVATE SCHOOL PARTICIPATION

Comply with *Section 8501* regarding equitable participation by private school teachers in professional development activities. Provide for the equitable participation of private school teachers, and other educational personnel in private schools, and engage in meaningful consultation, in a timely manner, with private school officials during the design and development of their Title II, Part A program. *Section 2102(b)(2)(E)*.

The LEA must consult with each non-public school about the Title II, Part A grant. The LEA must maintain a written record of this consultation in its records and provide a copy to the SEA by emailing ESAffirmation@doe.nh.gov and posting the fully executed document on the LEA homepage in the online Grants Management System (GMS).

B-4 PROVIDE PROFESSIONAL DEVELOPMENT ACTIVITIES

Ensure that all professional development activities provided are evidenced-based and intended to improve the subject matter knowledge and the teaching and leadership skills of teachers, principals, and administrators and, in appropriate cases, paraprofessionals, and coordinated with professional development activities authorized under this Part with professional development activities provided through other Federal, State, and local programs. *Section 2102(b)(2)(F)*.

B-5 SUPPLEMENT, NOT SUPPLANT

Ensure that Title II, Part A funds shall only be used to supplement, and not supplant, non-federal State and local funds that would otherwise be used for activities authorized under Title II, Part A. *Section 2301*.

Section C: Assurances for ESEA – Title III, Part A

All Sections cited are from the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act through P.L. 114-95, unless otherwise noted.

The local education agency (LEA) hereby assures the New Hampshire Department of Education that pursuant to the requirements in ESEA, Title III, Part A the LEA will:

C-1 CONSULT WITH OTHERS ON PLAN DEVELOPMENT

Assure consultation has occurred with teachers, researchers, school administrators, parents and family members, community members, public or private entities, and institutions of higher education, in developing and implementing the Title III plan. *Section 3116(b)(4)(C).*

C-2 ASSESS ENGLISH PROFICIENCY ANNUALLY

Assess annually the English proficiency of all English learners participating in a program funded under Title III, consistent with *Section 1111(b)(2)(B)* and *(G)*. *Section 3113(b)(3)(A)* and *(B)*.

C-3 USE EFFECTIVE APPROACHES AND METHODOLOGIES

Use effective approaches and methodologies for teaching English learners and immigrant children and youth to: 1) develop and implement new language instruction educational programs and academic content instructional programs for English learners and immigrant children and youth, including early childhood education programs, elementary school programs, and secondary school programs, 2) carry out highly focused, innovative, locally designed activities to expand or enhance existing language instruction educational programs and academic content instructional programs for English learners and immigrant children and youth, 3) implement, within an individual school, school-wide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for English learner and immigrant children and youth, 4) implement, within the entire jurisdiction of a local educational agency, agency-wide programs for restructuring, reforming, and upgrading all relevant program, activities, and operations relating to language instruction educational programs and academic content instruction for English learners and immigrant children and youth. *Section 3115(a)(1-4).*

C-4 COMPLY WITH PRIVATE SCHOOL PARTICIPATION REQUIREMENTS

After timely and meaningful consultation with appropriate private school officials, provide to children who are enrolled in private elementary and secondary schools in areas served by such agency, consortium, or entity and to their teachers or other educational personnel, on an equitable basis, educational services or other benefits that address their needs under Title III the program. *Section 8501.*

The LEA must consult with each non-public school about the Title III, Part A grant. The LEA must maintain a written record of the consultation in its records and provide a copy to the SEA by emailing ESAffirmation@doe.nh.gov and posting the fully executed document on the LEA homepage in the online Grants Management System (GMS).

C-5 ASSESS ENGLISH LEARNERS IN ENGLISH

Comply with the requirement in *Section 1111(b)(2)(B)(ix)* regarding assessment of English learners in English. *Section 3113(b)(3)(A).*

C-6 BE IN COMPLIANCE WITH STATE LAWS

Assure, by signing in this section, that the LEA is not in violation of any State law, including State constitutional law, regarding the education of English learners (EL), consistent with Sections 3125 and 3126. *Section 3116(b)(4)(B).*

C-7 USE TITLE III FUNDS TO ONLY SUPPLEMENT, NOT SUPPLANT, OTHER RESOURCES

Use Title III funds in order to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for English learner and Immigrant children and youth, and in no way supplant such Federal, State, and local public funds. *Section 3115(g).*

C-8 USE OF FUNDS

Use Title III funds to increase the English language proficiency of English learners, provide effective professional development, and implement effective parent, family, and community engagement activities and strategies that enhance or supplement language instruction educational programs for ELs. *Section 3115(c).*

C-9 SELECT METHODS OF EFFECTIVE INSTRUCTION

Select one or more methods or forms of effective instruction to be used in the programs and activities undertaken by the entity to assist English learners to attain English language proficiency and meet challenging State academic standards. *Section 3115(f)(1)*

C-10 COMPLY WITH PARENT REQUESTS FOR INFORMATION ABOUT STAFF EDUCATING THEIR CHILDREN

Ensure that each LEA that is included in the eligible entity is complying with Section 1112(e) prior to, and throughout, each school year. *Section 3116(b)(4)(A).*

