

IDEA and Preschool FY21 Federal

Assurances, Terms and

Conditions Part I

Assurances, Certifications and Statement

Local Education Agency

A. Assurances

The local education agency (LEA) makes the following assurances and provisions as required by Part B of the Individuals with Disabilities Education Improvement Act IDEA '04 (20 U.S.C. 1413), in accordance with IDEA Regulations, Subpart C-Local Educational Agency Eligibility, 300.200 through 300.213, and in accordance with South Carolina Regulations 43.243.

An LEA is eligible for assistance under Part B of the Act for a fiscal year if the agency submits a plan that provides assurances to the SEA that the LEA meets each of the conditions in accordance with IDEA Regulations, Subpart C-Local Educational Agency Eligibility, 300.200 through 300.213 and in accordance with South Carolina Regulations 43.243.

Check and enter date(s) as applicable		Assurances Related to Policies and Procedures 20 U.S.C. 1413 34 CFR §§300.200-300.213 SBE Regulation 43.243 and 43.243.1
Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which LEA will complete changes in order to provide assurance.)	
☐	☒	§ 300.201 Consistency with State policies. The local educational agency, in providing for the education of children with disabilities within its jurisdiction, has in effect policies, procedures, and programs that are consistent with the State policies and procedures established under section 1412 of this title.
☐	☒	§ 300.202 Use of amounts. a) <i>General.</i> 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. (Authority: 20 U.S.C. 1413(a)(2)(A))

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Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which LEA will complete changes in order to provide assurance.)	
☐	☒	§ 300.203 Maintenance of effort. (a) <i>General.</i> 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. (Authority: 20 U.S.C. 1413(a)(2)(A))
☐	☒	§ 300.204 Exception to maintenance of effort. Notwithstanding the restriction in § 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 § 300.704(c). (Authority: 20 U.S.C. 1413(a)(2)(B))
		§ 300.205 Adjustment to local fiscal efforts in certain fiscal years. (a) <i>Amounts in excess.</i> Notwithstanding § 300.202(a)(2) and (b) and § 300.203(a), and except as provided in paragraph (d) of this section and § 300.230(e)(2), for any fiscal year for which the allocation received by an LEA under § 300.705 exceeds the amount the LEA received for the previous fiscal year, the LEA may reduce the

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☐	☒	level of expenditures otherwise required by §300.203(a) by not more than 50 percent of the amount of that excess. (b) <i>Use of amounts to carry out activities under ESEA.</i> 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 regardless of whether the LEA is using funds under the ESEA for those activities. (c) <i>State prohibition.</i> 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) <i>Special rule.</i> The amount of funds expended by an LEA for early intervening services under § 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. (a) <i>General.</i> Notwithstanding the provisions of §§ 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, except that the amount used in any schoolwide program may not exceed— (1)(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 (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 §300.156

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		(related to personnel qualifications) and section 2122 of the ESEA. (Authority: 20 U.S.C. 1413(a)(3))
○	●	§ 300.208 Permissive use of funds. (a) <i>Uses.</i> Notwithstanding §§ 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) <i>Services and aids that also benefit nondisabled children.</i> 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) <i>Early intervening services.</i> To develop and implement coordinated, early intervening educational services in accordance with § 300.226. (3) <i>High cost special education and related services.</i> 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) <i>Administrative case management.</i> 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) <i>Rights of children with disabilities.</i> Children with disabilities who attend public charter schools and their parents retain all rights under this part. (b) <i>Charter schools that are public schools of the LEA.</i> (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

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☐	☒	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 § 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. (c) <i>Public charter schools that are LEAs.</i> If the public charter school is an LEA, consistent with § 300.28, that receives funding under § 300.705, that charter school is responsible for ensuring that the requirements of this part are met, unless State law assigns that responsibility to some other entity. (d) <i>Public charter schools that are not an LEA or a school that is part of an LEA.</i> (1) If the public charter school is not an LEA receiving funding under § 300.705, or a school that is part of an LEA receiving funding under § 300.705, the SEA is responsible for ensuring that the requirements of this part are met. (2) Paragraph (d)(1) of this section does not preclude a State from assigning initial responsibility for ensuring the requirements of this part are met to another entity. However, the SEA must maintain the ultimate responsibility for ensuring compliance with this part, consistent with § 300.149. (Authority: 20 U.S.C. 1413(a)(5))
☐	☒	§ 300.210 Purchase of instructional materials. (a) <i>General.</i> 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 § 300.172. (b) <i>Rights of LEA.</i> (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 § 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))

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Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which LEA will complete changes in order to provide assurance.)	
☐	☒	§ 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 §§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 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))
☐	☒	As applicable, the assurance in OMB Standard Form 434B (Assurances for Non-Construction Programs), relating to legal authority to apply for assistance; access to records; conflict of interest; nondiscrimination; labor standards; protection of human subjects; animal welfare; Single Audit Act; and general agreement to comply with all Federal laws, executive orders and regulations.

B. Certifications

The local education agency provides the following certifications:

☐	1. ED Form 80-0013, <i>Certification Regarding Lobbying</i>, is on file with the Office of Special Education Services. With respect to the <i>Certification Regarding Lobbying</i>, the local education agency (LEA) recertifies that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making or renewal of Federal grants under this program.
☐	2. The local education agency (LEA) certifies that certifications in the Education Department General Administrative Regulations (EDGAR) at 34 CFR §80.11 relating to local education agency (LEA) eligibility, authority, and approval to submit and carry out the provisions of its application, and consistency of that application with State law are in place within the district or agency.
☐	3. The local education agency (LEA) certifies that the arrangements to establish responsibility for services pursuant to IDEA Regulations, Subpart C-Local Educational Agency Eligibility, 300.200 through 300.213(a)(12)(A) are current. This certification must be received prior to the expenditure of any funds reserved by the district under 20 U.S.C. 1411(e)(1).

C. Statement

I certify that the local education agency (LEA) of _____ can make the assurances checked as 'yes' in Section A and the certifications required in Section B and Section C of this application. These provisions meet the requirements of the Part B of the Individuals with Disabilities Education Improvement Act (IDEA '04) as found in PL 108-446. The local education agency (LEA) will operate its Part B program in accordance with all of the required assurances and certifications.

If any assurances have been checked 'no', I certify that the local education agency (LEA) will operate throughout the period of this grant award consistent with the requirements of the IDEA '04 as found in PL 108-446 and any applicable regulations, and will make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of the IDEA '04, as amended, as soon as possible, and not later than June 30, 2021. (34 CFR §76.104)

I, _____ the undersigned authorized official of the _____ am designated by this local education agency (LEA) to submit this application for FFY2021 funds under Part B of the Individuals with Disabilities Education Improvement Act.

Printed/Typed Name and Title of Superintendent or Director of the Local Education Agency.

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Signature:

Date:

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CERTIFICATION REGARDING LOBBYING

Applicants must review the requirements for certification regarding lobbying included in the regulations cited below before completing this form. Applicants must sign this form to comply with the certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying." This certification is a material representation of fact upon which the Department of Education relies when it makes a grant or enters into a cooperative agreement.

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

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

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

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

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

NAME OF APPLICANT	PR/AWARD NUMBER AND / OR PROJECT FY21 IDEA and Preschool
PRINTED NAME OF AUTHORIZED REPRESENTATIVE	
TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE