

**New Hampshire Department of Education  
School Year 2023-2024**

**GRANT PROGRAM ASSURANCES DOCUMENT**

Following are the 2023-2024 school year (SY) New Hampshire Department of Education (NHED) **ESEA Program Assurances** for the following federal formula grants (see below).

DEADLINE by **May 5, 2023**, the entire ESEA Program Assurances document should be:

- Emailed to [ESEAAssurances@doe.nh.gov](mailto:ESEAAssurances@doe.nh.gov) **and**
- Uploaded in the Grants Management System (GMS) on the LEA homepage for the 2023-2024 SY

**Superintendent/Charter School Administrator:** indicate which federal program(s) in which the LEA is accepting federal funds for the 2023-2024 SY.

<b>Elementary and Secondary Education Act (ESEA) Programs</b>	<b>Participating</b>	<b>Not participating</b>
<b>Title I, Part A</b> (Improving Basic Programs Operated by LEAs)	<input type="checkbox"/>	<input type="checkbox"/>
<b>Title II, Part A</b> (Supporting Effective Instruction state grants)	<input type="checkbox"/>	<input type="checkbox"/>
<b>Title III, Part A</b> (English Language Acquisition, Language Enhancement, and Academic Achievement Act)	<input type="checkbox"/>	<input type="checkbox"/>
<b>Title IV, Part A</b> (Student Support and Academic Enrichment Grants)	<input type="checkbox"/>	<input type="checkbox"/>
<b>Title IV, Part B</b> (21 <sup>st</sup> Century Community Learning Centers)	<input type="checkbox"/>	<input type="checkbox"/>
<b>Title V, Part B, Subpart 2</b> (Rural and Low-Income School Program)	<input type="checkbox"/>	<input type="checkbox"/>
<b>IDEA, Part B</b> (Individuals with Disabilities Education Act)	<input type="checkbox"/>	<input type="checkbox"/>
<b>Perkins V</b> (Carl D. Perkins Strengthening Career and Technical Education for the 21st Century Act)	<input type="checkbox"/>	<input type="checkbox"/>

**Superintendent/Charter School Administrator Contact Information:**

Local Education Agency (LEA): \_\_\_\_\_ SAU Number: \_\_\_\_\_

Superintendent/Charter School Administrator Contact Name: \_\_\_\_\_

Superintendent/Charter School Administrator Contact Phone: \_\_\_\_\_

Superintendent/Charter School Administrator Contact Phone Email: \_\_\_\_\_

Local Education Agencies (LEAs) must submit a signed copy of these Grant Assurances to the NHED prior to receiving formula funds for grants awarded under the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA), Individuals with Disabilities Education Act (IDEA) and Carl D. Perkins Strengthening Career and Technical Education for the 21st Century Act. By signing these Grant Assurances, the LEA assures that it will accept and administer these formula funds in accordance with all applicable Federal and State statutes and regulations.

As the Superintendent/Charter School Administrator you must carefully review and sign each funding source that you will be accepting for the 2023-2024 SY. There is a signature field for Title III certification and one signature block at the end of the document Assurances that must be signed. Once the document is fully executed it needs to be emailed to [ESEAAssurances@doe.nh.gov](mailto:ESEAAssurances@doe.nh.gov) and uploaded to the LEA homepage of the online Grants Management System (GMS) no later than May 5, 2023. The NHED ESEA team will review and subsequently approve/return the document if it is/is not fully executed. **ESEA grants will not be substantially approved until the LEA has a fully executed and approved ESEA Program Assurances document on file with NHED.**

At the end of this document, you will find the General Education Provisions Act (GEPA) Section 427 which requires each LEA applying for federal funds to include in its application a description of the steps the LEA proposes to take to ensure equitable access to and participation in its federally assisted programs for students, teachers, and other program beneficiaries with special needs. The statute highlights six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, or age. Based on local circumstances, you should determine whether these or other barriers may prevent your students, teachers, et al from such access to, or participation in, the federally funded projects or activities.

**Each LEA accepting federal grants must provide a description of how it will ensure equitable access for students and teachers to participate in federally assisted programs.** Please provide a clear and succinct description of how you plan to address those barriers that are applicable to the LEAs circumstances.

Please remember that Program Assurances are reviewed and signed by you, the Superintendent/Charter School Administrator, as a way of indicating your agreement with the laws and regulations specific to certain grant types. The assurances below are not all-inclusive as to the entire scope of requirements for the LEA. Superintendents/Charter School Administrators are responsible for understanding all requirements of the grants they receive.

#### **The Process:**

Please read each step carefully:

1. The Superintendent/Charter School Administrator indicates which federal program(s) in which the LEA is accepting funds for the 2023-2024 SY and provides their contact information.
2. The Superintendent/Charter School Administrator carefully reviews the assurances for each federal program in which the LEA is participating and consults with the LEA School Board/Board of Trustees about the assurances.
3. The Superintendent/Charter School Administrator signs and dates the bottom of the Program Assurance document.
4. **All** Superintendent/Charter School Administrators (or designee) must complete the GEPA section.
5. The assurances must then be emailed to [ESEAAssurances@doe.nh.gov](mailto:ESEAAssurances@doe.nh.gov) and uploaded to the LEA Homepage of the online Grants Management System (GMS) by May 5, 2023.

Please contact your NHED program manager if you have any questions.

## **Section A: Assurances for ESEA - Title I, Part A**

*All Sections cited are from the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act through P.L. 114-95, unless otherwise noted.*

**The local education agency (LEA) hereby assures the New Hampshire Department of Education that pursuant to the requirements in ESEA, Title I, Part A the LEA will:**

### **A-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 Title I, and not to supplant such funds. *Section 1118(b).*

Under ESEA, LEAs 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.