C-11 COORDINATE WITH HEAD START AND EARLY HEAD START

Coordinate activities and share relevant data under the plan with local Head Start and Early Head Start agencies, including migrant and seasonal Head Start agencies, and other early childhood education providers. *Section 3116(b)(4)(D).*

C-12 USE OF IMMIGRANT SET-ASIDE FUNDS

Understand that by accepting Title III Immigrant Set-Aside funds, if applicable, to use these funds to support activities that provide enhanced instructional opportunities for immigrant children and youth and agree to comply with all associated program requirements. *Section 3115(e).*

C-13 REPORT ON A BIENNIAL BASIS

Ensure that at the conclusion of every second fiscal year during which the subgrant is received, the LEA provides the Department of Elementary and Secondary Education (DESE) with a report in the form prescribed by the DESE, on the activities conducted and children served as described in *Section 3121*. ESSA, Title III, *Section 3121(a).*

Title III	
LEA CERTIFICATION ON TEACHERS' FLUENCY IN ENGLISH	
I certify that all teachers in any language instruction educational program for English learners that is, or will be, funded under Title III are fluent in English and any other language used for instruction, including having written and oral communication skills. <i>Section 3116(c).</i>	
Signature of the Superintendent / Charter School Administrator	Date

Section D: Assurances for ESEA - Title IV, Part A

All Sections cited are from the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act through P.L. 114-95, unless otherwise noted.

The local education agency (LEA) hereby assures the New Hampshire Department of Education that pursuant to the requirements in ESEA, Title IV, Part A the LEA will:

D-1 UNDERSTAND THE PURPOSE OF THE TITLE IV, PART A PROGRAM [ESSA SECTION 4101]

The purpose of the Title IV-A Program is to improve students' academic achievement by increasing the capacity of the LEA schools, and local communities to:

- (1) provide all students with access to a well-rounded education;
- (2) improve school conditions for student learning; and
- (3) improve the use of technology in order to improve the academic achievement and digital literacy of all students.

D-2 PRIORITIZE THE DISTRIBUTION OF FUNDS TO MOST IN NEED SCHOOLS OR STUDENT POPULATIONS [ESSA SECTION 4106 (e)(2)(A)]

The LEA, or consortium of LEAs, shall assure they prioritize the distribution of Title IV, Part A funds to schools that:

- (a) are among the schools with the greatest need (as determined by the LEA);
- (b) have the highest percentages of low-income students;
- (c) are identified for comprehensive support and improvement;
- (d) have consistently underperforming subgroups;
- (e) are identified as a persistently dangerous public elementary school or secondary school under Section 8532.

D-3 DEVELOP AN APPLICATION THROUGH CONSULTATION WITH A TITLE IV-A STAKEHOLDER TEAM [ESSA SECTION 4106 (c)]

An LEA, or consortium of LEAs, shall develop its application through consultation with a Title IV-A Stakeholder Team that includes representatives from a variety of stakeholder groups. The Stakeholder Team should include, but not be limited to, parents, teachers, principals, other school leaders, specialized instructional support personnel, students, community-based organizations, local government representatives, private school leaders who participate in equitable services, other school leaders, and others with relevant and demonstrated expertise in programs and activities designed to meet the purpose of Title IV-A.

D-4 PRIORITIZE ACTIVITIES IN THE APPLICATION ON NEED AND CONDUCT A COMPREHENSIVE NEEDS ASSESSMENT, IF NECESSARY [ESSA SECTION 4106 (d)]

The Stakeholder Team of an LEA, or consortium of LEAs, shall prioritize the needs based on an assessment of for improvement of—

- (a) access to, and opportunities for, a well-rounded education for all students;
- (b) school conditions for student learning in order to create a healthy and safe school environment; and
- (c) access to personalized learning experiences supported by technology and professional development for the effective use of data and technology.

Exception: A local educational agency receiving an allocation under section 4105(a) in amount that is less than \$30,000 shall not be required to conduct a comprehensive needs assessment.

Frequency of Needs Assessment: Each LEA, or consortium of LEAs, shall conduct a needs assessment described above at least once every 3 years.

D-5 PROVIDE EQUITABLE SERVICES FOR ELIGIBLE STUDENTS IN PRIVATE SCHOOLS [ESSA SECTION 4106 (e)(2)(B)]

The LEA will provide, after timely, meaningful, and continued consultation with private, nonprofit (ESSA Section 8101) school officials, equitable services to eligible students attending private, nonprofit elementary and secondary schools in accordance with Section 8501.

The LEA must consult with each non-public school about the Title IV, Part A grant, and include representation on their Stakeholder Team. The LEA must maintain a written records of consultation and participation in its records and provide a copy of the initial consultation to the SEA by emailing ESAffirmation@doe.nh.gov and posting the fully executed document on the LEA homepage in the online Grants Management System (GMS).

D-6 USE TITLE IV, PART A FUNDS FOR STUDENT SUPPORT AND ACADEMIC ENRICHMENT [ESSA SECTION 4106 (e)(2)]

The LEA will assure that one of these conditions shall apply:

(1) If the LEA, or consortium of LEAs, receives a Title IV-A allocation in an amount less than \$30,000, shall be required to develop activities that support at least one of the three Title IV-A Program areas. [ESSA Section 4106 (f)]

(2) If the LEA, or consortium of LEAs, receives a Title IV-A allocation greater than \$30,000, the LEA shall be required to develop activities that support at least one of the three Title IV-A Program areas, in the following proportion:

- use not less than 20 percent of funds received under Title IV-A to support one or more of the activities authorized under section 4107; activities to support well-rounded educational opportunities. [ESSA Section 4106 (e)(2)(C)]
- use not less than 20 percent of funds received under Title IV-A to support one or more of the activities authorized under section 4108; activities to support safe and healthy students. [ESSA Section 4106 (e)(2)(D)]
- use a portion of funds received under Title IV-A to support one or more activities authorized under section 4109(a), but will not use more than 15% of funds in this program area to purchase technology infrastructure to support the effective use of technology, according to section 4109(b). [ESSA Section 4106 (e)(2)(E)]

D-7 USE FEDERAL FUNDS ONLY TO SUPPLEMENT, NOT SUPPLANT, OTHER RESOURCES [ESSA SECTION 4110]

The LEA will use Title IV, Part A funds only to supplement, not supplant, non-Federal funds that would otherwise be used for activities that are authorized under Title IV, Part A, but are either state/locally required or have been previously funded through state or local budgets.

D-8 ANNUAL REPORTING TO THE STATE [ESSA SECTION 4104]

The LEA will annually report to the State for inclusion in the report described in Section 4104(a)(2) how funds are being used under Title IV-A, including the degree to which the LEA has made progress toward meeting the objectives and outcomes of their activities as described in 4106(e)(1)(E).

Section E: Assurances for ESEA - Title IV, Part B

All Sections cited are from the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act through P.L. 114-95, unless otherwise noted.

The local education agency (LEA) hereby assures the New Hampshire Department of Education that pursuant to the requirements in ESEA, Title IV, Part B the LEA will:

E-1 Operate all Nita M. Lowey 21st Century Community Learning Centers (21st CCLC) programs in a

manner that will maximize the program's impact on the academic performance of the participating students. Programs will provide a breadth of activities and services that offer opportunities for students to learn new skills, develop creative ways to approach challenges and achieve academic success (ESEA Section 4204(b)(2)(J)).

All academic services will be aligned with the curriculum in the core subject areas of each of the schools attended by the participating students. Lesson and/or unit plans for academic enrichment activities will be required. Each student in the program must be offered the full breadth of programming each week (ESEA Section 4204(b)(2)(B), ESEA Section 4205(a) and ESEA Section 4204(a)(2)).

Services and benefits provided must be secular, neutral and non-ideological. No funds provided pursuant to this program shall be expended to support religious practices, such as religious instruction, worship or prayer. Faith-based organizations (FBOs) may offer such practices, but not as part of the program receiving federal assistance and FBOs should comply with generally applicable cost accounting requirements to ensure that funds are not used to support these activities. (2 CFR 3474.15).

E-2 Implement activities based on evidence-based research. The authorizing statute provides measures of effectiveness to guide applicants in successfully identifying and implementing programs and activities that can directly enhance student learning, one of which includes activities based on evidence-based research. The programs or activities must be based in research that shows that the students will meet challenging State academic standards (ESEA Section 4204(b)(2)(E)).

E-3 Use 21st CCLC funds to increase the level of state, local and/or other nonfederal funds that would, in the absence of funds under this part, be made available for programs and activities authorized under this part, and in no case supplant federal, state, local or non-federal funds (ESEA Section 4204(b)(2)(G)). Programs must also coordinate Federal, State, and local programs to make the most effective use of resources (ESEA Section 4204(b)(2)(C)). Programs are prohibited from using 21st CCLC funds to pay for existing levels of service; rather, grant funds must supplement, not supplant, existing services. Funds may be used to expand or enhance current activities, or to establish programs in non-participating schools within a local education agency (LEA)/community-based organization (CBO) that has a 21st CCLC grant.

E-4 Will provide program facility(ies) that are as available and accessible to participants as the students' local school. The facility(ies) has/have sufficient resources to provide all proposed and required activities, such as a computer lab, library, eating facility, safe recreational area and study area. The program will maintain equipment, security, resources and a clear strategy for the safe transportation of students to and from the center and home (ESEA Section 4204(b)(2)(A)(ii)). The program will take place in a safe and easily accessible facility (ESEA Section 4204(b)(2)(A)(i)).

