



FY23 (FFY22) IDEA and Preschool
Office of Special Education Services
Assurances and Terms and Conditions for Federal Subawards
Effective date: 1/4/2022

Assurances and Terms and Conditions for Federal Subawards

Assurances

As the duly authorized representative of _____ ,
I certify that this applicant (Please print or type name of applicant.)

- A. Has the legal authority to apply for federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay the nonstate share of project costs) to ensure proper planning, management, and completion of the project described in this application.
- B. Will give the South Carolina Department of Education (SCDE) access to and the right to examine all records, books, papers, or documents related to this award and will establish a proper accounting system in accordance with generally accepted accounting principles (GAAP) or agency directives.
- C. Has an accounting system with sufficient internal controls, a clear audit trail, and written cost-allocation procedures as necessary. The financial management systems are capable of distinguishing expenditures that are attributable to this grant from those that are not attributable to this grant. This system is able to identify costs by programmatic year and by budget line item and to differentiate among direct, indirect, and administrative costs. In addition, the applicant will maintain adequate supporting documents for the expenditures (federal and nonfederal) and in-kind contributions, if any, that it makes under this grant. Costs are shown in books or records (e.g., disbursements ledger, journal, payroll register) and are supported by a source document such as a receipt, travel voucher, invoice, bill, or in-kind voucher.
- D. Will also comply with the Office of Management and Budget 2 CFR Part 200 Subpart E-Cost Principles related to the allowability, reasonableness, and allocability of costs consistent with the approved budget and also by maintaining required support for salaries and wages. Required support includes certifications and/or personnel activity records depending upon the amount of time spent on cost objectives.
- E. Will approve all expenditures, document receipt of goods and services, and record payments on the applicant's accounting records prior to submission of reimbursement claims to the SCDE for costs related to this grant.
- F. Will initiate and complete work within the applicable time frame after receipt of approval by the SCDE.
- G. Will not discriminate against any employee or applicant for employment because of race, color, religion, age, sex, national origin, or disability and comply with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Titles I, II, and III of the Americans with Disabilities Act of 1990 (ADA). The grantee will take affirmative action to ensure that applicants for employment and the employees during the period of their employment are treated without regard to their race, color, religion, age, sex, national origin, or disability.
- H. Has no policy that prevents, or otherwise denies, participation in constitutionally protected prayer in public schools as set forth in the *Guidance on Constitutionally Protected Prayer in Public Education* (20 U.S.C. § 7904).
- I. Will comply with the Family Educational Rights and Privacy Act. (20 U.S.C. §1232g; 34 CFR Part 99).
- J. Will comply with the Ethics, Government Accountability, and Campaign Reform Act (S.C. Code Ann. § 2-17-10 *et seq.* and § 8-13-100 *et seq.* (Supp. 2021)).



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- K. Will comply with the South Carolina Drug Free Workplace Act (S.C. Code Ann. § 44-107-10 *et seq.* (Supp. 2021) if the amount of this award is \$50,000 or more and the federal Drug Free Workplace Act of 1988 (41 USC 702).
- L. Will provide information to the SCDE, as requested, regarding the reporting requirements of the Federal Funding Accountability and Transparency Act (FFATA), which requires the SCDE to file a FFATA subaward report by the end of the month following the month in which it awards any subgrant equal to or greater than \$25,000.
- M. Will comply with 2 CFR Part 25 and register and receive a unique entity identifier, fulfill the requirement for the [System for Award Management](#), maintain the currency of the registration throughout the full grant term, and allow access by the granting agency to ensure compliance.
- N. Will comply with 2 CFR Part 200.112 and disclose in writing any potential conflict of interest to the SCDE.
- O. Will comply with 2 CFR Part 200.113 and disclose in writing to the SCDE all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award.
- P. Will comply with conditions under Executive Order 13513 "Federal Leadership on Reducing Text Messaging While Driving" (October 1, 2009) by refraining from text messaging while driving during official grant business. Relatedly, the applicant will refrain from emailing while driving during official grant business.

Terms and Conditions

- A. **Completeness of Proposal.** All proposals should be complete and carefully worded and must contain all of the information requested by the South Carolina Department of Education (SCDE). If you do not believe a section applies to your proposal, please indicate that fact.
- B. **Non-awards/Termination.** The SCDE reserves the right to reject any and all applications and to refuse to grant monies under this solicitation. If the SCDE rejects an application, the applicant has a right to request a hearing, as provided by 2 CFR Part 200.341 and 34 CFR Part 76.401, if it alleges the SCDE's actions violate a state or federal statute or regulation by (1) disapproving of or failing to approve the application or project, in whole or in part, or (2) failing to provide funds in amounts in accordance with the requirements of statutes and regulations.