### **A-2 MEET COMPARABILITY OF SERVICES REQUIREMENTS**

Ensure compliance with all comparability requirements, including establishing and implementing on a grade-span by grade-span basis or a school-by-school basis: (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. *Section 1118(c).*

### **A-3 INFORM SCHOOLS ABOUT SCHOOLWIDE PROGRAM OPTIONS AND PROVIDE TECHNICAL ASSISTANCE TO SCHOOLWIDE PROGRAMS**

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

Provide technical assistance and support to schoolwide programs, including a one-year planning period (exceptions provided in *Section 1114 (b)(1)*), in consultation with stakeholders described in *Section 1114(b)(2)* resulting in a written plan that addresses the required components pursuant to *Section 1114.*

### **A-4 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.*

### **A-5 PROVIDE ASSISTANCE TO SCHOOLS TO CLOSE THE ACHIEVEMENT GAP**

Ensure that all children receive a high-quality education and close the achievement gap between children meeting the challenging State academic standards and those children who are not meeting such standards. *Section 1112(b).*

**A-6 ENSURE QUALIFIED AND EFFECTIVE EDUCATORS IN ALL LEA SCHOOLS**

Ensure, through incentives for voluntary transfers, the provision of professional development, recruitment programs, or other effective strategies, that students from low-income families and minority students are not taught at higher rates than other students by unqualified, out-of-field, or beginning educators. *Section 1111(g)(1)(B)*.

Ensure that all teachers and paraprofessionals working in a program supported with Title I funds meet applicable state certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification. *Section 1111(g)(2)(J)*.

At the beginning of each school year, the LEA receiving funds under this Part shall notify the parent(s) of each student attending any school receiving funds under this Part that the parents may request, and the LEA will provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers, including at a minimum, the following: (I) Whether the students' teacher (I) has met State qualifications and licensing criteria for the grade levels and subject areas in which the teacher provides instruction; (II) is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived; and, (III) is teaching in the field of discipline of the certification of the teacher. *Section 1112(e)(1)*.

**A-7 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. *Section 1003 (b)(1)(B)* and *Section 8101(21)(A)*.

**A-8 ASSIST SCHOOLS TO INCREASE PARENT AND FAMILY ENGAGEMENT**

Develop and maintain a written policy on parent and family engagement and work in consultation with schools as they develop and implement their plans for activities under *Section 1116*. Parents shall be notified of this policy in an understandable and uniform format and to the extent practicable, provided in a language the parents can understand. Such policy shall be made available to the local community and updated periodically to meet the changing needs of parents and the school. *Section 1116(b)(1)*.

Conduct outreach to all parents and family members and implement programs, activities, and procedures for the involvement of parents and family members in programs assisted under this Part consistent with this Section. Such programs, activities, and procedures shall be planned and implemented with meaningful consultation with parents of participating children. Each LEA shall develop jointly with, agree on with, and distribute to, parents and family members of participating children a written parent and family engagement policy. The policy shall establish the LEA's expectations and objectives for meaningful parent and family involvement. *Section 1116(a)(1-2)*.

**A-9 ALIGN EARLY CHILDHOOD SERVICES WITH HEAD START STANDARDS**

In the case of an LEA that chooses to use funds under this Part to provide early childhood education 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 USC §9836a(a)*). *Section 1112(c)(7)*.

**A-10 PROVIDE EQUITABLE SERVICES FOR ELIGIBLE STUDENTS IN PRIVATE SCHOOLS:**

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

The LEA must consult with each non-public school about the Title I, Part A grant. The LEA must maintain a written record of the consultation in its records and provide a copy to the SEA by emailing [ESAffirmation@doe.nh.gov](mailto:ESAffirmation@doe.nh.gov) and posting the fully executed document on the LEA homepage in the online Grants Management System (GMS).

**A-11 IMPLEMENT THE STATEWIDE ASSESSMENT PROGRAM AND USE ASSESSMENT RESULTS TO REVIEW AND ASSESS PROGRESS:**

Comply with the statewide assessment program requirements under *Section 1111 (b)(2)* or Innovative Assessment and Accountability Demonstration Authority under *Section 1204(b)(1)*, (i.e. Performance Assessment for Competency Education). Use the results of the statewide assessment and other measures or indicators available to the LEA, to review annually the progress of each school served by the LEA and receiving funds under this Part. In addition, make widely available through public means (includes posting in a clear and easily accessible manner on the LEA's website and, where practicable, on the website of each school served by the LEA for each grade level served, information on each assessment required by the State to comply with *Section 1111*, other assessments required by the State, and where such information is available and feasible to report, assessments required by the LEA, including: (i) subject matter assessed; (ii) the purpose for which the assessment is designed and used; (iii) the source of the requirement for the assessment; and (iv) where such information is available: (I) the amount of time students will spend taking the assessment and the schedule for the assessment; and (II) the time and format for disseminating results.

**A-12 PARTICIPATE IN THE NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS (NAEP), GRADES 4 and 8, READING AND MATHEMATICS:**

Participate, if selected, in NAEP for reading and mathematics in grades 4 and 8 carried out under *Section 303(b)(3)* of the NAEP Authorization Act (*20 USC SEC 9622(b)(3)*).

**A-13 PROVIDE TIMELY STUDENT REPORTS TO PARENTS AND TEACHERS**

Ensure that the results from the statewide academic assessments required under *Section 1111(b)(2)* and *Section 1204(b)(1)* will be provided to parents and teachers as soon as practicable after the assessment is taken, in an understandable and uniform format and, to the extent feasible, in a language that the parents can understand.

**A-14 PUBLICLY DISSEMINATE ANNUAL LEA AND SCHOOL REPORT CARDS**

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

**A-15 COORDINATE WITH OTHER EDUCATIONAL SERVICES**

Coordinate and integrate services provided under this Part with other educational services at the LEA or individual school level, such as services for English Learners, children with disabilities, migratory children, American Indian, Alaska Native, and the Native Hawaiian children, and homeless children and youths, in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program.