- E-5** Will provide nutritious snacks and/or meals that meet the requirements of the United States Department of Agriculture (USDA) guidelines for afterschool snacks and summer meal supplements. Depending on when the 21st CCLC program operates, a supplemental snack and/or meal must be offered to each student, each day. Students shall not be charged for costs associated with supplemental snacks/meals. Documentation of meeting supplemental snack/meal requirements is required and may be subject to monitoring. (7 CFR 210.10 and 7 CFR 210.9(c)(1-8)).
- E-6** Offer children with special needs the same opportunities as children in the general population in accordance with state and federal laws. Students with special needs include those who may be identified as English language learners (ELLs); homeless; migrant; or with physical, developmental, psychological, sensory or learning disabilities that result in significant difficulties in communication, self-care, attention or behavior, and are in need of more structured, intense supervision. Children with special needs shall not be excluded from the 21st CCLC program, regardless of the level or severity of need, provided that they can be safely accommodated. Description of services to students with special needs shall be documented and may be subject to monitoring (GEPA 427 General Educational Provisions Act).
- E-7** In accordance with ESEA SEC 4201(a)(3), 21st CCLC programs are required to offer families of students served by community learning centers opportunities for active and meaningful engagement in their children's education, including opportunities for literacy and related educational development. For purposes of this program, the term family includes parents, caregivers, guardians or others such as grandparents, who act in the stead of parents. A minimum of three (3) meaningful family engagement activities will occur throughout the year. Programming will be designed to provide adult family members with the tools necessary to support their student's academic achievement goals.
- E-8** Have a professional development plan that is responsive to the needs of its staff and identifies the professional development activities for staff delivering program activities. Conferences and trainings will be linked to the 21st CCLC funding purpose. 21st CCLC orientation/professional development and evidence of staff training shall be documented, uploaded to Cayen systems and may be subject to monitoring (ESEA Section 4203(a)(6)). In accordance with ESEA Section 4204(b)(2)(M), if the program plans to use volunteers in activities carried out through the community learning center, a description is needed of how the eligible entity will encourage and use appropriately qualified persons to serve as the volunteers.
- E-9** Have partners to help coordinate the use of resources and implement components of programming that are not paid for with 21st CCLC funds. Partnerships through public and private community agencies will be developed to help carry out the activities identified in the needs assessment and in the development of a well-rounded community learning center that offers diversity in programming. In accordance with ESEA Section 4204(b)(2)(H) a description of the partnership between a local educational agency, a community-based organization, and another public entity or private entity needs to be established prior to entering into a relationship with any entity. Funded 21st CCLC programs will complete a memorandum of understanding (MOU) as a formal agreement between all relationships with a partner/contractor, as described in 2 CFR Part 200.331 and maintain documentation to support that the partnership is completed prior to engaging the outside entity.
- E-10** According to ESEA, Section 4204(b)(2)(D), the 21st CCLC program will document that it was developed and implemented in active collaboration with the school district attended by the participating students. Adequate communication between the 21st CCLC program staff and the

students' regular school day teachers, school administrators and family members is critical to ensure student needs are addressed in the 21st CCLC program. **The agency has a written MOU with the school district stating how pertinent student data will be shared from the school district to the 21st CCLC program and how these groups will share information about the needs and performance of 21st CCLC students.** The written MOU will also include how the regular school lessons will be identified and reinforced during the 21st CCLC program.

- E-11** In accordance with ESEA Sec. 4204(b)(2)(K), have at least a preliminary plan for how the 21st CCLC program will continue after funding ends. Program will plan to sustain their 21st CCLC program by building partnerships and collaborating with other school and community agencies to build support for resources needed to sustain the program. Must demonstrate how the proposed program will coordinate federal, state and local programs and make the most effective use of public resources. Establish a written plan to be disseminated through community outreach and engagement strategy that communicates the benefits of the program and persuades community leaders and entities to provide in-kind and/or financial support to sustain and expand access to community learning centers to low-income students (ESEA Section 4204 (b)(2)(C)).
- E-12** Establish a local 21st CCLC Advisory Board comprised of students, teachers, parents and members of community agencies and businesses. The agency will collect and maintain documentation of board meetings, such as minutes and attendance lists. The Advisory Board will consider such topics as program needs and concerns, operations and sustainability. The Advisory Board will include **at least one parent and one student (if the program is serving middle or high school students) and take place a minimum of three (3) times per school year.** Documentation supporting 21st CCLC advisory board meetings are required to be uploaded to Cayen systems and may be subject to monitoring.
- E-13** Manage property acquired (e.g., computers, classroom desks, tables) under the 21st CCLC program in accordance with Federal regulations. Equipment and supplies will remain within the appropriate facility for continued use in the 21st CCLC program after the funding period has expired. If the 21st CCLC program at the facility(ies) is not maintained after federal funding expires, all equipment and supplies will be used and/or distributed in accordance 2 CFR 200.313 and 2 CFR 200.314.
- E-14** Fully cooperate with all monitoring, auditing, evaluation and reporting requirements established by the NHED and/or authorized representatives. The subrecipient agrees to participate in all statewide evaluation activities (e.g., cooperate with site visits, cooperate with the quality improvement evaluation process, responding to data requests, submitting accurate and on time data). The subrecipient will submit all required data and reports, as required and/or requested, to the NHED and the US Department of Education (USED) (ESEA Section 4203(A)(14)).
- E-15** Ensure that all procedures and regulations for health, fire, safety, pick-ups, parental/guardian consents, transportation, field trips, food, medical and other emergency procedures, etc. will be clearly listed and widely disseminated, and that they will conform to applicable local and state practices/standards (ESEA Section 4204(b)(2)(iii)).
- E-16** Provide a timely and meaningful consultation with private school officials, providing equitable services to eligible students attending private elementary and secondary schools. The subrecipient must consult with each non-public school about the 21st CCLC grant. Consultation to private schools must be completed on an annual basis with the required Equitable Services Affirmation document by emailing ESAffirmation@doe.nh.gov and posting the fully executed document on the LEA homepage in the online Grants Management System (GMS) by June 30th prior to the start of each fiscal year, throughout the five (5) year grant cycle, in order for the grant to be approved to expend funds in the upcoming fiscal year. The applicant shall give the appropriate

representatives a genuine opportunity to express their views regarding each matter subject to the consultation requirements in this section. (Title IX, Part E Uniform Provisions, Subpart 1, Section 9501).

