

## **ASSURANCES AND CERTIFICATIONS**

### **— OVERARCHING ASSURANCES—**

#### ASSURANCE CONCERNING MATERIALS DEVELOPED WITH FUNDS AWARDED UNDER THIS GRANT

The grantee assures that the following statement will be included on any publication or project materials developed with funds awarded under this program, including reports, films, brochures, and flyers: "These materials were developed under a grant awarded by the Michigan Department of Education."

#### CERTIFICATION REGARDING NONDISCRIMINATION UNDER FEDERALLY AND STATE ASSISTED PROGRAMS

The grantee hereby agrees that it will comply with all federal and Michigan laws and regulations prohibiting discrimination and, in accordance therewith, no person, on the basis of race, color, religion, national origin or ancestry, age, sex, marital status or handicap, shall be discriminated against, excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination in any program or activity for which it is responsible or for which it receives financial assistance from the U.S. Department of Education or the Michigan Department of Education.

#### CERTIFICATION REGARDING TITLE II OF THE AMERICANS WITH DISABILITIES ACT (ADA), P.L. 101-336, STATE AND LOCAL GOVERNMENT SERVICES

The Americans with Disabilities Act (ADA) provides comprehensive civil rights protections for individuals with disabilities. Title II of the ADA covers programs, activities, and services of public entities. Title II requires that, "No qualified individual with a disability shall, by reason of such disability be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by such entity." In accordance with Title II ADA provisions, the applicant has conducted a review of its employment and program/service delivery processes and has developed solutions to correcting barriers identified in the review.

#### CERTIFICATION REGARDING TITLE III OF THE AMERICANS WITH DISABILITIES ACT (ADA), P.L. 101-336, PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES

The Americans with Disabilities Act (ADA) provides comprehensive civil rights protections for individuals with disabilities. Title III of the ADA covers public accommodations (private entities that affect commerce, such as museums, libraries, private schools and childcare centers) and only addresses existing facilities and readily achievable barrier removal. In accordance with Title III provisions, the applicant has taken the necessary action to ensure that individuals with a disability are provided full and equal access to the goods, services, facilities, privileges, advantages, or accommodations offered by the applicant. In addition, a Title III entity, upon receiving a grant from the Michigan Department of Education, is required to meet the higher standards (i.e., program accessibility standards) as set forth in Title III of the ADA for the program or service for which they receive a grant.

#### ASSURANCE REGARDING COMPLIANCE WITH GRANT PROGRAM REQUIREMENTS

Grantee agrees to comply with all applicable requirements of all state statutes, federal laws, executive orders, regulations, policies, and award conditions governing this program. Grantee understands and agrees that if it materially fails to comply with the terms and conditions of the grant award, the Michigan Department of Education may withhold funds otherwise due to the grantee from this grant program, any other federal grant programs or the State School Aid Act of 1979 as amended, until the grantee comes into compliance or the matter has been adjudicated and the amount disallowed has been recaptured (forfeited). The Department may withhold up to 100 percent of any payment based on a monitoring finding, audit finding or pending final report.

#### ASSURANCE REGARDING THE PROHIBITION OF TEXT MESSAGING AND EMAILING WHILE DRIVING DURING OFFICIAL FEDERAL GRANT BUSINESS

The applicant assures that it and their grant personnel are prohibited from text messaging while driving during official grant business. Federal grant recipients, sub recipients and their grant personnel are prohibited from text messaging while driving a government owned vehicle, or while driving their own privately owned vehicle during official grant business, or from using government supplied electronic equipment to text message or email when driving. "Texting" or "Text Messaging" means reading from or entering data into any handheld or other electronic device, including for the purpose of SMS texting, e-mailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication. Subrecipients must comply with these conditions under Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," October 1, 2009.

#### ASSURANCE AGAINST TRAFFICKING IN PERSONS

The applicant or subrecipient assures that it adopts the requirements in the Code of Federal Regulations at 2 CFR 175 as a condition for this grant. A subrecipient and its 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 that the award is in effect; or
- iii. Use forced labor in the performance of the award or subawards under the award.