In compliance with *Section 1112*, coordinate and integrate services with other programs under this Act (including Title I, Part C, Title II, Title III, etc.), the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973, the Carl D. Perkins Career and Technical Education Act of 2006, the Workforce Innovation and Opportunity Act, the McKinney-Vento Homeless Assistance Act, the Head Start Act, the Adult Education and Family Literacy Act, and other Acts, as appropriate. Equity of services will be met for disadvantaged students, to include:

- Selecting migratory children who are eligible to receive services on the same basis as other children who are selected to receive services;
- Conducting outreach to identify homeless children and youth and working in consultation with shelters and other community agencies to identify and remove barriers to enrollment;
- Assuring space is available in Title I programs for students in foster care, homeless children and youth, and that homeless students are eligible for Title I services by virtue of their homelessness.
- Complying with the requirements of Immigrant Data Collection Survey located in the NH DOE Education Statistics System on an annual basis to ensure appropriate services are provided to English language learners; and
- If the LEA uses Title I or Title III funds to provide a language instruction educational program as determined under Title III, the LEA must comply and coordinate parent services for English learners as outlined in *Section 1112(3)(A-D)*.

**A-16 ENSURE THE EDUCATIONAL STABILITY OF STUDENTS IN FOSTER CARE**

Enroll foster youth or allow the foster youth to remain in their school of origin, unless a determination is made that it is not in the child's best interest to attend that school. Best interest factors include, but are not limited to, appropriateness of the current educational setting and proximity to the school in which the child is enrolled at the time of placement. *Section 1111(g)(1)(E)(i)*.

Ensure that if a determination is made that it is not in the child's best interest to remain in the school of origin, the child will be immediately enrolled in a new school, even if the child is unable to produce records normally required for enrollment. *Section 1111(g)(1)(E)(ii)*.

LEAs will immediately contact the school of origin to obtain relevant academic and other records. *Section 1111(g)(1)(E)(iii)*.

Develop and implement clear written procedures governing transportation for students in foster care in their school of origin when in their best interest. The procedure will be provided, arranged, and funded for the duration of their time in foster care, and ensure that students promptly receive that transportation. The transportation procedure must describe how this requirement will be met in the event of a dispute regarding which agency or agencies (LEA, multiple LEAs or child welfare agency) will pay any additional costs incurred in providing transportation and must describe which agency or agencies will initially pay the additional costs so that transportation is provided promptly during the pendency of the dispute. *Section 1112(c)(5); 34 Code of Federal Regulations §299.13(c)(1)(ii)*.

Designate a point of contact (POC) if the corresponding child welfare agency notifies the LEA in writing that it has designated an employee to serve as a POC for the LEA. *Section 1111(g)(1)(E)(iv)*.

**A-17 COORDINATION REQUIREMENTS:**

Coordinate activities described under Section 1119 (b) with Head Start agencies and, if feasible, other entities carrying out early childhood development programs. Each LEA shall develop agreements with such Head Start agencies and other entities to carry out such activities, i.e., systematic procedures for receiving records of preschool children, communication, parent and

family engagement, teachers and Head Start to discuss needs of children, joint transition-related training and linking LEA educational services with Head Start agencies. *Section 1119.*

**A-18 EDUCATION FOR HOMELESS CHILDREN AND YOUTHS**

Reserve Title I, Part A funds as necessary to provide comparable services to homeless children and youth that assist them to effectively take advantage of educational opportunities as provided to children in schools funded under Title I, Part A. These comparable services shall be provided to homeless children and youth in public schools, shelters and other locations where children may live (institutions for neglected children and, where appropriate, local institutions such as local community day school programs). This reservation requirement is not formula driven. The method of determination of such funds shall be determined as follows:

- Based on the total allocation received by the LEA; and,
- Prior to any allowable expenditure or transfers by the LEA. *Section 1113(c)(3)(A).*

## **Section B: Assurances for ESEA - Title II, Part A**

*All Sections cited are from the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act through P.L. 114-95, unless otherwise noted.*

**The local education agency (LEA) hereby assures the New Hampshire Department of Education that pursuant to the requirements in ESEA, Title II, Part A the LEA will:**

### **B-1 ENGAGE IN CONSULTATION AND USE DATA**

Use data (*Section 2102(b)(2)(D)*) and ongoing consultation described in *Section 2102(b)(3)* to continually update and improve activities supported under this Part.

### **B-2 TARGET FUNDS TO NEEDIEST SCHOOLS**

Target funds to schools within the jurisdiction of the LEA 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)*

### **B-3 ENSURE PRIVATE SCHOOL PARTICIPATION**

Comply with *Section 8501* regarding equitable participation by 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, in a timely manner, with private school officials during the design and development of their Title II, Part A program. *Section 2102(b)(2)(E)*.

The LEA must consult with each non-public school about the Title II, Part A grant. The LEA must maintain a written record of this consultation in its records and provide a copy to the SEA by emailing [ESAffirmation@doe.nh.gov](mailto:ESAffirmation@doe.nh.gov) and posting the fully executed document on the LEA homepage in the online Grants Management System (GMS).

### **B-4 PROVIDE PROFESSIONAL DEVELOPMENT ACTIVITIES**

Ensure that all professional development activities provided are evidenced-based and intended 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 authorized under this Part with professional development activities provided through other Federal, State, and local programs. *Section 2102(b)(2)(F)*.

### **B-5 SUPPLEMENT, NOT SUPPLANT**

Ensure that Title II, Part A funds shall only be used to supplement, and not supplant, non-federal State and local funds that would otherwise be used for activities authorized under Title II, Part A. *Section 2301*.