- E-17** The 21st CCLC program will target students who primarily attend schools with eligible programs under ESEA Section 1114, 1111, 1115 and 1113 and the families of such students (ESEA Section. 4204(b)(2)(F), ESEA Section. 4203(a)(3) and ESEA Section 4204(i)(1)(A)(i)).
- E-18** Agree that the NHED 21st CCLC Program Office shall periodically review the progress made on the activities and deliverables listed. If the subrecipient fails to meet and comply with the activities/deliverables (example: daily attendance numbers, amount of days and time of operation, required reporting, required submission of information, proposed activities and/or proposed goals/objectives) or to make appropriate progress on the activities and/or towards the development of the program, and they are not resolved within four (4) weeks of notification, the 21st CCLC Program Office will (1) approve a reduced payment, (2) request the applicant redo the work and/or (3) terminate the project (2 CFR 200.339).

Section F: Assurances for ESEA - Title V, Part B, Subpart 2

All Sections cited are from the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act through P.L. 114-95, unless otherwise noted.

The local education agency (LEA) hereby assures the New Hampshire Department of Education that pursuant to the requirements in ESEA, Title V, Part A, Subpart 2 the LEA will:

F-1 USE FEDERAL FUNDS FOR AUTHORIZED ACTIVITIES

Use Title V, Part A, Subpart 2 funds only for the following:

- (1) Activities authorized under part A of title I.
- (2) Activities authorized under part A of title II.
- (3) Activities authorized under title III.
- (4) Activities authorized under part A of title IV.
- (5) Parental involvement activities. *Section 5222.*

F-2 USE FEDERAL FUNDS ONLY TO SUPPLEMENT, NOT SUPPLANT, OTHER RESOURCES

Use Title V, Part A, Subpart 2 funds only to supplement, not supplant, non-Federal funds that would otherwise be used for Title V, Part A, Subpart 2 activities. *Section 5232.*

SECTION G: ASSURANCES FOR IDEA, Part B

All Sections cited are from the Individuals with Disabilities Education Act as amended by P.L. 108-446, and the IDEA Regulations (34 CFR §300.201 through §300.213) unless otherwise noted.

The local education agency (LEA) hereby assures the New Hampshire Department of Education that pursuant to the requirements in IDEA, Part B the LEA will:

G-1. Assure that the LEA meets each of the conditions in 34 CFR §300.201 through §300.213, including:

§300.201 Consistency with State policies.

The LEA, in providing for the education of children with disabilities within its jurisdiction, must have in effect policies, procedures, and programs that are consistent with the State policies and procedures established under Sec. 300.101 through 300.163, and Sec. 300.165 through 300.174. (*Authority: 20 U.S.C. 1413(a)(1)*)

§300.202 Use of amounts.

(a) General. Amounts provided to the LEA under Part B of the Act--

(1) Must be expended in accordance with the applicable provisions of this part;

(2) Must be used only to pay the excess costs of providing special education and related services to children with disabilities, consistent with paragraph (b) of this section; and

(3) Must be used to supplement State, local, and other Federal funds and not to supplant those funds.

(b) Excess cost requirement.

(1) General.

(i) The excess cost requirement prevents an LEA from using funds provided under Part B of the Act to pay for all of the costs directly attributable to the education of a child with a disability, subject to paragraph (b)(1)(ii) of this section.

(ii) The excess cost requirement does not prevent an LEA from using Part B funds to pay for all of the costs directly attributable to the education of a child with a disability in any of the ages 3, 4, 5, 18, 19, 20, or 21, if no local or State funds are available for nondisabled children of these ages. However, the LEA must comply with the non-supplanting and other requirements of this part in providing the education and services for these children.

(2) (i) An LEA meets the excess cost requirement if it has spent at least a minimum average amount for the education of its children with disabilities before funds under Part B of the Act are used.

(ii) The amount described in paragraph (b)(2)(i) of this section is determined in accordance with the definition of excess costs in Sec. 300.16. That amount may not include capital outlay or debt service.

(3) If two or more LEAs jointly establish eligibility in accordance with Sec. 300.223, the minimum average amount is the average of the combined minimum average amounts determined in accordance with the definition of excess costs in Sec. 300.16 in those agencies for elementary or secondary school students, as the case may be. (*Authority: 20 U.S.C. 1413(a)(2)(A)*)

§300.203 Maintenance of effort.

