Local Education Agencies (LEAs) must submit a signed copy of these Grant Assurances to the Department of Elementary and Secondary Education **prior** to receiving funds for FY 2019 Elementary and Secondary Education Act (ESEA), Individuals with Disabilities Education Act (IDEA) and Carl D. Perkins Career and Technical Education grants. By signing these Grant Assurances the LEA assures that it will accept and administer these funds in accordance with all applicable Federal and State statutes and regulations.

* **EDUCATION DEPARTMENT GENERAL ADMINSTRATIVE REGULATIONS (EDGAR) 34 C.F.R.PART 76 STATE ADMINISTERED PROGRAMS**
* **GENERAL EDUCATION PROVISIONS ACT (GEPA) 34 C.F.R. PART 81**
* **UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS 2 C.F.R.PART 200**
* **ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (ESEA[[1]](#footnote-1))**
* Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies
* Title II, Part A: Supporting Effective Instruction
* Title III, Part A: Language Instruction for English Learners and Immigrant Students
* Title IV, Part A: Student Support and Academic Enrichment Grants
* Title V, Part B: Subpart 2, Rural and Low-Income School Program
* **INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)**
* Part B: Entitlement and Discretionary Preschool and School-Age Program
* **CARL D. PERKINS CAREER AND TECHNICAL EDUCATION IMPROVEMENT ACT OF 2006, P.L. 109-270 (PERKINS IV)**
* **SELECTED STATE LAWS AND REGULATIONS**
* Education of English Learners: 603 CMR 14.00, promulgated by the Board of Elementary and Secondary Education pursuant to M.G.L. c. 69, § 1B, and M.G.L. c. 71A.
* Student Learning Time: 603 CMR 27.00, promulgated by the Board of Elementary and Secondary Education pursuant to M.G.L. c. 69, § 1G.
* School Building Health, Safety, and Fire Inspections pursuant to M.G.L c. 71, § 68.
* Bullying Prevention and Intervention Law and Regulations: M.G.L. 71, § 37O, as amended by St. 2014, c. 86, 603 CMR 49.00, and M.G.L. 71B, §3, as amended by St. 2013, c. 140.

|  |
| --- |
|  **By signing this document, including certification section E on page 14, as well as section F (if applicable) on page 15, I am attesting that I have read and understand the obligations of all of the assurance statements in each section (for a total of nineteen pages of assurances). *I will email a signed PDF copy of this complete nineteen page document to*** ***EdGrants@doe.mass.edu*** ***with “FY19 SOA (Applicant Number/LEA Code)” in the subject line of the email.***  |
| DISTRICT/LEA CODE: |  |
| DISTRICT/LEA NAME: |  |
| ADDRESS: |  |
| NAME OF SUPERINTENDENTOR LEA HEAD: |  |
| **SIGNATURE :** |  |
| **PHONE:** | **EMAIL:** |

**ASSURANCES FOR ESEA, IDEA, AND PERKINS GRANTS**

### SECTION A: GENERAL SELECTED FEDERAL ASSURANCES

The school district or other local education agency (herein, “the district”) assures the Massachusetts Department of Elementary and Secondary Education (Department) that:

**A-1. FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARANCY ACT (FFATA)**

The district will adhere to the provisions of the FFATA. It further assures: it has a valid Data Universal Numbering System (DUNS) number before applying for funds; it will maintain the correct DUNS number on file with the Department (2 CFR 200.300); it has a valid and current Central Contractor Registration (CCR) in the System for Award Management (SAM.gov) system (2 CFR 200.300); it will proceed consistent with 2 CFR Part 170 regarding Reporting Sub-award and Executive Compensation Information; and it will comply with provisions of 10 U.S.C. 2409 and 41 U.S.C. 4712 regarding whistleblower protection, and cost provisions at 41 U.S.C. 4304, and 4310.

**Note:** To remain registered in the SAM database after the initial registration, the applicant is required to review and update on an annual basis from the date of initial registration or subsequent updates its information in the SAM database to ensure it is current, accurate, and complete.

**A-2. FINANCIAL MANAGEMENT**

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 (1) 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. (2) Provide accurate, current, and complete disclosure of the financial results of each Federal award or program. (3) Produce records that identify adequately the source and application of funds for federally-funded activities. (4) Maintain effective control over, and accountability for, all funds, property, and other assets. The non-Federal entity must adequately safeguard all assets and assure that they are used solely for authorized purposes. (5) Generate comparisons of expenditures with budget amounts for each Federal award.

The non-Federal entity must have written policies and procedures for:

1. Cash Management (2 CFR 200.302(b)(6) & 200.305)
2. Determining the allowability of costs in accordance with Subpart E—Cost Principles of this part and the terms and conditions of the Federal award. (2 CFR 302(b)(7))
3. Conflict of Interest (2 CFR 200.318(c))
4. Procurement (2 CFR 200.19(c))
5. Method for conducting Technical Evaluations of Proposals and Selecting Recipients (2 CFR 200.320(d)(3) and 200.323)
6. Suspension and Debarment (2 CFR 200.213)
7. Travel Policy (2 CFR 200.474(b))
8. Equipment and Supplies (2 CFR 200.313(d), 200.314)
9. Time and Effort (2 CFR 200.430(i))
10. Record Keeping (2 CFR 200.333 and 200.335)

**A-3. INTERNAL CONTROLS**

 The non-Federal entity must:

1. 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

### SECTION A: GENERAL SELECTED FEDERAL ASSURANCES, Continued

General of the United States or the “Internal Control Integrated Framework”, issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).