After it has been awarded, the SCDE may terminate a grant by giving the grantee written notice of termination. In the event of a termination after award, the SCDE shall reimburse the grantee for allowable expenses incurred up to the notification of termination. In addition, this grant may be terminated by the SCDE if the grantee fails to perform as promised in its proposal. Federal grants will be terminated in accordance with 2 CFR Part 200.339 and 200.340.

In the event that this grant is terminated, the grantee shall have a right to a hearing as set forth in 34 CFR Part 76.783. The grantee must notify the SCDE of its request for a hearing within 30 days of receiving written notice of the termination. If a hearing is requested, the SCDE will conduct the hearing in accordance with the procedures outlined in 34 CFR Part 76.401(d)(2)–(7).

- C. **Reduction in Budgets and Negotiations.** The SCDE reserves the right to negotiate budgets with applicants. The SCDE may, at its sole discretion, determine that a proposed budget is excessive and may negotiate a lower budget with the applicant. The applicant may at that time negotiate or withdraw its proposal. In addition, the SCDE may desire to fund a project but not at the level proposed. In that case, the SCDE shall notify the applicant of the amount that can be funded, and the applicant and the SCDE shall negotiate a modification to the proposal to accommodate the lower budget. All final decisions are that of the SCDE.



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- D. **Amendments to Grants.** Amendments are permitted generally for budgets, grant end date, and management upon the mutual agreement of the parties involved and will become effective when specified in writing and signed by both parties. However, amendments to scope of work that significantly alter the original application proposal may trigger partial or full termination consistent with 2 CFR Part 200.339 and 200.340.
- E. **Use of Grant Funds.** Funds awarded are to be expended only for purposes and activities covered by the approved project plan and approved budget and budget narrative.
- F. **Submission of Expenditure Reports.** Claims for reimbursement must be made at least quarterly and consistent with calendar quarters (e.g., an expenditure report claim for costs for January 1 through March 30 must be filed by May 15).
- G. **Obligation of Grant Funds.** Grant funds may not be obligated prior to the effective date or subsequent to the end or termination date of the grant period. No obligations are allowed after the end of the grant period. The final request for expenditure report claims must be submitted no later than forty-five (45) days after the end of the grant period unless the scope of work for the grant states a shorter reporting period.
- H. **Deobligation of Funds.** After a final expenditure report claim has been submitted to the SCDE, the grantee will go through the official deobligation process with the SCDE.
- I. **Documentation.** The grantee must provide for accurate and timely recording of receipts and expenditures. The grantee's accounting system should distinguish receipts and expenditures attributable to each grant. The grantee must review the memo regarding "[Guidelines for Retaining Documentation to Support Expenditure Claims.](#)"
- J. **Travel Costs.** Travel costs, if allowed under this solicitation, must not exceed limits noted in the United States [General Services Administration \(GSA\) per diem rates](#) for lodging, except in the case of conference lodging required for program-required training. In the case that conference-related lodging exceeds the GSA per diem rate, the grantee shall follow their entity's written procedure for obtaining prior approval to exceed a GSA rate for a conference hotel. Meals and incidentals are limited by the state budget proviso, currently not to exceed \$35 per day for in-state travel and \$50 for out-of-state travel (see page 86 of the [State of South Carolina Statewide Disbursement Regulations](#)). Mileage reimbursement must follow the current Office of Comptroller General instructions, which is consistent with the published IRS rates.
- K. **Honoraria.** Amounts paid in honoraria, if allowed under this grant, must be consistent with SCDE policies. Applicants should check with the program office before budgeting for honoraria.
- L. **Reports.** The grantee shall submit, as required or instructed by the awarding program office, all reports (programmatic, financial, or evaluation) within the specified period or date and in the prescribed format. An expenditure claim report must be filed by August 15 for all expenditures incurred by June 30 in order to comply with the generally accepted accounting principles (GAAP) and the production of the State's Comprehensive Annual Financial Report.
- M. **Copyright.** The grantee is free to copyright any books, publications, or other copyrightable materials developed in the course of this grant. However, the SCDE reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, the copyrighted work developed under this grant.
- N. **Certification Regarding Lobbying, Suspension, and Debarment.** By submitting an application, the applicant certifies, to the best of its knowledge and belief, that the
- Applicant and/or any of its principals, subgrantees, or subcontractors
 - Have not paid or will not pay to any person any federally appropriated funds for the purpose of influencing or attempting to influence an officer or employee of any agency, a Member of



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Congress, an officer or employee of Congress, or any employee of a Member of Congress in connection with making any federal grant and the extension continuation, renewal, amendment, or modification of any federal grant, as defined at 34 CFR Part 82.105 and 82.110. 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 any employee of a Member of Congress in connection with this federal grant, the undersigned shall complete and submit Standard Form LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

- Are not presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any state or federal agency as stated at 2 CFR Part 180 or 2 CFR Part 3485.
- 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) contract or subcontract; violated federal or state antitrust statutes relating to the submission of offers; or committed embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, or receiving stolen property.
- Are not presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated above.
- Applicant has not, within a three-year period preceding this application, had one or more contracts terminated for default by any public (federal, state, or local) entity.