Under this condition, the Federal awarding agency may unilaterally terminate the grant award, without penalty, if a subrecipient that is a private entity—

- (i) Is determined to have violated a prohibition named above; or
- (ii) Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition named above through conduct that is either—
  - (A) Associated with performance under this award; or
  - (B) Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 85, "Governmentwide Debarment and Suspension (Nonprocurement)," . [Code of Federal Regulations at 2 CFR 175]

#### SPECIAL CONDITIONS FOR DISCLOSING FEDERAL FUNDING IN PUBLIC ANNOUNCEMENTS

When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing this project or program, funded in whole or in part with federal money, all subrecipients 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) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources. [Public Law 111-117, Title V, Sec. 506]

#### ASSURANCE REGARDING ACCESS TO RECORDS AND FINANCIAL STATEMENTS

A fiscal agency that expends \$750,000 or more of federal funds during its fiscal year is required to have a Single Audit performed for that year. [2 CFR 200.501] The applicant assures that it will provide the Michigan Department of Education, officials of the federal agency, and auditors with access to records and financial statements as necessary for the Michigan Department of Education to meet the requirements of section 200.331, sections 200.300 Statutory and national policy requirements through 200.309 Period of performance, and Subpart F—Audit Requirements of this Part, of 2 CFR 200. [Section 200.331(a)(5)]

#### ASSURANCE TO MAINTAIN A DRUG-FREE WORKPLACE

The applicant or subrecipient assures that it maintains a drug-free workplace as a condition of receiving any federally funded award. [34 CFR 84.200]

#### ASSURANCE TO SUPPLEMENT NOT SUPPLANT FEDERAL FUNDS

The applicant assures that it will use federal funds received to supplement funds that would, in the absence of an award, be made available for the program and uses specified in an approved application, and in no case will supplant such funds.

[20 USC 6321(b)(1); PL 107-110 1120A(b)(1)]

#### PARTICIPATION OF NONPUBLIC SCHOOLS

The applicant assures that nonprofit private schools have been invited to participate in the planning and implementing of the activities of this application for applicable program areas. [Elementary and Secondary Education Act, Sections 9501-9504]

#### CERTIFICATION REGARDING LOBBYING FOR GRANTS AND COOPERATIVE AGREEMENTS

No federally 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 a federal 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.

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, the applicant shall complete and submit form SF- LLL Disclosure Form to Report Lobbying, in accordance with its instructions.

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

[34 CFR Part 82, Appendix A to Part 82 - Certification Regarding Lobbying; 31 U.S.C. 1352 - Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions; 2 CFR 200.450 – Lobbying]

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY, EXCLUSION AND DISQUALIFICATION – LOWER TIER COVERED TRANSACTIONS

An entity who is debarred or suspended shall be excluded from federal financial and nonfinancial assistance and benefits under federal programs and activities. Except to the extent prohibited by law, entities who have been proposed for debarment under 48 CFR part 9, subpart 9.4, debarred or suspended shall be excluded from participating as either participants or principals in all lower tier covered transactions. A lower tier covered transaction includes any transaction between a participant and an entity under a primary covered transaction, such as a grant or cooperative agreement, within restrictions.

[7 CFR 2200.11 and 34 CFR Part 85- Government-wide debarment and suspension (nonprocurement)]

The prospective lower tier participant certifies, by submission of this proposal, that neither it nor any of its principals are presently excluded, disqualified, debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in this transaction by any federal department or agency.

At any time after you enter into a lower tier covered transaction with an entity at a higher tier, you must provide immediate written notice to that person if you learn either that—

- (a) You failed to disclose information earlier, as required; or
- (b) Due to changed circumstances, you or any of the principals for the transaction now meet any of the criteria. [2 CFR 180]

Contractors that apply or bid for an award of \$100,000 or more must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non- Federal award. [31 U.S.C. 1352 (Byrd Anti-Lobbying Amendment)]

CERTIFICATION REGARDING UNIVERSAL IDENTIFIER REQUIREMENTS

The applicant or grant recipient certifies it has or will meet the requirement for supplying a Data Universal Numbering System (DUNS) number. As a condition of a subrecipient of a federal grant award, you must supply a DUNS number to MDE. No entity may receive a federal subaward without a DUNS number. MDE will not make a subaward to an entity unless that entity has provided its DUNS number.