1. Comply with Federal statutes, regulations, and the terms and conditions of the Federal awards.
2. Evaluate and monitor the non-Federal entity’s compliance with statutes, regulations, and the terms and conditions of Federal awards.
3. Take prompt action when instances of noncompliance are identified, including noncompliance identified in audit findings.
4. 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 non-Federal entity considers sensitive consistent with applicable Federal, state, local, and tribal laws regarding privacy and obligations of confidentiality.

**A-4. AUDIT RESPONSIBILITIES**

1. 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 nine months after the close of the fiscal year in accordance with report submission regulations (2 CFR §200.512).
2. 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.
3. Prepare appropriate financial statements, including the schedule of expenditures of Federal awards in accordance with financial statements regulations (2 CFR §200.510).
4. 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)).
5. Upon request by the DESE Audit Compliance Unit, promptly submit a corrective action plan (CAP) using the DESE CAP template provided by the DESE Audit and Compliance for audit findings related to DESE funded programs.
6. For repeat findings not resolved or only partially resolved, the applicant must provide explanation for findings not resolved or only partially resolved to the DESE Audit and Compliance Unit for findings related to all DESE funded programs. The DESE Audit and Compliance Unit will review the applicant’s submission and issue an appropriate Management Decision in accordance with 2 CFR § 200.521.

**A-5. ADHERENCE TO FEDERAL STANDARDS**

**Federal Rules, Laws, and Regulations That Apply to All Federal Programs:** The Subrecipient shall be subject to and shall abide by all federal laws, rules, and regulations pertaining to the Subaward Project, including but not limited to:

**1. Americans With Disabilities Act**,Public Law (P.L.) 101-336, 42 United States Code (USC) section 12101, and the regulations effectuating its provisions contained in 28 CFR Parts 35 and 36, 29 CFR Part 1630, and 47 CFR Parts 0 and 64.

**2. Title VI of the Civil Rights Act of 1964**, as amended (prohibition of discrimination by race, color, or national origin), and the regulations effectuating its provisions contained in 34 CFR Part 100.

### SECTION A: GENERAL SELECTED FEDERAL ASSURANCES, Continued

**3. Title IX of the Education Amendments of 1972**,as amended (prohibition of sex discrimination in educational institutions) and the regulations effectuating its provisions contained in 34 CFR Part 106, if the Subrecipient is an educational institution.

**4. Section 504 of the Rehabilitation Act of 1973**,as amended (nondiscrimination on the basis of handicapping condition), and the regulations effectuating its provisions contained in 34 CFR Parts 104 and 105.

**5. Age Discrimination Act of 1975**,as amended (prohibition of discrimination on basis of age), and any regulations issued thereunder, including the provisions contained in 34 CFR Part 110.

**6. Family Educational Rights and Privacy Act (FERPA) of 1975**,as amended (ensures access to educational records for students and parents while protecting the privacy of such records), and any

regulations issued thereunder, including Privacy Rights of Parents and Students (34 CFR Part 99), if the Subrecipient is an educational institution (20 USC 1232g).

**7. Section 509 of H.R. 5233**, as incorporated by reference in P.L. 99-500 and P.L. 99-591 (prohibition against the use of federal Grant funds to influence legislation pending before Congress).

 **8. 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]).

**9. Fair Labor Standards Act (29 USC 207), Davis Bacon Act (40 USC 276[a]), and Contract Work Hours and Safety Standards Act (40 USC 327 et seq.),** as applicable, and their implementing regulations in 29 CFR 500-899; 29 CFR Parts 1, 3, 5, and 7; and 29 CFR Parts 5 and 1926, respectively.

**10. P.L. 103-227, Title X, Miscellaneous Provisions of the GOALS 2000: Educate America Act; P.L. 103-382, Title XIV,** General Provisions of the Elementary and Secondary Education Act, as amended; and General Education Provisions Act, as amended.

**11. Prohibition of Text Messaging and Emailing while Driving during Official Federal Grant Business:** Personnel funded from federal Grants and their subcontractors and Sub grantee are prohibited 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).

**12. Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 USC 7104[g]): In accordance with 2 CFR 175,** this award may unilaterally be terminated, without penalty, if Subrecipient or an employee of Subrecipient violates any of the applicable prohibitions of this award term through conduct that is either associated with performance under this award or imputed to Subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 34 CFR 85.630. Subrecipient and Sub recipient’s employees may not i) Engage in severe forms of trafficking in persons during the period of time that the award is in effect; ii) Procure a commercial sex act during the period of time the award is in effect; or iii) Use forced labor in the performance of the award or Sub award under the

### SECTION A: GENERAL SELECTED FEDERAL ASSURANCES, Continued

award. Subrecipient must inform the proper authorities and Agency immediately of any information it receives from any source alleging a violation of the applicable prohibitions of this award term. In addition to all other remedies for noncompliance that are available to the Agency under this award, Subrecipient must include the requirements of this provision in any Sub award made to a private entity.

**13. Individuals with Disabilities Education Act (IDEA)**

**14. Boy Scouts of America Equal Access Act of 2001**, and any regulations issued there under, as well as all other applicable statutes, regulations, program plans, and applications.

**15.** **Stevens Amendment; Appropriations Acts of 1990 and 1991 (P .L. 101-166 and 101-517, Section 511).** "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 costs 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 financed by non-governmental sources.”

All education programs and services will be administered in adherence to the above and any regulations issued thereunder, as well as all other applicable statutes, regulations, program plans, and applications.