## **Section C: Assurances for ESEA - Title III, Part A**

*All Sections cited are from the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act through P.L. 114-95, unless otherwise noted.*

**The local education agency (LEA) hereby assures the New Hampshire Department of Education that pursuant to the requirements in ESEA, Title III, Part A the LEA will:**

### **C-1 CONSULT WITH OTHERS ON PLAN DEVELOPMENT**

Assure consultation has occurred 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 Title III plan. *Section 3116(b)(4)(C).*

### **C-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)(B)* and *(G)*. *Section 3113(b)(3)(A)* and *(B)*.

### **C-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).*

### **C-4 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.*

The LEA must consult with each non-public school about the Title III, Part A grant. The LEA must maintain a written record of the consultation in its records and provide a copy to the SEA by emailing [ESAffirmation@doe.nh.gov](mailto:ESAffirmation@doe.nh.gov) and posting the fully executed document on the LEA homepage in the online Grants Management System (GMS).

### **C-5 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).*

### **C-6 BE IN COMPLIANCE WITH STATE LAWS**

Assure, by signing in this section, that the LEA is not in violation of any State law, including State constitutional law, regarding the education of English learners (EL), consistent with *Sections 3125 and 3126*. *Section 3116(b)(4)(B).*

- C-7 USE TITLE III FUNDS TO ONLY SUPPLEMENT, NOT SUPPLANT, OTHER RESOURCES**  
Use Title III funds in order 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 learner and Immigrant children and youth, and in no way supplant such Federal, State, and local public funds. *Section 3115(g).*
  
- C-8 USE OF FUNDS**  
Use Title III funds to increase the English language proficiency of English learners, provide effective professional development, and implement effective parent, family, and community engagement activities and strategies that enhance or supplement language instruction educational programs for ELs. *Section 3115(c).*
  
- C-9 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)*
  
- C-10 COMPLY WITH PARENT REQUESTS FOR INFORMATION ABOUT STAFF EDUCATING THEIR CHILDREN**  
Ensure that each LEA that is included in the eligible entity is complying with Section 1112(e) prior to, and throughout, each school year. *Section 3116(b)(4)(A).*
  
- C-11 COORDINATE WITH HEAD START AND EARLY HEAD START**  
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).*
  
- C-12 USE OF IMMIGRANT SET-ASIDE FUNDS**  
Understand that by accepting Title III Immigrant Set-Aside funds, if applicable, to use these funds to support activities that provide enhanced instructional opportunities for immigrant children and youth and agree to comply with all associated program requirements. *Section 3115(e).*
  
- C-13 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*. ESSA, Title III, *Section 3121(a).*

<b>Title III</b>	
<b>LEA CERTIFICATION ON TEACHERS' FLUENCY IN ENGLISH</b>	
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. <i>Section 3116(c).</i>	
<b>Signature of the Superintendent / Charter School Administrator</b>	<b>Date</b>

## **Section D: Assurances for ESEA - Title IV, Part A**

*All Sections cited are from the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act through P.L. 114-95, unless otherwise noted.*

**The local education agency (LEA) hereby assures the New Hampshire Department of Education that pursuant to the requirements in ESEA, Title IV, Part A the LEA will:**

### **D-1 UNDERSTAND THE PURPOSE OF THE TITLE IV, PART A PROGRAM [ESSA SECTION 4101]**

The purpose of the Title IV-A Program is to improve students' academic achievement by increasing the capacity of the LEA schools, and local communities to:

- (1) provide all students with access to a well-rounded education;
- (2) improve school conditions for student learning; and
- (3) improve the use of technology in order to improve the academic achievement and digital literacy of all students.

### **D-2 PRIORITIZE THE DISTRIBUTION OF FUNDS TO MOST IN NEED SCHOOLS OR STUDENT POPULATIONS [ESSA SECTION 4106 (e)(2)(A)]**

The LEA, or consortium of LEAs, shall assure they prioritize the distribution of Title IV, Part A funds to schools that:

- (a) are among the schools with the greatest need (as determined by the LEA);
- (b) have the highest percentages of low-income students;
- (c) are identified for comprehensive support and improvement;
- (d) have consistently underperforming subgroups;
- (e) are identified as a persistently dangerous public elementary school or secondary school under Section 8532.

### **D-3 DEVELOP AN APPLICATION THROUGH CONSULTATION WITH A TITLE IV-A STAKEHOLDER TEAM [ESSA SECTION 4106 (c)]**

An LEA, or consortium of LEAs, shall develop its application through consultation with a Title IV-A Stakeholder Team that includes representatives from a variety of stakeholder groups. The Stakeholder Team should include, but not be limited to, parents, teachers, principals, other school leaders, specialized instructional support personnel, students, community-based organizations, local government representatives, private school leaders who participate in equitable services, other school leaders, and others with relevant and demonstrated expertise in programs and activities designed to meet the purpose of Title IV-A.

### **D-4 PRIORITIZE ACTIVITIES IN THE APPLICATION ON NEED AND CONDUCT A COMPREHENSIVE NEEDS ASSESSMENT, IF NECESSARY [ESSA SECTION 4106 (d)]**

The Stakeholder Team of an LEA, or consortium of LEAs, shall prioritize the needs based on an assessment of for improvement of—

- (a) access to, and opportunities for, a well-rounded education for all students;
- (b) school conditions for student learning in order to create a healthy and safe school environment; and
- (c) access to personalized learning experiences supported by technology and professional development for the effective use of data and technology.

**Exception:** A local educational agency receiving an allocation under section 4105(a) in amount that is less than \$30,000 shall not be required to conduct a comprehensive needs assessment.

**Frequency of Needs Assessment:** Each LEA, or consortium of LEAs, shall conduct a needs assessment described above at least once every 3 years.

**D-5 PROVIDE EQUITABLE SERVICES FOR ELIGIBLE STUDENTS IN PRIVATE SCHOOLS [ESSA SECTION 4106 (e)(2)(B)]**

The LEA will provide, after timely, meaningful, and continued consultation with private, nonprofit (ESSA Section 8101) school officials, equitable services to eligible students attending private, nonprofit elementary and secondary schools in accordance with Section 8501.