[OMB 2 CFR Subtitle A, Chapter I, and Part 25, Financial Assistance Use of Universal Identifier and Central Contractor Registration, September 14, 2010: Appendix A to Part 25, B. Requirement for Data Universal Numbering System (DUNS) Numbers]

CERTIFICATION REGARDING MANDATORY DISCLOSURES

The non-Federal entity or applicant for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Failure to make required disclosures can result in any of the remedies described in § 200.338 Remedies for noncompliance, including suspension or debarment. [2 CFR 200.113]

CERTIFICATION REGARDING COMPREHENSIVE CIVIL RIGHTS PROTECTIONS FOR INDIVIDUALS WITH DISABILITIES

The Americans with Disabilities Act (ADA) provides comprehensive civil rights protections for individuals with disabilities. Title II of the ADA covers programs, activities, and services provided by State and local government entities. Title II requires that, “No qualified individual with a disability shall, by reason of such disability be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by such entity.” Title III of the ADA covers public accommodations and places of public accommodation (including commercial facilities). Title III requires that, “No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation.” Title II requires places of public accommodation and commercial facilities to be designed, constructed, and altered in compliance with defined accessibility standards.

In accordance with ADA requirements, the applicant certifies that it is, and will remain, in compliance with the Americans with Disabilities Act.

[Title II, Part A of the Americans with Disabilities Act (A.D.A.), P.L. 101-336, State and Local Government Services (42 U.S.C. 12101-12213); Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794)]

#### CERTIFICATION REGARDING BOY SCOUTS OF AMERICA EQUAL ACCESS ACT

A State or subgrantee that is a covered entity as defined in Sec. 108.3 of this title shall comply with the nondiscrimination requirements of the Boy Scouts of America Equal Access Act. Notwithstanding any other provision of law, no public elementary school, public secondary school, local educational agency, or State educational agency that has a designated open forum or a limited public forum and that receives funds made available through the U.S. Department of Education shall deny equal access or a fair opportunity to meet to, or discriminate against, any group officially affiliated with the Boy Scouts of America, or any other youth group listed in title 36 of the United States Code (as a patriotic society), that wishes to conduct a meeting within that designated open forum or limited public forum, including denying such access or opportunity or discriminating for reasons based on the membership or leadership criteria or oath of allegiance to God and country of the Boy Scouts of America or of the youth group listed in title 36 of the United States Code (as a patriotic society).

DEFINITION - Covered entity means any public elementary school, public secondary school, local educational agency, or State educational agency that has a designated open forum or limited public forum and that receives funds made available through the Department.

(1) DEFINITION - In this section, the term "youth group" means any group or organization intended to serve young people under the age of 21.

(2) RULE - For the purpose of this section, an elementary school or secondary school has a limited public forum whenever the school involved grants an offering to, or opportunity for, one or more outside youth or community groups to meet on school premises or in school facilities before or after the hours during which attendance at the school is compulsory.

[Section 9525 of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001 (the Boy Scouts Act), Pub. L. 107-110, 115 Stat. 1425, 1981-82 (20 U.S.C. 7905, 34 CFR PART 108)]

#### CERTIFICATION REGARDING GUN-FREE SCHOOLS - Federal Programs

The Gun-Free Schools Act requires each state that receives funds under the Elementary and Secondary Education Act (ESEA), as amended by the No Child Left Behind Act (NCLB), to have in effect a state law requiring districts to expel for at least one year any student who brings a gun to school or possesses a gun in school. No funds shall be made available under the ESEA to any local educational agency unless such agency has a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to a school served by such agency.

[Title IV, Part A, Section 4141, No Child Left Behind (Gun-Free Schools Act) and Section 380.1311, Subsection (2), Michigan Revised School Code]

The applicant certifies that it has in effect a policy requiring the expulsion from school for a period of not less than 1 year a student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school, under the jurisdiction of the school district, except such policy may allow the chief administering officer of the agency to modify such expulsion requirements for student on a case-by-case basis. The policy must require referral to the criminal or juvenile justice system of any student who brings a firearm or weapon to a school served by the district. (The terms "firearm" and "weapon" are defined in Section 921(a) of Title 18, United States Code.)

### **— ASSURANCES FOR STATE AID GRANTS —**

#### ASSURANCE REGARDING SANCTIONS AGAINST IRAN LINKED BUSINESSES

The applicant assures that, for any request for proposals or contract renewal for work performed under this grant, it will collect a certification from each bidder that the bidder is not an Iran-Linked Business. An Iran-linked business is not eligible to submit a bid on a request for proposal with a public entity. Recipients must comply with all conditions under P.A. 517 of 2012, "Iran Economic Sanction Act," April 1, 2013.