**A-6. FEDERAL FUNDS MAY ONLY SUPPLEMENT, NOT SUPPLANT, OTHER RESOURCES AND MAINTENANCE OF EFFORT MUST BE CONTINUED**

Federal funds will be used to supplement and will in no case supplant funds from federal, state, and local sources that, in the absence of such federal funds, would be made available for the purposes of the program(s). The district will be in compliance with all maintenance of effort requirements as determined by the per pupil expenditure or the local and/or state aggregate expenditures in the provision of a free public education, except to the extent that the law provides for IDEA federal funds to be treated as state or local funds.

**A-7. FUNDS MUST BE CONTROLLED BY A PUBLIC AGENCY**

The control of funds provided, and title to property derived there from, shall be in or by a public agency and the public agency will administer such property and funds and apply them only for the purposes for which they are granted. (ESEA and Perkins)

**A-8. REQUIRED REPORTS, RECORDS, AND PROGRAM EVALUATIONS**

Accurate fiscal, student, annual, and other reports and records will be provided to the Department in such form and containing such information as the Department may require. The district will maintain and afford the Department access to such reports and records as often and under the conditions that the Department finds necessary in order to verify their accuracy. The district will cooperate in carrying out any evaluation of the programs conducted by or for the Massachusetts Department of Elementary and Secondary Education, the United States Department of Education, or other federal officials.

**A-9. TRAINING AND MONITORING**

The Department of Elementary and Secondary Education may conduct fiscal and/or programmatic training and monitoring to ensure compliance with applicable laws rules and regulations for all grants administered. The District will participate in all mandatory trainings and attend other trainings as needed. When monitoring visits or desk reviews are scheduled the District will provide DESE staff access to personnel, accounts, books, records, supporting documentation and other information as needed to complete the review. Any findings during monitoring visit will require the filling of a Corrective Action Plan within 6 months of receipt of the written monitoring report. All prior monitoring and/or audit findings are corrected fully or are in the process of being corrected pursuant to an approved corrective action plan on file at DESE.

### SECTION A: GENERAL SELECTED FEDERAL ASSURANCES, Continued

**A-10. EQUITABLE LOCAL PARTICIPATION BY PRIVATE SCHOOLS**

Provisions have been made for the equitable participation and benefit of students under IDEA and students and educational personnel under the ESEA in private, nonprofit schools, and for timely and meaningful consultation with private school officials regarding such services, according to the requirements of the applicable laws and regulations (IDEA and ESEA).

Resources and guidance on Private School Equitable Services under ESSA can be found:

http://www.doe.mass.edu/federalgrants/resources/equitableservices-essa/

<https://sites.ed.gov/idea/>

Resources and guidance on equitable services under IDEA can be found at: <http://www.doe.mass.edu/sped/proshare/>

**A-11. PUBLIC COMMENT ON GRANT APPLICATIONS AND AMENDMENTS**

The district will provide a reasonable opportunity for public comment on a grant application and consider such comment before the application is submitted**.** The district will provide a reasonable opportunity for public comment on any subsequent amendments to any grants received under the ESEA and to districts participating in multi-district programs (ESEA only).

**A-12. COMPLIANCE WITH STATUTORY REQUIREMENTS FOR LOCAL PLANS**

The district is aware of the federal statutory requirements for local plans and will submit local plans in a timely manner that contain all required statutory elements and that reference these assurances.

**A-13 GUN-FREE SCHOOLS**

1. The district will expel from school for a period of not less than one year any student who is determined to

have brought a firearm to a school under the jurisdiction of the district, except that the chief administering officer of the district must ensure that due process protections are provided for students and may modify such expulsion requirement for a student on a case-by-case basis.

1. The district has a policy in effect requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm to school.
2. The district will provide to the Department an annual description of the circumstances surrounding any student expulsions for bringing a firearm to school, including the name of the school concerned, the number of students expelled from such schools, and the type of firearms concerned. The district will maintain individual student records related to each firearms incident resulting in student expulsion (Gun-Free Schools Act, Pub. L. No. 107-110 s.4141, 115 Stat. 1762, 20 USC §7151).

**A-14. UNSAFE SCHOOLS**

Any student determined to be attending a “persistently dangerous school,” as defined by the Board of Elementary and Secondary Education, or who becomes a victim of a violent criminal offense, as determined by state law, while in or on the grounds of a public elementary or secondary school that the student attends, will be allowed to attend a safe public elementary or secondary school within the local school district to the extent feasible (Pub. L. No. 107-110 s. 9532, 115 Stat. 1984; 20 USC §7912).

**A-15. PRAYER IN SCHOOL**

No policy of the district prevents, or otherwise denies participation in, constitutionally protected prayer in public elementary schools and secondary schools, as detailed in the guidance provided by the U. S. Secretary of Education (Pub. L. No. 107-110 s. 9524, 115 Stat. 1980; 20 USC §7904).

**A-16. CERTIFICATION REGARDING LOBBYING**

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering

### SECTION A: GENERAL SELECTED FEDERAL ASSURANCES, Continued

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 applicant shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

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

**A-17 MAINTENANCE OF EFFORT (applies to Title IA/D, Title IIA, Title IIIA, Title IV Part B, Title V Part B/Subpart 2, Title VI Part A-Subpart 1**

An LEA may receive funds under a covered program for any fiscal year only if the SEA finds that either combined fiscal effort per student; or aggregate expenditures of State and local funds with respect to the provision of free public education by the LEA for the preceding fiscal year was not less than 90 percent of the combined fiscal effort per student or aggregate expenditures for the second preceding fiscal year (ESEA section 1118(a) and 8521(a).) If a District fails to maintain effort by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to the District), the SEA must reduce the LEA’s allocation under a covered program in the exact proportion by which the LEA failed to maintain effort (ESEA section 8521(b).)

