



**Federal Fiscal Year 25/Fiscal Year 26 IDEA Assurances  
for Substantially Approved Application**

**School District Name:** \_\_\_\_\_

**The signature below indicates the local education agency (LEA) is acknowledging that it understands and agrees to abide by the applicable assurances described within this document.**

***Required Signatures:***

\_\_\_\_\_  
Superintendent Date

\_\_\_\_\_  
LEA Business Manager Date

\_\_\_\_\_  
Special Education Director Date

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

**Allowable Costs:** Costs incurred will be allowable under the principles established in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; Final Rule [2 CFR Subpart E—Cost Principles].

**Budget Modifications:** The grantee will obtain an approved budget amendment when it is anticipated that claimed expenditures vary from the amount in the current approved budget.

**Charter Schools and Their Students:** Children with disabilities who attend public charter schools and their parents will be accorded all of the rights under IDEA Part B. With respect to charter schools that are public schools of the LEA, the LEA will serve children with disabilities attending those charter schools in the same manner as the LEA serves children with disabilities in its other schools, including providing supplementary

and related services on site at the charter school to the same extent it has a policy or practice of providing such services on the site to its other public schools. The LEA will provide funds to its charter schools on the same basis as the LEA provides funds to the LEA's other public schools and at the same time as the LEA distributes federal funds to the LEA's other public schools, consistent with the state's charter school law. If the charter school is a public school of the LEA, the LEA will be responsible for ensuring the requirements of the IDEA Part B are met. [34 CFR §300.209].

**Civil Rights.** The district or agency adheres to the provisions of Title VI of the Civil Rights Act of 1964, as amended (45 U.S.C. §§ 2000d, et seq.) and its implementing regulations (34 C.F.R. Part 100), prohibiting discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance.

The district or agency adheres to the provisions under Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), prohibiting discrimination on the basis of disability in programs and activities receiving Federal financial assistance.

The district or agency adheres to the provisions under Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681 et seq.) prohibiting discrimination on the basis of sex in education programs and activities receiving Federal financial assistance.

The district or agency adheres to the provisions under the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.) prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance.

**Compliance with Statutes, Regulations, State Plan, and Applications:** The grantee will comply with the State Plan and applicable statutes, regulations, and the approved project applications, and will use IDEA Part B funds in accordance with them. [34 CFR § 76.700].

**Confidentiality:** The grantee shall comply with provisions regarding confidentiality of student information. [Procedures for State Policy 74.19, Chapter 9].

**Consistency with State Policies:** The grantee has in effect policies, procedures, and programs that are consistent with the state policies and procedures established in accordance with 34 CFR §§300.101 through 300.163 and 300.165 through 300.174. [34 CFR §300.201].

**Contracts and Procurement:** The grantee will use its own procurement procedures that reflect applicable state and local laws and regulations, provided the procurements conform to applicable federal law and the standards in 2 CFR §§200.318-200.326 Procurement Standards.

**Cooperation with Evaluation:** The grantee will cooperate with the performance of any evaluation of the programs by the MDE or the U.S. Department of Education or by their contractors. [34 CFR §75.591, 75.700-75.702].

**Coordinated Early Intervening Services (CEIS):** The grantee will not use more than 15% of the amount the grantee receives under IDEA Part B to develop and implement coordinated, early intervening services for students in kindergarten through grade 12 who are not currently identified as needing special education or related services, but who need additional academic and behavioral support to succeed in a general education environment. If the grantee claims funds through CEIS under 34 CFR § 300.226, the grantee will annually report to the MDE the number of children who received academic or behavioral interventions funded with CEIS during the year the funds were expended. IDEA Part B funds will be used to supplement, and not supplant, funds made available under the ESEA for CEIS activities. [34 CFR §300.226]

**Equipment:** Equipment purchased in whole or in part with grant funds will be managed consistent with the provisions of 2 CFR §200.313.

**Equitable Services for Parentally Placed Private School Students:** To the extent consistent with the number and location of children with disabilities who are enrolled by their parents in private, including religious, elementary schools and secondary schools located in the school district served by the LEA, provision will be made for the participation of those children in the programs assisted or carried out under IDEA Part B grants in accordance with 34 CFR §§300.130 through 300.144. [34 CFR §300.132(a)].