### **— ASSURANCES FOR CHILD CARE DEVELOPMENT FUND —**

#### [Assurance of compliance with Title VI of the Civil Rights Act of 1964](http://www.hhs.gov/sites/default/files/ocr/civilrights/clearance/hhs690.pdf)

([www.hhs.gov/sites/default/files/ocr/civilrights/clearance/hhs690.pdf](http://www.hhs.gov/sites/default/files/ocr/civilrights/clearance/hhs690.pdf))

#### [Certification regarding debarment, suspension and other responsibility matters \(primary\)](http://www.acf.hhs.gov/grants/certification-regarding-debarment-suspension-and-other)

([www.acf.hhs.gov/grants/certification-regarding-debarment-suspension-and-other](http://www.acf.hhs.gov/grants/certification-regarding-debarment-suspension-and-other))

[Certification regarding debarment, suspension and other responsibility matters \(lower tier\)](http://www.acf.hhs.gov/grants/certification-regarding-debarment-suspension-and-other-0)

([www.acf.hhs.gov/grants/certification-regarding-debarment-suspension-and-other-0](http://www.acf.hhs.gov/grants/certification-regarding-debarment-suspension-and-other-0))

[Certification regarding drug-free workplace requirements](http://www.acf.hhs.gov/grants/certification-regarding-drug-free-workplace-requirements)

([www.acf.hhs.gov/grants/certification-regarding-drug-free-workplace-requirements](http://www.acf.hhs.gov/grants/certification-regarding-drug-free-workplace-requirements))

[Certification regarding environmental tobacco smoke](http://www.acf.hhs.gov/grants/certification-regarding-environmental-tobacco-smoke)

([www.acf.hhs.gov/grants/certification-regarding-environmental-tobacco-smoke](http://www.acf.hhs.gov/grants/certification-regarding-environmental-tobacco-smoke))

[Certification regarding lobbying](http://www.acf.hhs.gov/grants/certification-regarding-lobbying)

([www.acf.hhs.gov/grants/certification-regarding-lobbying](http://www.acf.hhs.gov/grants/certification-regarding-lobbying))

#### — SPECIFIC PROGRAM ASSURANCES —

Grantee agrees to maintain and support the required staff for the Great Start Collaborative/Parent Coalition as indicated in the Important Information.

Grantee assures that the Great Start Collaborative will convene a workgroup to serve as a school readiness advisory committee as is also required under guiding legislation for the Great Start Readiness Program.

Grantee agrees to take a systems approach to support the OGS outcomes and the Guiding Principles as outlined in *Great Start, Great Investment, Great Future*.

This project/program will not supplant nor duplicate an existing early childhood or family development program.

The grantee will adhere to the terms outlined in the Child Care and Development Block Grant Act of 1990, as amended (Public Law 101-508, 42 U.S.C. 9858 et seq).

Grantees implementing home visiting programs with Section 32p Grants funds will adhere to the terms and reporting requirements as outlined in Public Act 291 of 2012.

Grantee agrees to maintain and support the required staff for the Great Start Collaborative/Parent Coalition as indicated in the criteria approved by the State Board of Education. Acknowledgement of non-compliance with the approved criteria requires the generation of a Corrective Action Plan with timeline and actions detailed by whereby compliance will be achieved.

All information in this application is accurate and correct and has been reviewed by all partner organizations, if applicable.

The following provisions are also understood by the recipient of the grant:

1. Grant award is approved and is not assignable to a third party without specific approval.
2. Grantee agrees to have adequate on-going collaboration with local entities involved in shared leadership and the provision of providing services to children, birth to eight years and their families.
3. Funds shall be expended in conformity with budget. Line item changes and other deviations from the budget submitted with this agreement must have prior approval from the Office of Great Start/Early Childhood Development and Family Education administrator of the Michigan Department of Education.
4. The Michigan Department of Education is not liable for any costs incurred by the grantee prior to the issuance of the grant award.
5. Payments made under the provision of this grant are subject to audit by the grantor.
6. Grantee agrees not to expend any funds awarded under this grant until all prior years' carryover of funds have been exhausted.
7. Grantee agrees to return to the Michigan Department of Education any 2016-2017 Section 32p Grants funds not expended as of June 30, 2018 no later than September 30, 2018.