**A-18 ESEA Section 8546 (20 U.S.C. § 7926): Prohibition on Aiding and Abetting Sexual Abuse**

(a) IN GENERAL. — A State, State educational agency, or local educational agency in the case of a local educational agency that receives Federal funds under this Act shall have laws, regulations, or policies that prohibit any individual who is a school employee, contractor, or agent, or any State educational agency or local educational agency, from assisting a school employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or agency knows, or has probable cause to believe, that such school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law.

(b) EXCEPTION. — The requirements of subsection (a) shall not apply if the information giving rise to probable cause —

(1)(A) has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct; and

(B) has been properly reported to any other authorities as required by Federal, State, or local law, including title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and the regulations implementing such title under part 106 of title 34, Code of Federal Regulations, or any succeeding regulations; and

(2)(A) the matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law;

### SECTION A: GENERAL SELECTED FEDERAL ASSURANCES, Continued

(B) the school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or

(C) the case or investigation remains open and there have been no charges filed against, or indictment of, the school employee, contractor, or agent within 4 years of the date on which the information was reported to a law enforcement agency.

(c) PROHIBITION. — The Secretary shall not have the authority to mandate, direct, or control the specific measures adopted by a State, State educational agency, or local educational agency under this section.

(d) CONSTRUCTION. — Nothing in this section shall be construed to prevent a State from adopting, or to override a State law, regulation, or policy that provides, greater or additional protections to prohibit any individual who is a school employee, contractor, or agent, or any State educational agency or local educational agency, from assisting a school employee who engaged in sexual misconduct regarding a minor or student in violation of the law in obtaining a new job.

**SECTION B: GENERAL SELECTED STATE ASSURANCES**

**B-1. TEACHERS ARE LITERATE AND FLUENT IN ENGLISH**

Teachers employed by the district in English language classrooms (either mainstream or sheltered English immersion classrooms) are literate and fluent in English as required by Chapter 386 of the Acts of 2002, §2. The literacy and fluency of such teachers have been determined in accordance with 603 CMR 14.05.

**B-2. STUDENTS ARE SCHEDULED TO RECEIVE REQUIRED LEARNING TIME HOURS**

Pursuant to M.G.L. c. 69, §1G and consistent with the requirements of 603 CMR 27.00, each enrolled student, including students served in alternative education programs and out-of-district special education programs, is scheduled to receive a minimum of 425, 900, 990 hours (kindergarten, elementary, secondary) of structured learning time unless otherwise provided for by state or federal law. Student learning time for grades 1-12 is distributed over a minimum of 180 school days each year.

**B-3. SCHOOL BUILDINGS HAVE CURRENT HEALTH, SAFETY, AND FIRE INSPECTIONS**

Pursuant to M.G.L c. 71, §68, the school committee, under the direction of municipal officials, has ensured that school buildings are well-maintained for the use of students and other members of the school community. Proper maintenance of school buildings includes regular building health, safety, and fire inspections done on a prescribed timeline as determined by the city or town,unless otherwise directed by a state agency or another authority.

**B-4.** **SCHOOLS IMPLEMENT COMPREHENSIVE BULLYING PREVENTION AND INTERVENTION PLANS**

Pursuant to M.G.L. 71, §37O, as amended by St. 2014, c. 86, the school district or charter school implements a comprehensive bullying prevention and intervention plan that addresses statutorily prescribed elements such as

professional development; policies and procedures prohibiting bullying, cyber bullying, and retaliation; reporting and investigating bullying incidents; notifying parents and guardians of aggressors and targets when bullying has occurred; and complies with curriculum and other provisions of the law and 603 CMR 49.05 pertaining to Notification of Bullying or Retaliation.

SECTION C: ASSURANCES FOR ESEA – TITLE I, PART A

The district hereby assures the Massachusetts Department of Elementary and Secondary Education that pursuant to requirements in ESEA, Title I, Part A, the district will:

**C-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 this part, and not to supplant such funds. *Section 1118(b).*

Under ESSA, districts 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.

U.S. Department of Education Non-Regulatory Guidance on Title I Fiscal Issues:

<http://www.ed.gov/programs/titleiparta/fiscalguid.pdf>

Massachusetts Department of Elementary and Secondary Education Guidance on Written Supplement, Not Supplant Policies: <http://www.doe.mass.edu/federalgrants/titlei-a/guidance/>

**C-2.** **CONTINUE** **MAINTENANCE OF EFFORT**

Maintain the district’s fiscal effort from year-to-year in accordance with *Section 8521.*

U.S. Department of Education Non-Regulatory Guidance on Title I Fiscal Issues:

<http://www.ed.gov/programs/titleiparta/fiscalguid.pdf>

**C-3. MEET COMPARABILITY OF SERVICES REQUIREMENTS**

Ensure compliance with all comparability requirements, *see Section 1118(c)*, including establishing and implementing: (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.