O. Audits.

- Entities expending \$750,000 or more in federal awards:
Entities that expend \$750,000 or more in federal awards during the fiscal year are required to have an audit performed in accordance with the provisions of 2 CFR Part 200.501, *et seq.* Except for the provisions for biennial audits provided in 2 CFR Part 200.504 (a) and (b), audits must be performed annually as stated at 2 CFR Part 200.504. A grantee that passes through funds to subrecipients has the responsibility of ensuring that federal awards are used for authorized purposes in compliance with federal program laws, federal and state regulations, and grant agreements. The director of the OMB, who will review this amount every two years, has the option of revising the threshold upward.
- Entities expending less than \$750,000 in federal awards:
Entities that expend less than \$750,000 in a fiscal year in federal awards are exempt from the audit requirements in 2 CFR Part 200.504. However, such entities are not exempt from other federal requirements (including those to maintain records) concerning federal awards provided to the entity. The entity's records must be available for review or audit by the SCDE and appropriate officials of federal agencies, pass-through entities, and the General Accounting Office (GAO).

P. **Records.** The grantee shall retain federal grant records, including financial records and supporting documentation, for a minimum of six (6) years after the end date of the grant when the final expenditure report claim for reimbursement and all final reports have been submitted, unless informed otherwise or in the case of litigation.

Q. **Electronic Signature Agreement.** I agree that my electronic signature is the legally binding equivalent to my handwritten signature.

Signature of Authorized Official

Date

Signature of Authorized Financial Official

Date



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Assurances

As the duly authorized representative of _____ ,
I certify that this applicant _____ (Please print or type name of applicant.)

- A. Has the legal authority to apply for state assistance and the institutional, managerial, and financial capability (including funds sufficient to pay the nonstate share of project costs) to ensure proper planning, management, and completion of the project described in this application.
- B. Will give the South Carolina Department of Education (SCDE) access to and the right to examine all records, books, papers, or documents related to this award and will establish a proper accounting system in accordance with generally accepted accounting principles (GAAP) or agency directives.
- C. Has an accounting system that includes sufficient internal controls, a clear audit trail, and written cost-allocation procedures as necessary. The financial management systems are capable of distinguishing expenditures that are attributable to this grant from those that are not attributable to this grant. This system is able to identify costs by programmatic year and by budget line item and to differentiate among direct, indirect, and administrative costs. In addition, the applicant will maintain adequate supporting documents for the expenditures and in-kind contributions, regardless of the type of funds, if any, that it makes under this grant. Costs are shown in books or records (e.g., disbursements ledger, journal, payroll register) and are supported by a source document such as a receipt, travel voucher, invoice, bill, or in-kind voucher.
- D. Will also comply with GAAP as it relates to budgets, budget amendments, and expenditure claim submissions.
- E. Will approve all expenditures, document receipt of goods and services, and record payments on the applicant's accounting records prior to submission of reimbursement claims to the SCDE for costs related to this grant.
- F. Will initiate and complete work within the applicable time frame after receipt of approval by the SCDE.
- G. Will not discriminate against any employee or applicant for employment because of race, color, religion, age, sex, national origin, or disability. The applicant will take affirmative action to ensure that applicants for employment and the employees during the period of their employment are treated without regard to their race, color, religion, age, sex, national origin, or disability.
- H. Will comply with the Ethics, Government Accountability, and Campaign Reform Act (S.C. Code Ann. § 2-17-10 *et seq.* and § 8-13-100 *et seq.* (Supp. 2021)).
- I. Will comply with the Drug Free Workplace Act (S.C. Code Ann. § 44-107-10 *et seq.* (Supp. 2021)) if the amount of this award is \$50,000 or more.

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- A. **Completeness of Proposal.** All proposals should be complete and carefully worded and must contain all of the information requested by the South Carolina Department of Education (SCDE). If you do not believe a section applies to your proposal, please indicate that fact.
- B. **Non-awards/Termination.** The SCDE reserves the right to reject any and all applications and to refuse to grant monies under this solicitation. If the SCDE rejects an application, the applicant has a right to request a review of the process consistent with the appeals process presented in the Request for Proposals (RFP).



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Upon the termination of a grant, the grantee shall have the right to a review process. The grantee must notify the SCDE of its request within 30 days of receiving written notice of the termination.