(a) Eligibility standard. (1) For purposes of establishing the LEA's eligibility for an award for a fiscal year, the SEA must determine that the LEA budgets, for the education of children with disabilities, at least the same amount, from at least one of the following sources, as the LEA spent for that purpose from the same source for the most recent fiscal year for which information is available:

(i) Local funds only;

- (ii) The combination of State and local funds;
 - (iii) Local funds only on a per capita basis; or
 - (iv) The combination of State and local funds on a per capita basis.
- (2) When determining the amount of funds that the LEA must budget to meet the requirement in paragraph (a)(1) of this section, the LEA may take into consideration, to the extent the information is available, the exceptions and adjustment provided in §§ 300.204 and 300.205 that the LEA:
- (i) Took in the intervening year or years between the most recent fiscal year for which information is available and the fiscal year for which the LEA is budgeting; and
 - (ii) Reasonably expects to take in the fiscal year for which the LEA is budgeting.
- (3) Expenditures made from funds provided by the Federal government for which the SEA is required to account to the Federal government or for which the LEA is required to account to the Federal government directly or through the SEA may not be considered in determining whether an LEA meets the standard in paragraph (a)(1) of this section.
- (b) *Compliance standard.* (1) Except as provided in §§ 300.204 and 300.205, funds provided to an LEA under Part B of the Act must not be used to reduce the level of expenditures for the education of children with disabilities made by the LEA from local funds below the level of those expenditures for the preceding fiscal year.
- (2) An LEA meets this standard if it does not reduce the level of expenditures for the education of children with disabilities made by the LEA from at least one of the following sources below the level of those expenditures from the same source for the preceding fiscal year, except as provided in §§ 300.204 and 300.205:
- (i) Local funds only;
 - (ii) The combination of State and local funds;
 - (iii) Local funds only on a per capita basis; or
 - (iv) The combination of State and local funds on a per capita basis.
- (3) Expenditures made from funds provided by the Federal government for which the SEA is required to account to the Federal government or for which the LEA is required to account to the Federal government directly or through the SEA may not be considered in determining whether an LEA meets the standard in paragraphs (b)(1) and (2) of this section.
- (c) *Subsequent years.* (1) If, in the fiscal year beginning on July 1, 2013 or July 1, 2014, an LEA fails to meet the requirements of § 300.203 in effect at that time, the level of expenditures required of the LEA for the fiscal year subsequent to the year of the failure is the amount that would have been required in the absence of that failure, not the LEA's reduced level of expenditures.
- (2) If, in any fiscal year beginning on or after July 1, 2015, an LEA fails to meet the requirement of paragraph (b)(2)(i) or (iii) of this section and the LEA is relying on local funds only, or local funds only on a per capita basis, to meet the requirements of paragraph (a) or (b) of this section, the level of expenditures required of the LEA for the fiscal year subsequent to the year of the failure is the amount that would have been required under paragraph (b)(2)(i) or (iii) in the absence of that failure, not the LEA's reduced level of expenditures.
- (3) If, in any fiscal year beginning on or after July 1, 2015, an LEA fails to meet the requirement of paragraph (b)(2)(ii) or (iv) of this section and the LEA is relying on the combination of State and local funds, or the combination of State and local funds on a per capita basis, to meet the requirements of paragraph (a) or (b) of this section, the level of expenditures required of the LEA for the fiscal year subsequent to the year of the failure is the amount that would have been required under paragraph (b)(2)(ii) or (iv) in the absence of that failure, not the LEA's reduced level of expenditures.
- (d) *Consequence of failure to maintain effort.* If an LEA fails to maintain its level of expenditures for the education of children with disabilities in accordance with paragraph (b) of this section, the SEA is liable in a recovery action under section 452 of the General Education Provisions Act (20 U.S.C. 1234a) to return to the Department, using non-Federal funds, an amount equal to the

amount by which the LEA failed to maintain its level of expenditures in accordance with paragraph (b) of this section in that fiscal year, or the amount of the LEA's Part B subgrant in that fiscal year, whichever is lower. (Approved by the Office of Management and Budget under control number 1820-0600) (*Authority: 20 U.S.C. 1413(a)(2)(A), Pub. L. 113-76, 128 Stat. 5, 394 (2014), Pub. L. 113-235, 128 Stat. 2130, 2499 (2014)*)

§ 300.204 Exemption to maintenance of effort.

Notwithstanding the restriction in Sec. 300.203(a), an LEA may reduce the level of expenditures by the LEA under Part B of the Act below the level of those expenditures for the preceding fiscal year if the reduction is attributable to any of the following:

- (a) The voluntary departure, by retirement or otherwise, or departure for just cause, of special education or related services personnel.
 - (b) A decrease in the enrollment of children with disabilities.
 - (c) The termination of the obligation of the agency, consistent with this part, to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by the SEA, because the child--
 - (1) Has left the jurisdiction of the agency;
 - (2) Has reached the age at which the obligation of the agency to provide FAPE to the child has terminated; or
 - (3) No longer needs the program of special education.
 - (d) The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities.
 - (e) The assumption of cost by the high cost fund operated by the SEA under Sec. 300.704(c).
- (*Authority: 20 U.S.C. 1413(a)(2)(B)*)

§300.205 Adjustment to local fiscal efforts in certain fiscal years.

- (a) Amounts in excess. Notwithstanding Sec. 300.202(a)(2) and (b) and Sec. 300.203(a), and except as provided in paragraph (d) of this section and Sec. 300.230(e)(2), for any fiscal year for which the allocation received by an LEA under Sec. 300.705 exceeds the amount the LEA received for the previous fiscal year, the LEA may reduce the level of expenditures otherwise required by Sec. 300.203(a) by not more than 50 percent of the amount of that excess.
- (b) Use of amounts to carry out activities under ESEA as amended by ESEA. If an LEA exercises the authority under paragraph (a) of this section, the LEA must use an amount of local funds equal to the reduction in expenditures under paragraph (a) of this section to carry out activities that could be supported with funds under the ESEA as amended by ESEA regardless of whether the LEA is using funds under the ESEA as amended by ESSA for those activities.
- (c) State prohibition. Notwithstanding paragraph (a) of this section, if an SEA determines that an LEA is unable to establish and maintain programs of FAPE that meet the requirements of section 613(a) of the Act and this part or the SEA has taken action against the LEA under section 616 of the Act and subpart F of these regulations, the SEA must prohibit the LEA from reducing the level of expenditures under paragraph (a) of this section for that fiscal year.
- (d) Special rule. The amount of funds expended by an LEA for early intervening services under Sec. 300.226 shall count toward the maximum amount of expenditures that the LEA may reduce under paragraph (a) of this section. (*Authority: 20 U.S.C. 1413(a)(2)(C)*)

§300.206 Schoolwide programs under Title I of the ESEA as amended by ESSA.

- (a) General. Notwithstanding the provisions of Sec. Sec. 300.202 and 300.203 or any other provision of Part B of the Act, an LEA may use funds received under Part B of the Act for any fiscal year to carry out a schoolwide program under section 1114 of the ESEA as amended by ESSA, except that the amount used in any schoolwide program may not exceed--
 - (i) The amount received by the LEA under Part B of the Act for that fiscal year; divided by
 - (ii) The number of children with disabilities in the jurisdiction of the LEA; and multiplied by

- (2) The number of children with disabilities participating in the schoolwide program.
- (b) Funding conditions. The funds described in paragraph (a) of this section are subject to the following conditions:
- (1) The funds must be considered as Federal Part B funds for purposes of the calculations required by Sec. 300.202(a)(2) and (a)(3).
- (2) The funds may be used without regard to the requirements of Sec. 300.202(a)(1).
- (c) Meeting other Part B requirements. Except as provided in paragraph (b) of this section, all other requirements of Part B of the Act must be met by an LEA using Part B funds in accordance with paragraph (a) of this section, including ensuring that children with disabilities in schoolwide program schools--
- (1) Receive services in accordance with a properly developed IEP; and
- (2) Are afforded all of the rights and services guaranteed to children with disabilities under the Act. (*Authority: 20 U.S.C. 1413(a)(2)(D)*)

§300.207 Personnel development.

The LEA must ensure that all personnel necessary to carry out Part B of the Act are appropriately and adequately prepared, subject to the requirements of Sec. 300.156 (related to personnel qualifications) and section 2122 of the ESEA as amended by ESSA. (*Authority: 20 U.S.C. 1413(a)(3)*)

§300.208 Permissive use of funds.

- (a) Uses. Notwithstanding Sec. Sec. 300.202, 300.203(a), and 300.162(b), funds provided to an LEA under Part B of the Act may be used for the following activities:
- (1) Services and aids that also benefit nondisabled children. For the costs of special education and related services, and supplementary aids and services, provided in a regular class or other education-related setting to a child with a disability in accordance with the IEP of the child, even if one or more nondisabled children benefit from these services.
- (2) Early intervening services. To develop and implement coordinated, early intervening educational services in accordance with Sec. 300.226.
- (3) High cost special education and related services. To establish and implement cost or risk sharing funds, consortia, or cooperatives for the LEA itself, or for LEAs working in a consortium of which the LEA is a part, to pay for high cost special education and related services.
- (b) Administrative case management. An LEA may use funds received under Part B of the Act to purchase appropriate technology for recordkeeping, data collection, and related case management activities of teachers and related services personnel providing services described in the IEP of children with disabilities, that is needed for the implementation of those case management activities. (*Authority: 20 U.S.C. 1413(a)(4)*)

§300.209 Treatment of charter schools and their students.

- (a) Rights of children with disabilities. Children with disabilities who attend public charter schools and their parents retain all rights under this part.
- (b) Charter schools that are public schools of the LEA.
- (1) In carrying out Part B of the Act and these regulations with respect to charter schools that are public schools of the LEA, the LEA must--
- (i) Serve children with disabilities attending those charter schools in the same manner as the LEA serves children with disabilities in its other schools, including providing supplementary and related services on site at the charter school to the same extent to which the LEA has a policy or practice of providing such services on the site to its other public schools; and
- (ii) Provide funds under Part B of the Act to those charter schools--
- (A) On the same basis as the LEA provides funds to the LEA's other public schools, including proportional distribution based on relative enrollment of children with disabilities; and

(B) At the same time as the LEA distributes other Federal funds to the LEA's other public schools, consistent with the State's charter school law.

(2) If the public charter school is a school of an LEA that receives funding under Sec. 300.705 and includes other public schools--

(i) The LEA is responsible for ensuring that the requirements of this part are met, unless State law assigns that responsibility to some other entity; and

(ii) The LEA must meet the requirements of paragraph (b)(1) of this section. *(Authority: 20 U.S.C. 1413(a)(5))*

§300.210 Purchase of instructional materials.

(a) General. Not later than December 3, 2006, an LEA that chooses to coordinate with the National Instructional Materials Access Center (NIMAC), when purchasing print instructional materials, must acquire those instructional materials in the same manner, and subject to the same conditions as an SEA under Sec. 300.172.