U.S. Department of Education Non-Regulatory Guidance on Title I Fiscal Issues:

<http://www.ed.gov/programs/titleiparta/fiscalguid.pdf>

Massachusetts Department of Elementary and Secondary Education Guidance on Comparability Reporting:

<http://www.doe.mass.edu/federalgrants/titlei-a/guidance/>

**C-4. INFORM SCHOOLS ABOUT SCHOOLWIDE PROGRAM OPTIONS**

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

U.S. Department of Education Non-Regulatory Guidance on Designing School-wide Programs:
<http://www.ed.gov/policy/elsec/guid/designingswpguid.doc>

**C-5. PROVIDE TECHNICAL ASSISTANCE TO SCHOOLWIDE PROGRAMS**

Provide technical assistance and support to school-wide programs, including a planning period resulting in a written

plan that addresses the required ten components pursuant to *Section 1114(b).*

U.S. Department of Education Non-Regulatory Guidance on Designing School-wide Programs:

<http://www.ed.gov/policy/elsec/guid/designingswpguid.doc>

Massachusetts Department of Elementary and Secondary Education Resources for School-wide Programs:

<http://www.doe.mass.edu/federalgrants/titlei-a/guidance/>

SECTION C: ASSURANCES FOR ESEA – TITLE I, PART A, continued

**C-6. 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*.

Massachusetts Department of Elementary and Secondary Education Resources for Title I Programs:

<http://www.doe.mass.edu/federalgrants/titlei-a/guidance/>

**C-7. ADDRESS FACTORS AFFECTING STUDENT ACHIEVEMENT IN TARGETED SCHOOLS**

Coordinate and collaborate, to the extent feasible and necessary as determined by the district, with the Department of Elementary and Secondary Education and other agencies providing services to children, youth, and families with respect to a school classified as requiring assistance or intervention under the Commonwealth’s Framework for District and School Accountability and Assistance if such a school requests assistance from the district in addressing major factors that have significantly affected student achievement at the school.

**C-8. ENSURE EQUITY IN PROVISION OF QUALITY EDUCATORS**

Identify and address any disparities that result in historically disadvantaged student groups being taught at higher rates than other students by lower rated, inexperienced, or out-of-field teachers pursuant to Section 1111(g)(1)(B).

U.S. Department of Education Guidance on Improving Teacher Quality:

<http://www.ed.gov/programs/teacherqual/guidance.doc>

**C-9.** **COMPLY WITH QUALIFICATION REQUIREMENTS FOR EDUCATORS AND PARAPROFESSIONALS**

Ensure that all teachers and paraprofessionals working in a program supported with Title I, Part A funds meet applicable State certification and licensure requirements, pursuant to Section 1112(c)(6), including any requirements for certification obtained through alternative routes to certification.

**C-10. 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 pursuant to Section 8101(21)(A).

U.S. Department of Education Guidance on Evidence-Based Interventions:

<https://www2.ed.gov/policy/elsec/leg/essa/guidanceuseseinvestment.pdf>

Massachusetts Department of Elementary and Secondary Education guidance:

[The How Do We Know Initiative: Using, Building, and Sharing Evidence to Improve Student Outcomes](http://www.doe.mass.edu/research/howdoweknow/)

**C-11.** **ASSIST SCHOOLS TO INCREASE PARENTAL INVOLVEMENT**

Work in consultation with schools as they develop and implement their plans or activities under *Section 1116.*

U.S. Department of Education Guidance on Parental Involvement:

<http://www.ed.gov/programs/titleiparta/parentinvguid.doc>

Massachusetts Department of Elementary and Secondary Education Information on Parental Involvement: <http://www.doe.mass.edu/federalgrants/titlei-a/guidance/>

**C-12 PROVIDE** **MIGRATORY CHILDREN SERVICES ON SAME BASIS AS OTHER CHILDREN**

Provide Title I, Part A services to eligible migratory children and formerly migratory children on the same basis as other children who are selected to receive services.

SECTION C: ASSURANCES FOR ESEA – TITLE I, PART A, continued

**C-13.** **ALIGN EARLY CHILDHOOD SERVICES WITH HEAD START STANDARDS**

If the district chooses to use funds under this part to provide early childhood 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 U.S.C. 9836a(a)).

**C-14.** **INFORM SCHOOLS OF WAIVER OPTIONS**

Inform eligible schools of the district’s authority to obtain waivers on the school’s behalf under section 8401.

**C-15. PROVIDE SERVICES FOR ELIGIBLE STUDENTS IN PRIVATE SCHOOLS**

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

U.S. Department of Education Guidance on Providing Equitable Services to Private School Students:

<http://www.ed.gov/programs/titleiparta/psguidance.doc> and https://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf

Massachusetts Department of Elementary and Secondary Education Guidance on Services for Private
School Students: <http://www.doe.mass.edu/federalgrants/titlei-a/guidance/>

**C-16.** **PARTICIPATE IN NAEP, GRADES 4 AND 8, READING AND MATHEMATICS**

Participate, if selected, in the State National Assessment of Educational Progress in 4th and 8th grade reading and mathematics carried out under *Section 303(b)(3)* of the National Education Statistics Act (20 U.S.C. 9622(b)(3)).

**C-17. PROVIDE TIMELY STUDENT REPORTS TO PARENTS AND TEACHERS**

Ensure that the results from the academic assessments required under *Section 1111(b)(3)* will be provided to parents and teachers as soon as practicable after the test is taken, in an understandable and uniform format and, to the extent feasible, in a language that the parents can understand.

**C-18. PUBLICLY DISSEMINATE ANNUAL DISTRICT AND SCHOOL REPORT CARDS**

Disseminate district and school report cards containing, at a minimum, information on teacher quality, assessment, and school and district accountability to all schools in the district 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, in accordance with *Section 1111(h)(2)*.