The LEA must consult with each non-public school about the Title IV, Part A grant, and include representation on their Stakeholder Team. The LEA must maintain a written records of consultation and participation in its records and provide a copy of the initial consultation to the SEA by emailing [ESAffirmation@doe.nh.gov](mailto:ESAffirmation@doe.nh.gov) and posting the fully executed document on the LEA homepage in the online Grants Management System (GMS).

**D-6 USE TITLE IV, PART A FUNDS FOR STUDENT SUPPORT AND ACADEMIC ENRICHMENT [ESSA SECTION 4106 (e)(2)]**

The LEA will assure that one of these conditions shall apply:

(1) If the LEA, or consortium of LEAs, receives a Title IV-A allocation in an amount less than \$30,000, shall be required to develop activities that support at least one of the three Title IV-A Program areas. [ESSA Section 4106 (f)]

(2) If the LEA, or consortium of LEAs, receives a Title IV-A allocation greater than \$30,000, the LEA shall be required to develop activities that support at least one of the three Title IV-A Program areas, in the following proportion:

- use not less than 20 percent of funds received under Title IV-A to support one or more of the activities authorized under section 4107; activities to support well-rounded educational opportunities. [ESSA Section 4106 (e)(2)(C)]
- use not less than 20 percent of funds received under Title IV-A to support one or more of the activities authorized under section 4108; activities to support safe and healthy students. [ESSA Section 4106 (e)(2)(D)]
- use a portion of funds received under Title IV-A to support one or more activities authorized under section 4109(a), but will not use more than 15% of funds in this program area to purchase technology infrastructure to support the effective use of technology, according to section 4109(b). [ESSA Section 4106 (e)(2)(E)]

**D-7 USE FEDERAL FUNDS ONLY TO SUPPLEMENT, NOT SUPPLANT, OTHER RESOURCES [ESSA SECTION 4110]**

The LEA will use Title IV, Part A funds only to supplement, not supplant, non-Federal funds that would otherwise be used for activities that are authorized under Title IV, Part A, but are either state/locally required or have been previously funded through state or local budgets.

**D-8 ANNUAL REPORTING TO THE STATE [ESSA SECTION 4104]**

The LEA will annually report to the State for inclusion in the report described in Section 4104(a)(2) how funds are being used under Title IV-A, including the degree to which the LEA has made progress toward meeting the objectives and outcomes of their activities as described in 4106(e)(1)(E).

## **Section E: Assurances for ESEA - Title IV, Part B**

*All Sections cited are from the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act through P.L. 114-95, unless otherwise noted.*

**The local education agency (LEA) hereby assures the New Hampshire Department of Education that pursuant to the requirements in ESEA, Title IV, Part B the LEA will:**

**E-1** Operate all Nita M. Lowey 21<sup>st</sup> Century Community Learning Centers (21<sup>st</sup> CCLC) programs in a

manner that will maximize the program's impact on the academic performance of the participating students. Programs will provide a breadth of activities and services that offer opportunities for students to learn new skills, develop creative ways to approach challenges and achieve academic success (ESEA Section 4204(b)(2)(J)).

All academic services will be aligned with the curriculum in the core subject areas of each of the schools attended by the participating students. Lesson and/or unit plans for academic enrichment activities will be required. Each student in the program must be offered the full breadth of programming each week (ESEA Section 4204(b)(2)(B), ESEA Section 4205(a) and ESEA Section 4204(a)(2)).

Services and benefits provided must be secular, neutral and non-ideological. No funds provided pursuant to this program shall be expended to support religious practices, such as religious instruction, worship or prayer. Faith-based organizations (FBOs) may offer such practices, but not as part of the program receiving federal assistance and FBOs should comply with generally applicable cost accounting requirements to ensure that funds are not used to support these activities. (2 CFR 3474.15).

**E-2** Implement activities based on evidence-based research. The authorizing statute provides measures of effectiveness to guide applicants in successfully identifying and implementing programs and activities that can directly enhance student learning, one of which includes activities based on evidence-based research. The programs or activities must be based in research that shows that the students will meet challenging State academic standards (ESEA Section 4204(b)(2)(E)).

**E-3** Use 21<sup>st</sup> CCLC funds to increase the level of state, local and/or other nonfederal funds that would, in the absence of funds under this part, be made available for programs and activities authorized under this part, and in no case supplant federal, state, local or non-federal funds (ESEA Section 4204(b)(2)(G)). Programs must also coordinate Federal, State, and local programs to make the most effective use of resources (ESEA Section 4204(b)(2)(C)). Programs are prohibited from using 21<sup>st</sup> CCLC funds to pay for existing levels of service; rather, grant funds must supplement, not supplant, existing services. Funds may be used to expand or enhance current activities, or to establish programs in non-participating schools within a local education agency (LEA)/ community-based organization (CBO) that has a 21<sup>st</sup> CCLC grant.

**E-4** Will provide program facility(ies) that are as available and accessible to participants as the students' local school. The facility(ies) has/have sufficient resources to provide all proposed and required activities, such as a computer lab, library, eating facility, safe recreational area and study area. The program will maintain equipment, security, resources and a clear strategy for the safe transportation of students to and from the center and home (ESEA Section 4204(b)(2)(A)(ii)). The program will take place in a safe and easily accessible facility (ESEA Section 4204(b)(2)(A)(i)).

