

STATEMENT OF ASSURANCES FOR THE APPROPRIATE USE OF FUNDS UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA) ONLY

The applicant hereby assures the state superintendent of an understanding that the *Early On*[®] Michigan State Plan and the federal grant application are mutually supporting documents for obtaining federal funds.

CONTROL OF FUNDS

- The control of funds provided under this title, and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this Title, and that a public agency will administer such property and funds and apply them only for the purposes for which they are granted. (34 CFR 76.301)
- Fiscal control and fund accounting procedures will be used to ensure proper disbursement of and accounting for P.L. 108-446 funds under this project. There shall be no commingling of funds; a separate account shall be kept for each federal grant. (34 CFR 76.301; 76.530; 80.20; Federal Rule 162(b))
- Federal funds will be used to supplement, and to the extent practicable, increase the level of state and local funds expended for IDEA Part C. In no case shall federal funds replace or supplant state, intermediate school district (ISD), or local funds. (34 CFR 303.225)
- All equipment purchased with federal funds shall be appropriately tagged and an inventory will be maintained. (34 CFR 75.530 and 80.32)
- Indirect costs shall be claimed only by the ISD. (34 CFR 76.560-580)
- Programs funded with IDEA Part C funds will be in compliance with all applicable federal and state laws, rules, and policies. (34 CFR 75.702)
- School districts using IDEA Part C funds assure that each project is properly audited. (34 CFR 75.910)
- The ISD will only request federal funds for actual expenditures. Contractors engaged by the ISD must submit monthly invoices for services performed based on a contractual agreement. (34 CFR 75.702; 80.21)
- No expenditures or encumbrances may be made without an approved application.
- All contracts must follow the rules/regulations of 2 CFR Part 200 (200.318 General Procurement Standards - 200.326 Contract Provisions).
- The applicant assures that it will operate consistent with the requirements of Section 442 of the General Education Provisions Act (GEPA). (20 U.S.C. 1232e).

REPORTS

- The applicant shall file a Final Expenditure Report (FER) within 60 days after termination of the project or, in the case of a multi-year project, within 60 days of the termination of the fiscal year from which this phase of the project is funded, and such other reports to the Michigan Department of Education (MDE) in such form and containing such information as may be necessary to enable MDE to perform its duties. The applicant will keep such records and afford such access thereto as MDE may find necessary to assure the accuracy and verification of such reports. MDE's approval of the FER in the Next Generation Grant, Application and Cash Management (NexSys) system is pending any audits.
- The "Assurance of Compliance," Form HEW-441 previously filed with the U.S. Department of Education, applies to this application.

or

Activities conducted under this project will be carried out in accordance with the applicable current court order or desegregation plan filed with the U.S. Department of Education, and all other activities will be carried out on a nondiscriminatory basis in accordance with the regulations of the department. (45 CFR 80.3)

INTERMEDIATE SCHOOL DISTRICTS (ISD)

- The ISD is responsible to comply with the Code of Federal Regulations Title 2: Grants and Agreements Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. The ISD monitors to assure that all expenditures by contractors are directly attributable to approved application activities and are allowable costs.
- The parents or guardians of infants and toddlers with disabilities are provided the opportunity to participate in the development and/or review of special programs and services pertaining to IDEA Part C as described by the *Early On* Michigan State Plan and federal regulations.
- Early intervention services shall be provided to enable infants and toddlers with disabilities to participate in natural environments as defined within the federal regulations and the *Early On* Michigan State Plan for programs and services. Infants and toddlers with disabilities participate with same-aged peers without disabilities in activities to the maximum extent possible, as appropriate to their specific needs.
- A comprehensive system for the identification, location, and evaluation of infants and toddlers with disabilities is implemented.
- Early intervention services shall be provided to all eligible infants and toddlers with disabilities.
- Procedures are developed for the implementation and use of the comprehensive system of personnel development.
- Procedures for making the application and all documents related to the application are available to parents and the general public.
- These procedures are in compliance with procedural and content requirements of Individualized Family Service Plans (IFSPs) for eligible children as defined within the *Early On* Michigan State Plan and federal regulations.
- The policies and programs are in compliance with the requirements of due process procedures for parents and children as described in IDEA Part C and the *Early On* Michigan State Plan.

POLICIES AND PROCEDURES

- Written agreements shall be kept on file with the applicant district whenever the district is contracting with another district for the period stipulated in standard record retention. (34 CFR 80.42)
- The project has been designed solely to serve infants and toddlers with disabilities and their families, and is in compliance with the *Early On* Michigan State Plan and IDEA Part C.
- Policies and procedures pertaining to confidentiality of personally identifiable information are on file at the ISD offices and accessible to the public.
- Policies are in compliance with Title IX, Education Amendments of 1972, prohibiting sex discrimination in education.

ASSURANCES AND CERTIFICATIONS - FEDERAL PROGRAMS

ESTIMATED GRANT AWARDS

Estimated grant awards are based on federal program estimated funds allocated to Michigan for the next federal fiscal year and are for informational purposes. Actual grant awards are contingent upon MDE receiving sufficient federal funding for the program. An estimated award does not constitute any binding agreement on behalf of the MDE. MDE is not responsible for any costs incurred prior to the start of an expenditure period for an actual or final grant award.

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]

ASSURANCE REGARDING COMPLIANCE WITH GRANT PROGRAM REQUIREMENTS

If awarded a grant, the grantee agrees to comply with all applicable requirements of all state statutes, federal laws, executive orders, regulations, policies, and award conditions governing this program. The grantee understands and agrees that if it materially fails to comply with the terms and conditions of the grant award, MDE 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 complies with the conditions and the amount disallowed has been recaptured (forfeited), or the issue has been adjudicated. The department may withhold up to 100 percent of any payment based on a monitoring finding, audit finding, or pending final report. [MDE Requirement]

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 CONCERNING MATERIALS DEVELOPED WITH FUNDS AWARDED UNDER THIS GRANT

The applicant assures that, if a grant is awarded, the following statement will be included on any publication or project materials developed with funds awarded under this program, including reports, films, presentation materials, brochures, posters, and fliers: These materials were developed under a grant awarded by the Michigan Department of Education and [name of federal agency]. [MDE requirement]

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 single audit will be submitted by November 1 of the following year to meet the federal requirements. [2 CFR section 200.331] The applicant assures that it will provide MDE, officials of the federal agency, and auditors with access to records and financial statements as necessary for MDE to meet the requirements of 2 CFR 200, sections 200.300 Statutory and National Policy Requirements through 200.309 Period of performance, and Subpart F—Audit Requirements. [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 NONDISCRIMINATION UNDER FEDERAL AND STATE FUNDED PROGRAMS

The applicant hereby agrees that it will comply with all federal and Michigan laws and regulations prohibiting discrimination, and in accordance therewith, shall not discriminate against any person on the basis of religion, race, color, national origin or ancestry, age, sex, height, weight, familial status, or marital status, exclude from participation in, deny the benefits of, or otherwise subject to discrimination in any program or activity for which it is responsible or for which it receives financial assistance from a U.S. federal agency or MDE. [Michigan Public Act 453 of 1976 (Elliott-Larsen Civil Rights Act)]; [Title VI and Title VII of the Civil Rights Act of 1964 (45 U.S.C. 2000d through 2000d-4); Title IX of the Education Amendments of 1972 (20 U.S.C. 1681-1683); Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.)]

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 (ADA), 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.]

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, 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, of the Elementary and Secondary Education Act (ESEA), as amended (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 one 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.)