U.S. Department of Education Guidance on ESEA Report Cards:

<http://www2.ed.gov/programs/titleiparta/state_local_report_card_guidance_2-08-2013.pdf>

Massachusetts Department of Elementary and Secondary Education Information on School and District Report Cards:

[www.mass.gov/edu/government/departments-and-boards/ese/programs/accountability/reports/report-cards.html](http://www.mass.gov/edu/government/departments-and-boards/ese/programs/accountability/reports/report-cards.html)

**C-19. PROVIDE TIMELY NOTIFICATIONS TO PARENTS/GUARDIANS**

Ensure that Title I schools or the district will, in a timely manner, notify parents/guardians that they may request in formation on the qualifications of their children’s teachers, and provide specific notice to parents/guardians when their children are taught by teachers who have not met State qualification and licensing criteria for the grade levels and subject areas in which the teachers provide instruction, in accordance with *Section 1112(e)(1)*.

Massachusetts Department of Elementary and Secondary Education Guidance on Title I Parent/Guardian Communications:

SECTION C: ASSURANCES FOR ESEA – TITLE I, PART A, continued

[www.mass.gov/edu/government/departments-and-boards/ese/programs/accountability/reports/report-cards.html](http://www.mass.gov/edu/government/departments-and-boards/ese/programs/accountability/reports/report-cards.html)

**C-20. CONDUCT ANNUAL EVALUATION OF TITLE I PROGRAMS**

Evaluate on an annual basis the effectiveness of district’s school-wide and targeted assistance programs, parental involvement activities, and provision of services to eligible private school children.

Massachusetts Department of Elementary and Secondary Education Resources for Title I Program Evaluation: <http://www.doe.mass.edu/federalgrants/titlei-a/guidance/>

**C-21. INTEGRATE PROGRAMMING**

Coordinate and integrate Title I, Part A services with other educational services at the district or school level, such as services for English learners, children with disabilities, migratory children, American Indian, and homeless children and youths, in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program.

**C-22. ENSURE THE EDUCATIONAL STABILITY OF CHILDREN IN FOSTER CARE**

1. Maintain a child in foster care’s enrollment in the school of origin, unless a determination is made that it is not in that child’s best interest to attend the school of origin, which decision shall be based on all factors relating to the child’s best interest, including consideration of the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement, in accordance with *Section 1111(g)(E)(i)*;
2. When a determination is made that it is not in the child’s best interest to remain in the school of origin, ensure the child is immediately enrolled in a new school, even if the child is unable to produce records normally required for enrollment. The enrolling school shall immediately contact the school last attended by that child to obtain relevant academic and other records, in accordance with *Section 1111(g)(E)(ii);*
3. Designate a district staff person as the foster care point of contact, in accordance with *Section 1112(c)(5)(A)*;
4. Develop and implement clear written procedures governing how transportation to maintain children in foster care in their schools of origin will be provided, arranged, and funded for the duration of the time in foster care, in accordance with *Section 1112(c)(5)(B);*
5. Ensure that children in foster care needing transportation to the school of origin will promptly receive transportation in a cost-effective manner, in accordance with *Section 1112(c)(5)(B)(i);* and
6. Ensure that, if there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, the local educational agency will provide transportation to the school of origin if DCF agrees to reimburse the local school district for the cost of such transportation, the local school district agrees to pay for the cost of such transportation or the local school district and DCF agree to share the cost of such transportation, in accordance with *Section 1112(c)(5)(B)(ii)*.

**C-23. COMPLIANCE WITH STATUTORY REQUIREMENTS FOR COMPREHENSIVE SUPPORT AND INTERVENTION SCHOOLS**

If the district has one or more schools designated as comprehensive support and intervention, the district ensures each designated school has a school improvement plan (turnaround plan) that meets federal statutory requirements and will submit turnaround plans in a timely manner and understands the school will undergo periodic review by the Department.

**C-24. COMPLIANCE WITH STATUTORY REQUIREMENTS FOR TARGETED SUPPORT AND INTERVENTION SCHOOLS**

SECTION C: ASSURANCES FOR ESEA – TITLE I, PART A, continued

If the district has one or more schools designated as targeted support and intervention, the district ensures each designated school has a school improvement plan (turnaround plan) that meets federal statutory requirements and the district will monitor implementation of approved plans.

### SECTION D: ASSURANCES FOR ESEA - TITLE II, PART A

The district hereby assures the Massachusetts Department of Elementary and Secondary Education that pursuant to requirements in ESEA, Title II, Part A, the district will:

**D-1. CONDUCT MEANINGFUL CONSULTATION**

Consult, prior to development of Title IIA-funded activities and submission of Title IIA application, with teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, charter school leaders, parents, and community partners, taking into account the activities that need to be conducted in order to give teachers the means, including subject matter knowledge and teaching skills, and to give principals the instructional leadership skills to help teachers to provide students with the opportunity to meet challenging state and local academic assessment standards. *Sec. 2102.*

**D-2.** **TARGET FUNDS TO NEEDIEST SCHOOLS**

Target funds to schools within the jurisdiction of the district 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)

**D-3. ENSURE PRIVATE SCHOOL PARTICIPATION**

Comply with *section 8501* regarding equitable participation of 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 with private school officials during the design and development of their Title II, Part A programs.

U.S. Department of Education Guidance on Equitable Services for Eligible Private School Students, Teachers, and other Educational Personnel: <https://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf>

## D-4. PROVIDE PROFESSIONAL DEVELOPMENT ACTIVITIES

Ensure that professional development activities are provided 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 provided through other Federal, State, and local programs. *Section 2103 (F).*

**D-5. SUPPLEMENT, NOT SUPPLANT**

Ensure that funds received shall be used to supplement, and not supplant, non-federal funds that would otherwise be used for activities authorized under this grant. *Section 2301*

#### SECTION E: Children's Internet Protection Act (CIPA) Certification and Compliance - Pub. L. 106-554

Any Local Education Agency seeking E-Rate funds must certify that its schools have adopted and are enforcing Internet safety policies in compliance with CIPA as amended in the Broadband Data Improvement Act Pub. L. 110–385. This includes educating minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, cyber bullying awareness, and response to cyber bullying. 15 U.S.C. 6551 *et. seq.*

CIPA Requirements: <http://www.fcc.gov/guides/childrens-internet-protection-act>

Please check all that apply.