- E-5** Will provide nutritious snacks and/or meals that meet the requirements of the United States Department of Agriculture (USDA) guidelines for afterschool snacks and summer meal supplements. Depending on when the 21<sup>st</sup> CCLC program operates, a supplemental snack and/or meal must be offered to each student, each day. Students shall not be charged for costs associated with supplemental snacks/meals. Documentation of meeting supplemental snack/meal requirements is required and may be subject to monitoring. (7 CFR 210.10 and 7 CFR 210.9(c)(1-8)).
- E-6** Offer children with special needs the same opportunities as children in the general population in accordance with state and federal laws. Students with special needs include those who may be identified as English language learners (ELLs); homeless; migrant; or with physical, developmental, psychological, sensory or learning disabilities that result in significant difficulties in communication, self-care, attention or behavior, and are in need of more structured, intense supervision. Children with special needs shall not be excluded from the 21<sup>st</sup> CCLC program, regardless of the level or severity of need, provided that they can be safely accommodated. Description of services to students with special needs shall be documented and may be subject to monitoring (GEPA 427 General Educational Provisions Act).
- E-7** In accordance with ESEA SEC 4201(a)(3), 21<sup>st</sup> CCLC programs are required to offer families of students served by community learning centers opportunities for active and meaningful engagement in their children's education, including opportunities for literacy and related educational development. For purposes of this program, the term family includes parents, caregivers, guardians or others such as grandparents, who act in the stead of parents. A minimum of three (3) meaningful family engagement activities will occur throughout the year. Programming will be designed to provide adult family members with the tools necessary to support their student's academic achievement goals.
- E-8** Have a professional development plan that is responsive to the needs of its staff and identifies the professional development activities for staff delivering program activities. Conferences and trainings will be linked to the 21<sup>st</sup> CCLC funding purpose. 21<sup>st</sup> CCLC orientation/professional development and evidence of staff training shall be documented, uploaded to Cayen systems and may be subject to monitoring (ESEA Section 4203(a)(6)). In accordance with ESEA Section 4204(b)(2)(M), if the program plans to use volunteers in activities carried out through the community learning center, a description is needed of how the eligible entity will encourage and use appropriately qualified persons to serve as the volunteers.
- E-9** Have partners to help coordinate the use of resources and implement components of programming that are not paid for with 21<sup>st</sup> CCLC funds. Partnerships through public and private community agencies will be developed to help carry out the activities identified in the needs assessment and in the development of a well-rounded community learning center that offers diversity in programming. In accordance with ESEA Section 4204(b)(2)(H) a description of the partnership between a local educational agency, a community-based organization, and another public entity or private entity needs to be established prior to entering into a relationship with any entity. Funded 21<sup>st</sup> CCLC programs will complete a memorandum of understanding (MOU) as a formal agreement between all relationships with a partner/contractor, as described in 2 CFR Part 200.331 and maintain documentation to support that the partnership is completed prior to engaging the outside entity.
- E-10** According to ESEA, Section 4204(b)(2)(D), the 21<sup>st</sup> CCLC program will document that it was developed and implemented in active collaboration with the school district attended by the participating students. Adequate communication between the 21<sup>st</sup> CCLC program staff and the

students' regular school day teachers, school administrators and family members is critical to ensure student needs are addressed in the 21<sup>st</sup> CCLC program. **The agency has a written MOU with the school district stating how pertinent student data will be shared from the school district to the 21<sup>st</sup> CCLC program and how these groups will share information about the needs and performance of 21<sup>st</sup> CCLC students.** The written MOU will also include how the regular school lessons will be identified and reinforced during the 21<sup>st</sup> CCLC program.

- E-11** In accordance with ESEA Sec. 4204(b)(2)(K), have at least a preliminary plan for how the 21<sup>st</sup> CCLC program will continue after funding ends. Program will plan to sustain their 21<sup>st</sup> CCLC program by building partnerships and collaborating with other school and community agencies to build support for resources needed to sustain the program. Must demonstrate how the proposed program will coordinate federal, state and local programs and make the most effective use of public resources. Establish a written plan to be disseminated through community outreach and engagement strategy that communicates the benefits of the program and persuades community leaders and entities to provide in-kind and/or financial support to sustain and expand access to community learning centers to low-income students (ESEA Section 4204 (b)(2)(C)).
- E-12** Establish a local 21<sup>st</sup> CCLC Advisory Board comprised of students, teachers, parents and members of community agencies and businesses. The agency will collect and maintain documentation of board meetings, such as minutes and attendance lists. The Advisory Board will consider such topics as program needs and concerns, operations and sustainability. The Advisory Board will include **at least one parent and one student (if the program is serving middle or high school students) and take place a minimum of three (3) times per school year.** Documentation supporting 21<sup>st</sup> CCLC advisory board meetings are required to be uploaded to Cayen systems and may be subject to monitoring.
- E-13** Manage property acquired (e.g., computers, classroom desks, tables) under the 21<sup>st</sup> CCLC program in accordance with Federal regulations. Equipment and supplies will remain within the appropriate facility for continued use in the 21<sup>st</sup> CCLC program after the funding period has expired. If the 21<sup>st</sup> CCLC program at the facility(ies) is not maintained after federal funding expires, all equipment and supplies will be used and/or distributed in accordance 2 CFR 200.313 and 2 CFR 200.314.
- E-14** Fully cooperate with all monitoring, auditing, evaluation and reporting requirements established by the NHED and/or authorized representatives. The subrecipient agrees to participate in all statewide evaluation activities (e.g., cooperate with site visits, cooperate with the quality improvement evaluation process, responding to data requests, submitting accurate and on time data). The subrecipient will submit all required data and reports, as required and/or requested, to the NHED and the US Department of Education (USED) (ESEA Section 4203(A)(14)).
- E-15** Ensure that all procedures and regulations for health, fire, safety, pick-ups, parental/guardian consents, transportation, field trips, food, medical and other emergency procedures, etc. will be clearly listed and widely disseminated, and that they will conform to applicable local and state practices/standards (ESEA Section 4204(b)(2)(iii)).
- E-16** Provide a timely and meaningful consultation with private school officials, providing equitable services to eligible students attending private elementary and secondary schools. The subrecipient must consult with each non-public school about the 21<sup>st</sup> CCLC grant. Consultation to private schools must be completed on an annual basis with the required Equitable Services Affirmation document by emailing [ESAffirmation@doe.nh.gov](mailto:ESAffirmation@doe.nh.gov) and posting the fully executed document on the LEA homepage in the online Grants Management System (GMS) by June 30<sup>th</sup> prior to the start of each fiscal year, throughout the five (5) year grant cycle, in order for the grant to be approved to expend funds in the upcoming fiscal year. The applicant shall give the appropriate

representatives a genuine opportunity to express their views regarding each matter subject to the consultation requirements in this section. (Title IX, Part E Uniform Provisions, Subpart 1, Section 9501).

- E-17** The 21<sup>st</sup> CCLC program will target students who primarily attend schools with eligible programs under ESEA Section 1114, 1111, 1115 and 1113 and the families of such students (ESEA Section. 4204(b)(2)(F), ESEA Section. 4203(a)(3) and ESEA Section 4204(i)(1)(A)(i)).
- E-18** Agree that the NHED 21<sup>st</sup> CCLC Program Office shall periodically review the progress made on the activities and deliverables listed. If the subrecipient fails to meet and comply with the activities/deliverables (example: daily attendance numbers, amount of days and time of operation, required reporting, required submission of information, proposed activities and/or proposed goals/objectives) or to make appropriate progress on the activities and/or towards the development of the program, and they are not resolved within four (4) weeks of notification, the 21<sup>st</sup> CCLC Program Office will (1) approve a reduced payment, (2) request the applicant redo the work and/or (3) terminate the project (2 CFR 200.339).



## **Section F: Assurances for ESEA - Title V, Part B, Subpart 2**

*All Sections cited are from the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act through P.L. 114-95, unless otherwise noted.*

**The local education agency (LEA) hereby assures the New Hampshire Department of Education that pursuant to the requirements in ESEA, Title V, Part A, Subpart 2 the LEA will:**

### **F-1 USE FEDERAL FUNDS FOR AUTHORIZED ACTIVITIES**

Use Title V, Part A, Subpart 2 funds only for the following:

- (1) Activities authorized under part A of title I.
- (2) Activities authorized under part A of title II.
- (3) Activities authorized under title III.
- (4) Activities authorized under part A of title IV.
- (5) Parental involvement activities. *Section 5222.*

### **F-2 USE FEDERAL FUNDS ONLY TO SUPPLEMENT, NOT SUPPLANT, OTHER RESOURCES**

Use Title V, Part A, Subpart 2 funds only to supplement, not supplant, non-Federal funds that would otherwise be used for Title V, Part A, Subpart 2 activities. *Section 5232.*

## **SECTION G: ASSURANCES FOR IDEA, Part B**

*All Sections cited are from the Individuals with Disabilities Education Act as amended by P.L. 108-446, and the IDEA Regulations (34 CFR §300.201 through §300.213) unless otherwise noted.*

**The local education agency (LEA) hereby assures the New Hampshire Department of Education that pursuant to the requirements in IDEA, Part B the LEA will:**

**G-1. Assure that the LEA meets each of the conditions in 34 CFR §300.201 through §300.213, including:**

### **§300.201 Consistency with State policies.**

The LEA, in providing for the education of children with disabilities within its jurisdiction, must have in effect policies, procedures, and programs that are consistent with the State policies and procedures established under Sec. Sec. 300.101 through 300.163, and Sec. Sec. 300.165 through 300.174. (*Authority: 20 U.S.C. 1413(a)(1)*)

### **§300.202 Use of amounts.**

**(a) General.** Amounts provided to the LEA under Part B of the Act--

- (1)** Must be expended in accordance with the applicable provisions of this part;
- (2)** Must be used only to pay the excess costs of providing special education and related services to children with disabilities, consistent with paragraph (b) of this section; and
- (3)** Must be used to supplement State, local, and other Federal funds and not to supplant those funds.

**(b) Excess cost requirement.**

**(1) General.**

**(i)** The excess cost requirement prevents an LEA from using funds provided under Part B of the Act to pay for all of the costs directly attributable to the education of a child with a disability, subject to paragraph (b)(1)(ii) of this section.

**(ii)** The excess cost requirement does not prevent an LEA from using Part B funds to pay for all of the costs directly attributable to the education of a child with a disability in any of the ages 3, 4, 5, 18, 19, 20, or 21, if no local or State funds are available for nondisabled children of these ages. However, the LEA must comply with the non-supplanting and other requirements of this part in providing the education and services for these children.

**(2) (i)** An LEA meets the excess cost requirement if it has spent at least a minimum average amount for the education of its children with disabilities before funds under Part B of the Act are used.

**(ii)** The amount described in paragraph (b)(2)(i) of this section is determined in accordance with the definition of excess costs in Sec. 300.16. That amount may not include capital outlay or debt service.

**(3)** If two or more LEAs jointly establish eligibility in accordance with Sec. 300.223, the minimum average amount is the average of the combined minimum average amounts determined in accordance with the definition of excess costs in Sec. 300.16 in those agencies for elementary or secondary school students, as the case may be. (*Authority: 20 U.S.C. 1413(a)(2)(A)*)

### **§300.203 Maintenance of effort.**

**(a) Eligibility standard.** (1) For purposes of establishing the LEA's eligibility for an award for a fiscal year, the SEA must determine that the LEA budgets, for the education of children with disabilities, at least the same amount, from at least one of the following sources, as the LEA spent for that purpose from the same source for the most recent fiscal year for which information is available:

- (i)** Local funds only;