**Excess Costs.** The funds allocated under Part B will be used only to pay the excess cost of providing special education and related services to children with disabilities in accordance with 34 C.F.R. § 300.202.

**Excess Cost Calculation:** The grantee will verify MDE's computation of the minimum average amount to be spent for the education of each of its elementary and secondary students with disabilities under section 602(3) of the Act before it may use funds under Part B of the Act [34 CFR §300.16].

**General Education Provision Act (GEPA).** The district or agency adheres to the following requirements of Section 436 GEPA, 20 U.S.C. § 123e, in order to comply with the provisions contained in P.L. 108-446.

- a. The district and agency will administer each program in accordance with all statutes, regulations, program plans and applications applicable to that program.
- b. The control of funds under each program and title to property acquired with those funds will be in a public agency and a public agency will administer those funds and property.
- c. The district/agency will use fiscal control and fund accounting procedures that will ensure proper disbursement of and accounting for Federal funds paid to it under each program.
- d. None of these funds expended under any applicable program will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing

the interests of the purchasing entity or its employees or any affiliate of such an organization.

- e. The district/agency will provide reasonable opportunities for the participation by teachers, parents and other interested agencies, organizations and individuals in the planning for and operation of each program.
- f. Any application, evaluation, periodic program plan or report relating to each program will be made readily available to parents and other members of the general public.
- g. That, in the case of any project involving construction:
  - The project is not inconsistent with overall State plans for the construction of facilities and in developing plans for construction, due consideration will be given to excellence of architecture and design and to compliance with standards prescribed by the Secretary of Education under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) in order to ensure that facilities constructed with the use of Federal funds are accessible to and usable by individuals with disabilities.
  - The district/agency has adopted effective procedures for acquiring and disseminating to teachers and administrators participating in each program significant information from educational research, demonstrations and similar projects, and for adopting, where appropriate, promising educational practices developed through such projects.
- h. The LEA provides assurance that there are no barriers that may prevent students, teachers, etc. from accessing or participating in the Federally-funded project or activity (GEPA Section 427).
- i. If the LEA anticipates any barriers, the LEA will submit separate documentation to the Mississippi Department of Education (MDE) Office of Special Education (OSE) including identified barriers, a plan to address barriers, and steps taken to ensure equitable access to and participation in IDEA.

**Information for MDE:** The grantee will provide the WDPI with information necessary to carry out its duties under IDEA Part B, including, with respect to §§300.157 and 300.160, information relating to the performance of children with disabilities participating in programs carried out under IDEA Part B. [34 CFR §300.211].

**IDEA 619 Funds.** The district or agency assures that the funds made available under Preschool will only be used for providing services to three (3), four (4), and five (5) year old children with disabilities.

**Lobbying Restrictions.** As required by Section 1352, Title 31 of the U.S.C. for persons entering into a grant or cooperative agreement over \$100,000, the applicant assures that:

- a. No Federally-appropriated funds have been paid or will be paid by, or on behalf of the recipient, to any person for influencing or attempting to influence an officer or employee of an 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 Federally-appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress or an employee of a member of Congress in connection with a Federal grant or cooperative agreement, the recipient shall complete and submit Standard Form-LLL “Disclosure Form to Report Lobbying” in accordance with its instructions along with the sub-grant application, contract or cooperative agreement to which the disclosure applies. This form is available upon request from the Mississippi Department of Education, Office of Special Education.
  - c. The recipient shall require that the language of this certification be included in the award document for all sub-awards at all tiers (including sub-grant, contracts under grants and cooperative agreements and subcontracts) and all sub-recipients shall certify and disclose accordingly.

**Maintenance of Effort:** Except as provided in 34 CFR §§300.204 and 300.205, funds provided to the grantee will not be used to reduce the level of expenditures for the education of children with disabilities made by the grantee from local funds below the level of those expenditures for the preceding fiscal year. [34 CFR §300.203]

**OMB Standard Form 424B:** The grantee will comply with all applicable assurances in OMB Standard Forms 424B (Assurances for Non-Construction Programs), including the assurances relating to the legal authority to apply for assistance; access to records; conflict of interest; merit systems; nondiscrimination; Hatch Act provisions; labor standards; flood insurance; environmental standards; wild and scenic river systems; historic preservation; protection of human subjects; animal welfare; lead-based paint; Single Audit Act; and general agreement to comply with all applicable federal laws, executive orders and regulations. <http://www.grants.gov/web/grants/forms/sf-424-family.html>

**Personnel Development:** The grantee will ensure all personnel necessary to carry out the IDEA Part B are appropriately and adequately prepared, subject to 34 CFR §300.156, Personnel qualifications and §2122 of the ESEA. [34 CFR §300.207]. Staff must be appropriately licensed.