[ ]  Our local school district is certified compliant, through the E-rate program, with the

Children’s Internet Protection Act (CIPA) requirements.

[ ]  The CIPA requirements do not apply because no funds made available under the program are being used to purchase computers to access the Internet, or to pay for direct costs associated with accessing the Internet.

**Please provide the following information.** Revised CIPA Form 6/2011

|  |  |
| --- | --- |
| **Name of School District:** |  |
| **Signature of Authorized Representative:** |  |
| **Printed Name of Authorized Representative:** |  |
| **Title:** |  |
| **Date:** |  |

**SECTION F: ASSURANCES FOR ESEA - TITLE III**

|  |
| --- |
| **Title III****SCHOOL DISTRICT 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. *Section 3116(c)*. |
|  |  |
| **Signature of Superintendent of Schools** | **Date** |

The district hereby assures the Massachusetts Department of Elementary and Secondary Education that pursuant to requirements in ESEA, Title III, the district will:

**F-1. CONSULT WITH OTHERS ON PLAN DEVELOPMENT**

Consult 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 local plan. *Section 3116(b)(4)(C)*.

**F-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)(G). *Section 3113(b)(3)(B)*.

**F-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).*

**F-4.** **ENABLE STUDENTS TO LEARN ENGLISH AND MEET CHALLENGING CONTENT STANDARDS**

Expend the funds to improve the education of English learners by assisting the children to learn English and meet the challenging State academic standards. *Section 3115(a)*

**F-5.** **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)*

**F-6.** **BE IN COMPLIANCE WITH STATE LAWS**

Not violate any State law, including State constitutional law, regarding the education of English learners, consistent with sections 3125 and 3126. *Section 3116(b)(4)(B).*

**SECTION F: ASSURANCES FOR ESEA - TITLE III, Continued**

**F-7.** **COORDINATE WITH HEAD START AND EARLY HEAD START**

If applicable, 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).*

**F-8. 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.*

**F-9**. **USE TITLE III FUNDS ONLY TO SUPPLEMENT, NOT SUPPLANT, OTHER RESOURCES**

Ensure that use of Title III funds shall be used 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 learners and immigrant children and youth and in no case to supplant such Federal, State, and local public funds. *Section 3115(g).*

Ensure that Title III funds will not be used to fund endorsement courses for sheltered English Immersion, or for any costs related to such courses, including, but not limited to, substitute teachers, stipends, contracts, tests, space, and supplies and materials.

**F-10. COMPLY WITH PARENT REQUESTS FOR INFORMATION ABOUT STAFF EDUCATING THEIR CHILDREN**

Ensure that each local educational agency that is included in the eligible entity is complying with section 1112(e) prior to, and throughout, each school year as of the date of application. *Section 3116(b)(4)(A).*

**F-11. 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).*

**F-12. 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. *Section 3121(a).*

SECTION G: ASSURANCES FOR ESEA – TITLE IV, PART A

The district hereby assures the Massachusetts Department of Elementary and Secondary Education that pursuant to requirements in ESEA, Title IV, Part A, the district will:

1. **USE FEDERAL FUNDS ONLY TO SUPPLEMENT, NOT SUPPLANT, OTHER RESOURCES**

Use Title IV, Part A funds only to supplement, not supplant, non-Federal funds that would otherwise be used for Title IV, Part A activities.

1. **PRIORITIZE THE DISTRIBUTION OF FUNDS TO SCHOOLS**

Prioritize the distribution of Title IV, Part A funds to schools that:

1. are among the schools with the greatest need (as determined by the district);
2. have the highest percentages low-income students;
3. are identified for comprehensive support and improvement;
4. have consistently underperforming subgroups;
5. are identified as a persistently dangerous public elementary school or secondary school under section 8532.

SECTION G: ASSURANCES FOR ESEA – TITLE IV, PART A, continued

1. **PROVIDE SERVICES FOR ELIGIBLE STUDENTS IN PRIVATE SCHOOLS**

Comply with *Sections 8501-8504,* regarding equitable participation by private school children and teachers, and provide timely and meaningful consultation with private school officials regarding such services.

U.S. Department of Education Guidance on Equitable Services for Eligible Private School Students, Teachers, and other Educational Personnel:

<https://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf>

1. **CONSULT WITH STAKEHOLDERS**

During the design, development and implementation of the Title IV, Part A application, districts must engage in consultation with stakeholders in their community, including, but not limited to: parents, teachers, principals, students, school leaders, community-based organizations, etc.

1. **CONDUCT A NEEDS ASSESSMENT**

Districts that receive an allocation of at least $30,000 must conduct a comprehensive needs assessment that includes, at minimum, a focus on the three priority areas (*See Use of Funds below)* of Title IV, Part A.

1. **USE FUNDS ACCORDING TO TITLE IVA GUIDELINES**

*Districts (or consortia) that receive $30,000 or more (including any funds transferred in from other Titles)*, must spend funds on the three priority areas of Title IV, Part A as indicated below:

1. Not less than 20 percent of funds to support one or more activities pertaining to **well-rounded educational opportunities**;
2. Not less than 20 percent of funds to support one or more activities pertaining to **safe and healthy students**; and
3. A portion of funds to support one or more activities pertaining to the **effective use of technology**, including an assurance that it will not use more than 15 percent of the remaining portion for purchasing technology infrastructure.