(b) Rights of LEA.

(1) Nothing in this section shall be construed to require an LEA to coordinate with the NIMAC.

(2) If an LEA chooses not to coordinate with the NIMAC, the LEA must provide an assurance to the SEA that the LEA will provide instructional materials to blind persons or other persons with print disabilities in a timely manner.

(3) Nothing in this section relieves an LEA of its responsibility to ensure that children with disabilities who need instructional materials in accessible formats but are not included under the definition of blind or other persons with print disabilities in Sec. 300.172(e)(1)(i) or who need materials that cannot be produced from NIMAS files, receive those instructional materials in a timely manner. *(Authority: 20 U.S.C. 1413(a)(6))*

§300.211 Information for SEA.

The LEA must provide the SEA with information necessary to enable the SEA to carry out its duties under Part B of the Act, including, with respect to Sec. Sec. 300.157 and 300.160, information relating to the performance of children with disabilities participating in programs carried out under Part B of the Act. *(Authority: 20 U.S.C. 1413(a)(7))*

§300.212 Public information.

The LEA must make available to parents of children with disabilities and to the general public all documents relating to the eligibility of the agency under Part B of the Act. *(Authority: 20 U.S.C. 1413(a)(8))*

§300.213 Records regarding migratory children with disabilities.

The LEA must cooperate in the Secretary's efforts under section 1308 of the ESEA as amended by ESSA to ensure the linkage of records pertaining to migratory children with disabilities for the purpose of electronically exchanging, among the States, health and educational information regarding those children. *(Authority: 20 U.S.C. 1413(a)(9))*

G-2 PRIVATE SCHOOL PARTICIPATION

Provide for services on behalf of students with disabilities enrolled in private schools as required by IDEA. *(Authority: 20 U.S.C. 1412(a)(10)).*

G-3. IEP SERVICES CONSISTENT WITH LAW

Provide all services specified in eligible students' accepted individualized education programs (IEPs) consistent with the requirements of state and federal special education law and regulations. *(Authority: 20 U.S.C. 1414(d); NH PART Ed1109).*

Section H: Assurances for the Strengthening Career and Technical Education for 21st Century Act (Perkins V).

All Sections cited are from the Carl D. Perkins Career and Technical Education Act of 2006, as amended by the Strengthening Career and Technical Education for the 21st Century Act P.L. 115-224, unless otherwise noted.

The local education agency (LEA) hereby assures the New Hampshire Department of Education that pursuant to the requirements in the Strengthening Career and Technical Education for 21st Century Act, the LEA will:

- H-1 Administer each program, service or activity covered by the LEA local application in accordance with all applicable statutes and regulations governing the Strengthening Career and Technical Education for 21st Century Act and in accordance with *Section 135 Local Uses of Funds*.
- H-2 Be in compliance with *Executive Order 12246; Title VI of the Civil rights Act of 1964, as amended; Title IX Regulations; Section 504 of the Rehabilitation Act of 1973, as amended; Individuals with Disabilities Education Act* and any other federal or state laws, regulations and policies which apply to the operation of the programs.
- H-3 Comply with the requirement 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. (*Section 122(d)(13)(A)*).
- H-4 Not to expend funds under the Act to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any employee of the acquiring entity, or any organization affiliated with such an employee. (*Section 122 (d)(13)(B)*).
- H-5 Comply with all reporting requirements in a timely manner and ensure that the information reported is valid, reliable, and accurate.
- H-6 Not discriminate on the basis of sex, race, color, national origin or handicap in the educational programs, services or activities being provided. (*Section 122(b)(9)(B)*).

By signing this document, I attest I have read and understand the obligations of all the assurance statements above (Section A through H) and will ensure that the LEA complies with the assurances for the federal program(s) in which the LEA is accepting federal funds for the 2023-2024 SY. I further attest that I have provided a copy of all the assurances for the program the LEA will participate in to the LEA School Board and have consulted with them, including explaining the obligations of the LEA under these assurances. I will ensure that the LEA will email ESEAAssurances@doe.nh.gov and electronically attach this signed document in the online Grants Management System LEA homepage and a copy will be kept on file at the LEA.

Superintendent/Charter School Administrator Signature

Date

Please compose answers carefully and completely. Use additional pages as needed.

Name/Title: _____

Phone Number: _____

E-mail Address: _____

Superintendent/Charter School Administrator Signature

Date _____

1. Section 427 of GEPA (20 U.S.C. 1228a), requires subrecipients to provide a description of the steps it proposes to take to permit students, teachers, and other program beneficiaries to overcome barriers (including barriers based on gender, race, color, national origin, disability, and age) that impede equal access to, or participation in, the program.

DESCRIPTION: _____

[illegible]

GEPA 442 General Educational Provision Act Requirements

1. Section 442 of GEPA requires subrecipients to provide opportunities for the participation in, planning for, and operation of each program supported by ESEA and IDEA funds, by teachers, parents, and other interested agencies, organizations, and individuals.

Please describe how such participation opportunities will be provided.

2. Section 442 of GEPA requires subrecipients applications, evaluations, plans, or reports related to each program will be made available to parents and the public.

Please describe how such information will be made available to parents and the public.