**Policies and Procedures Remain in Effect:** Policies and procedures submitted to the MDE by the grantee in accordance with IDEA Part B will remain in effect until the grantee submits to MDE the modifications the MDE or the grantee determines necessary. [34 CFR § 300.220].

**Programmatic Changes:** The grantee will obtain the prior approval of the MDE whenever any of the following actions is anticipated: (1) Any revision of the scope or objectives of the project; (2) Changes in key persons where specified in the application or grant award; (3) A disengagement from the project for more than three months, or a 25 percent reduction in time devoted to the project, by the approved project director; (4)

Contracting out or otherwise obtaining services of a third party to perform activities central to the purpose of the award; (5) Changes in the amount of approved cost-sharing or matching provided by the subrecipient. [2 CFR §200.308(c)(1, 2, 3, 6, 7)].

**Public Information:** The grantee will make available to parents of children with disabilities and to the general public all documents relating to the eligibility of the grantee under IDEA Part B. [34 CFR §300.212].

**Purchase of Instructional Materials:** If the grantee chooses to coordinate with the National Instructional Materials Center (NIMAC), when purchasing instructional materials, the grantee will acquire those instructional materials in the same manner as the MDE, and subject to the conditions under 34 CFR §300.172 and the procedures set forth in the Guidance for Using Accessible Instructional Materials (AIM). If the grantee chooses not to coordinate with the NIMAC, the grantee has provided an assurance to the MDE that the grantee will provide instructional materials to blind persons or other persons with print disabilities in a timely manner. [34 CFR §300.210].

**Records Regarding Migratory Children with Disabilities:** The grantee will cooperate in the efforts under §1308 of the Elementary and Secondary Education Act to ensure the linkage of records pertaining to migratory children with disabilities for the purpose of electronically exchanging, among the states, health and educational information regarding those children. [ 34 CFR §300.213].

**Record Retention:** The grantee will comply with the requirements of 2 CFR § 200.333, Record Retention and Access. The grantee will ensure records relating to the grant are maintained for a period of at least three years after the end of the project year, consistent with the grantee's record retention policy. If any litigation, claim, negotiation, audit or other action involving the records starts before the end of the period, the records will be retained until completion of the action and resolution of all issues.

**Reporting:** The grantee will ensure all required financial and program data is reported to the MDE timely on a schedule established by the MDE. The grantee will report to MDE using the accounts in the [MDE Accounting Manual for School Districts](#) [2 CFR §200.302(b)(2)]. The grantee will ensure all required financial and program data is reported to the MDE timely on a schedule established by the MDE.

**Statewide and District Assessment.** The district or agency assures it complies with the guidance listed in IDEA 2004, Section 612(a)(16)(A) which states “In general. – All children with disabilities are included in all general State and district-wide assessment programs, including assessments described under section 1111 of the Elementary and secondary Education Act of 1965, with appropriate accommodations and alternate assessments where necessary and as indicated in their respective individualized education programs”. The district or agency further assures that: A district-wide assessment is one that:

- a. is required by the local school system, not the State;
- b. is given to all students in every grade in all schools, or the same grade in all schools that have that grade; and,



- c. is not used to determine eligibility for special education as required in the Mississippi Department of Education, Office of Special Education Policies and Procedures.

If a district, or LEA, has an assessment that meets the criteria above, the LEA must take steps to ensure that the following are true:

1. Procedures must be in place to ensure that each IEP identifies any individual accommodation(s) that may be needed for a child with a disability to participate in the district-wide assessment(s).
2. Alternate assessments must be administered to children with disabilities whose IEP team has determined that they cannot participate in the standard administration of the district-wide assessment(s).