*Districts (or consortia) that receive less than $30,000*, must use funds to support one or more activities pertaining to the well-rounded educational opportunities, safe and healthy students and/or the effective use of technology.

1. **COMPLETE AN ANNUAL REPORT REGARDING HOW FUNDS FOR THE PROGRAM ARE BEING USED**

The Department will provide additional guidance on the format of this annual report once confirmed.

### SECTION H: ASSURANCES FOR ESEA – TITLE V, PART B, SUBPART 2

**H-1 SUPPLEMENT, NOT SUPPLANT**

Title V, Part B, Subpart 2 funds will only be used to supplement, not supplant, any other Federal, State, or local funds that would otherwise be used for activities authorized under Title V, Part B, Subpart 2 (Section 5232).

**SECTION I: ASSURANCES FOR IDEA**

The district hereby assures the Massachusetts Department of Elementary and Secondary Education that for purposes of implementing the Individuals with Disabilities Education Act (IDEA), the LEA requesting special education funds will make the following assurances as required by IDEA Part B, [20 U.S.C. §§ 1411 et seq.](https://www.gpo.gov/fdsys/pkg/USCODE-2011-title20/pdf/USCODE-2011-title20-chap33-subchapI-sec1400.pdf), and [34 C.F.R. Part 300](https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title34/34cfr300_main_02.tpl):

**I-1. COMPILE AND MAINTAIN** **FINANCIAL REPORTING REQUIREMENTS**

Comply with federal requirements under the IDEA. Prescribed formulas and financial records specified in statute or regulations must be compiled and maintained by the submitting agency and be available for audit review annually.

SECTION I: ASSURANCES FOR IDEA, continued

The district must document its adherence to Maintenance of Effort requirements (34 CFR § 300.203) which provide that the LEA must plan to spend as much in state and local dollars for students with IEPs as it has spent in the most recent prior year. Such planning budgets shall be made available to the Department upon request.

**I-2. POLICY AND PROCEDURES**

In providing for the education of children with disabilities within its jurisdiction, have in effect policies, procedures, and programs that are consistent with the State policies and procedures established under 34 CFR §§ 300.101-300.163, and 34 CFR §§ 300.165-300.174.

**I-3.** **PRIVATE SCHOOL STUDENT PARTICIPATION**

Provide for equitable services to students with disabilities enrolled by their parents in private schools located within the district’s boundaries, regardless of where the students reside, consistent with the requirements of federal law. This includes child find, child count, timely and meaningful consultation, and expenditure of a proportionate share of federal IDEA funds. [34 C.F.R. §§ 300.130-300.144](https://www.ecfr.gov/cgi-bin/text-idx?SID=3c867fdf8186e864ae320569e6cdacf1&mc=true&node=sg34.2.300_1129.sg8&rgn=div7).

 **I-4**. **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 regardless of funding for such services.

**I-5. PROVISION OF ACCESSIBLE INSTRUCTIONAL MATERIALS**

1. **Timely delivery of accessible materials** - The district hereby assures that it will take all reasonable steps to provide print instructional materials in accessible formats to students with disabilities (who need those materials) at the same time as other students receive print instructional materials.
2. Participation in the NIMAC - The district hereby assures that it will participate in the National Instructional Materials Center (NIMAC). When purchasing core instructional print materials published after July 19, 2006, the district will enter into a written contract with the publisher to send (at no additional cost) to the National Instructional Materials Center (NIMAC) electronic files containing the contents of the print instructional materials using the National Instructional Materials Accessibility Standard (NIMAS), on or before delivery of the print instructional materials. This does not preclude the district from purchasing or obtaining accessible materials directly from the publisher. For further information, see the Instructional Materials webpage at: <http://www.doe.mass.edu/sped/assistive/nimas.html>

Districts may opt out of participating in the NIMAC by contacting the Special Education Planning and Policy office at the Department at specialeducation@doe.mass.edu.

**I-6. MONITORING: PRIOR MONITORING AND AUDIT FINDINGS MUST BE CORRECTED**

In accordance with requirements from the federal Office of Special Education Programs, special education monitoring and/or audit findings must be corrected as soon as possible but no later than one year after the finding is made.

**SECTION J: ASSURANCES FOR THE** **CARL D. PERKINS CAREER AND TECHNICAL EDUCATION IMPROVEMENT ACT OF 2006 P.L. 109-270 (PERKINS IV)**

The district/agency hereby assures the Massachusetts Department of Elementary and Secondary Education that the district/agency will:

**J-1. COMPLY WITH THE CARL D. PERKINS CAREER AND TECHNICAL EDUCATION IMPROVEMENT ACT OF 2006 P.L. 109-270 (PERKINS IV)**

Comply with provisions of the Perkins Act including the provisions contained in the Massachusetts Perkins IV Manual.

**SECTION J: ASSURANCES FOR PERKINS IV, continued**

**J-2.** COMPLY WITH THE GUIDELINES FOR ELIMINATING DISCRIMINATION AND DENIAL OF SERVICES ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, SEX, AND HANDICAP IN VOCATIONAL EDUCATION PROGRAMS -- 34 CFR, PART 100, APPENDIX B.

1. The ESEA has been reauthorized by the Every Student Succeeds Act, which was signed into law in December, 2015. [↑](#footnote-ref-1)