- C. **Reduction in Budgets and Negotiations.** The SCDE reserves the right to negotiate budgets with potential grantees. The SCDE may, at its sole discretion, determine that a proposed budget is excessive and may negotiate a lower budget with the applicant. The applicant may at that time negotiate or withdraw its proposal. In addition, the SCDE may desire to fund a project but not at the level proposed. In that case, the SCDE shall notify the applicant of the amount that can be funded, and the applicant and the SCDE shall negotiate a modification to the proposal to accommodate the lower budget. All final decisions are that of the SCDE.
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- K. **Honoraria.** Amounts paid in honoraria, if allowed under this grant, must be consistent with SCDE policies. Applicants should check with the program office before budgeting for honoraria.
- L. **Reports.** The grantee shall submit, as required or instructed by the awarding program office, all reports (programmatic, financial, or evaluation) within the specified period or date and in the prescribed format. An expenditure claim report must be filed by July 5 for all expenditures incurred by June 30 in order to comply with the generally accepted accounting principles (GAAP) and the production of the State's Comprehensive Annual Financial Report.



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- M. **Copyright.** The grantee is free to copyright any books, publications, or other copyrightable materials developed in the course of this grant. However, the SCDE reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, the copyrighted work developed under this grant.
- N. **Certification Regarding Suspension and Debarment.** By submitting an application, the applicant certifies, to the best of its knowledge and belief, that the
- Applicant and/or any of its principals, subgrantees, or subcontractors
 - are not presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any state or federal agency; 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) contract or subcontract; violation of federal or state antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, or receiving stolen property; and
 - are not presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated above.
 - Applicant has not, within a three-year period preceding this application, had one or more contracts terminated for default by any public (federal, state, or local) entity.
- O. **Audits.** Although this Assurances, Terms, and Conditions document is for a state award, federal audit requirements apply as follows:
- Entities expending \$750,000 or more in federal awards:
Entities that expend \$750,000 or more in federal awards during the fiscal year are required to have an audit performed in accordance with the provisions of 2 CFR Part 200.501, *et seq.* Except for the provisions for biennial audits provided in 2 CFR Part 200.504 (a) and (b), audits must be performed annually as stated at 2 CFR Part 200.504. A grantee that passes through funds to subrecipients has the responsibility of ensuring that federal awards are used for authorized purposes in compliance with federal program laws, federal and state regulations, and grant agreements. The director of the OMB, who will review this amount every two years, has the option of revising the threshold upward.
 - Entities expending less than \$750,000 in federal awards:
Entities that expend less than \$750,000 in a fiscal year in federal awards are exempt from the audit requirements in 2 CFR Part 200.504. However, such entities are not exempt from other federal requirements (including those to maintain records) concerning federal awards provided to the entity. The entity's records must be available for review or audit by the SCDE and appropriate officials of federal agencies, pass-through entities, and the General Accounting Office (GAO).
- P. **Records.** The grantee shall retain grant records, including financial records and supporting documentation, for a minimum of six (6) years after the end date of the grant when the final expenditure report claim for reimbursement and all final reports have been submitted, unless informed otherwise or in case of litigation.
- Q. **Electronic Signature Agreement.** I agree that my electronic signature is the legally binding equivalent to my handwritten signature.

Signature of Authorized Official

Date

Signature of Authorized Financial Official

Date

FY23 (FFY22) IDEA and Preschool

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))

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).	
○	○	§ 300.203 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 <u>Act</u> 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 <u>State</u> and local funds; (iii) Local funds only on a per capita basis; or (iv) The combination of <u>State</u> 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 <u>§ 300.203</u> 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 <u>State</u> and local funds, or the combination of <u>State</u> 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 <u>paragraph (b)</u> of this section, the SEA is liable in a recovery action under section 452 of the <u>General Education Provisions Act</u> (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 <u>paragraph (b)</u> of this section in that fiscal year, or the amount of the LEA's Part B subgrant in that fiscal year, whichever is lower.
○	○	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))

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.)	
☐	☐	§ 300.205 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 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))

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.)	
☐	☐	§ 300.206 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 (related to personnel qualifications) and section 2122 of the ESEA. (Authority: 20 U.S.C. 1413(a)(3))

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.)	
○	○	§ 300.208 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 <u>and these regulations with</u> 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.

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.)	
○	○	(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))

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.)	
☐	☐	§ 300.211 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, 2022. (34 CFR §76.104)

I, _____ the undersigned authorized official of the _____ am designated by this local education agency (LEA) to submit this application for FY2023 (FFY2022) 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

FY23 (FFY22) IDEA Part B (611 and 619)

PRINTED NAME OF AUTHORIZED REPRESENTATIVE

TITLE OF AUTHORIZED REPRESENTATIVE

SIGNATURE

DATE