If the LEA reports publicly the results of its district-wide assessments, it must also report, with the same frequency and detail, as it reports on the assessment of nondisabled children, the following:

1. the number of children with disabilities participating in regular assessments and the number of those children with disabilities who were provided accommodations in order to participate in those assessments; (Note: If N size is 10 or less, the data should be suppressed.)
2. the number of children with disabilities participating in alternate assessments that are aligned with the State's challenging academic content standards and challenging academic achievement standards;
3. the number of children with disabilities participating in alternate assessments based on alternate achievement standards; and
4. the performance of children with disabilities on regular assessments and on alternate assessments compared with and included in with the achievement of all children, including children with disabilities, on those assessments.

**School-wide Programs Under Title I of the ESEA:** If the grantee uses grant funds to carry out a school-wide program under section 1114 of the ESEA, the amount used will not exceed the amount received by the grantee divided by the number of children with disabilities in the grantee's jurisdiction and multiplied by the number of children with disabilities participating in the school-wide program. The grantee will consider the funds as federal IDEA Part B funds for the calculations required for the excess cost requirement at 34 CFR §§300.202(a)(2) and (a)(3). When using IDEA Part B funds for school-wide programs, the grantee will meet all of the requirements of the IDEA Part B with the exception of 34 CFR §300.202(a)(1). [34 CFR § 300.206].

**Single Audit:** Any entity that expends in total (all sources) \$750,000 or more in federal funds during a fiscal year (July 1 – June 30) is required to conduct a single audit. If a single audit is required, a copy of the audit report is to be mailed to the Mississippi Department of Education, Director of Internal Audit. [2 CFR §200.501]

**Subrecipient Monitoring:** The grantee will cooperate with the MDE to discharge MDE's sub-recipient monitoring responsibilities to ensure IDEA Part B awards are used

for authorized purposes in compliance with laws, regulations, and the provisions of contracts or grant agreements and performance goals are achieved. [2 CFR §200.332)].

**Text Messaging and E-Mailing While Driving:** The grantee 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 e-mail when driving. [Executive Order 13513, “Federal Leadership on Reducing Text Messaging While Driving,” October 1, 2009; <http://www.gpo.gov/fdsys/pkg/FR-2009-10-06/pdf/E9-24203.pdf>]

**Time and Effort Reporting:** For costs to be allowable, compensation for personal services must adhere to the Standards for Documentation of Personnel Expenses as identified in 2 CFR §200.430(i)(1). The sub-recipient must retain records that accurately reflect the work performed and be supported by a system of internal control which provides reasonable assurance that the charges are accurate, allowable, and properly allocated.

**Tracking of IDEA Funds.** The funds under Part B will not be commingled with State funds. Separate accounting systems that include an audit trail of the expenditures of the Part B funds will be utilized in accordance with the fiscal control and fund accounting procedures, 34 C.F.R. § 76.702. The district or agency assures that it will use fiscal control and fund accounting procedures that ensure proper distribution of and accounting for Federal funds in accordance with the Uniform Administrative Requirements Cost Principles (2 CFR Subpart E—Cost Principles)

**Trafficking in Persons:** The grant condition specified in 2 CFR §175.10 includes the following language: “I. Trafficking in persons. 1. You as the recipient, your employees, subrecipients under this award, and sub-recipients’ 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.” A subrecipient is required to inform the federal agency immediately of any information received from any source alleging a violation of this condition. The federal agency may unilaterally terminate this award, without penalty, if a subrecipient is determined to have violated this condition.

**Use of Amounts.** The grantee will expend funds provided under this grant in accordance with applicable provisions of the IDEA Part B only to pay the excess costs of providing special education and related services to children with disabilities. IDEA Part B funds will be used to supplement state, local, and other federal funds and not to supplant those funds. [34 CFR § 300.202]. In accordance with 34 C.F.R. § 300.208, this requirement of Part B will not be violated if the district or agency utilizes Part B funds to:

- a. Allow one or more non-disabled child(ren) to benefit from special education and related services and supplementary aids and services, for the costs of providing



- such services in a regular class or other education-related setting to a child with a disability in accordance with the IEP of the child; and/or
- b. Develop and implement a fully integrated and coordinated services system in accordance with 34 C.F.R. § 300.208.