- (ii) The combination of State and local funds;
  - (iii) Local funds only on a per capita basis; or
  - (iv) The combination of State and local funds on a per capita basis.
- (2) When determining the amount of funds that the LEA must budget to meet the requirement in paragraph (a)(1) of this section, the LEA may take into consideration, to the extent the information is available, the exceptions and adjustment provided in §§ 300.204 and 300.205 that the LEA:
- (i) Took in the intervening year or years between the most recent fiscal year for which information is available and the fiscal year for which the LEA is budgeting; and
  - (ii) Reasonably expects to take in the fiscal year for which the LEA is budgeting.
- (3) Expenditures made from funds provided by the Federal government for which the SEA is required to account to the Federal government or for which the LEA is required to account to the Federal government directly or through the SEA may not be considered in determining whether an LEA meets the standard in paragraph (a)(1) of this section.
- (b) *Compliance standard.* (1) Except as provided in §§ 300.204 and 300.205, funds provided to an LEA under Part B of the Act must not be used to reduce the level of expenditures for the education of children with disabilities made by the LEA from local funds below the level of those expenditures for the preceding fiscal year.
- (2) An LEA meets this standard if it does not reduce the level of expenditures for the education of children with disabilities made by the LEA from at least one of the following sources below the level of those expenditures from the same source for the preceding fiscal year, except as provided in §§ 300.204 and 300.205:
- (i) Local funds only;
  - (ii) The combination of State and local funds;
  - (iii) Local funds only on a per capita basis; or
  - (iv) The combination of State and local funds on a per capita basis.
- (3) Expenditures made from funds provided by the Federal government for which the SEA is required to account to the Federal government or for which the LEA is required to account to the Federal government directly or through the SEA may not be considered in determining whether an LEA meets the standard in paragraphs (b)(1) and (2) of this section.
- (c) *Subsequent years.* (1) If, in the fiscal year beginning on July 1, 2013 or July 1, 2014, an LEA fails to meet the requirements of § 300.203 in effect at that time, the level of expenditures required of the LEA for the fiscal year subsequent to the year of the failure is the amount that would have been required in the absence of that failure, not the LEA's reduced level of expenditures.
- (2) If, in any fiscal year beginning on or after July 1, 2015, an LEA fails to meet the requirement of paragraph (b)(2)(i) or (iii) of this section and the LEA is relying on local funds only, or local funds only on a per capita basis, to meet the requirements of paragraph (a) or (b) of this section, the level of expenditures required of the LEA for the fiscal year subsequent to the year of the failure is the amount that would have been required under paragraph (b)(2)(i) or (iii) in the absence of that failure, not the LEA's reduced level of expenditures.
- (3) If, in any fiscal year beginning on or after July 1, 2015, an LEA fails to meet the requirement of paragraph (b)(2)(ii) or (iv) of this section and the LEA is relying on the combination of State and local funds, or the combination of State and local funds on a per capita basis, to meet the requirements of paragraph (a) or (b) of this section, the level of expenditures required of the LEA for the fiscal year subsequent to the year of the failure is the amount that would have been required under paragraph (b)(2)(ii) or (iv) in the absence of that failure, not the LEA's reduced level of expenditures.
- (d) *Consequence of failure to maintain effort.* If an LEA fails to maintain its level of expenditures for the education of children with disabilities in accordance with paragraph (b) of this section, the SEA is liable in a recovery action under section 452 of the General Education Provisions Act (20 U.S.C. 1234a) to return to the Department, using non-Federal funds, an amount equal to the

amount by which the LEA failed to maintain its level of expenditures in accordance with paragraph (b) of this section in that fiscal year, or the amount of the LEA's Part B subgrant in that fiscal year, whichever is lower. (Approved by the Office of Management and Budget under control number 1820-0600) (*Authority: 20 U.S.C. 1413(a)(2)(A), Pub. L. 113-76, 128 Stat. 5, 394 (2014), Pub. L. 113-235, 128 Stat. 2130, 2499 (2014)*)

**§ 300.204 Exception to maintenance of effort.**

Notwithstanding the restriction in Sec. 300.203(a), an LEA may reduce the level of expenditures by the LEA under Part B of the Act below the level of those expenditures for the preceding fiscal year if the reduction is attributable to any of the following:

- (a) The voluntary departure, by retirement or otherwise, or departure for just cause, of special education or related services personnel.
- (b) A decrease in the enrollment of children with disabilities.
- (c) The termination of the obligation of the agency, consistent with this part, to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by the SEA, because the child--
  - (1) Has left the jurisdiction of the agency;
  - (2) Has reached the age at which the obligation of the agency to provide FAPE to the child has terminated; or
  - (3) No longer needs the program of special education.
- (d) The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities.
- (e) The assumption of cost by the high cost fund operated by the SEA under Sec. 300.704(c).  
(*Authority: 20 U.S.C. 1413(a)(2)(B)*)

**§300.205 Adjustment to local fiscal efforts in certain fiscal years.**

- (a) Amounts in excess. Notwithstanding Sec. 300.202(a)(2) and (b) and Sec. 300.203(a), and except as provided in paragraph (d) of this section and Sec. 300.230(e)(2), for any fiscal year for which the allocation received by an LEA under Sec. 300.705 exceeds the amount the LEA received for the previous fiscal year, the LEA may reduce the level of expenditures otherwise required by Sec. 300.203(a) by not more than 50 percent of the amount of that excess.
- (b) Use of amounts to carry out activities under ESEA as amended by ESEA. If an LEA exercises the authority under paragraph (a) of this section, the LEA must use an amount of local funds equal to the reduction in expenditures under paragraph (a) of this section to carry out activities that could be supported with funds under the ESEA as amended by ESEA regardless of whether the LEA is using funds under the ESEA as amended by ESSA for those activities.
- (c) State prohibition. Notwithstanding paragraph (a) of this section, if an SEA determines that an LEA is unable to establish and maintain programs of FAPE that meet the requirements of section 613(a) of the Act and this part or the SEA has taken action against the LEA under section 616 of the Act and subpart F of these regulations, the SEA must prohibit the LEA from reducing the level of expenditures under paragraph (a) of this section for that fiscal year.
- (d) Special rule. The amount of funds expended by an LEA for early intervening services under Sec. 300.226 shall count toward the maximum amount of expenditures that the LEA may reduce under paragraph (a) of this section. (*Authority: 20 U.S.C. 1413(a)(2)(C)*)

**§300.206 Schoolwide programs under Title I of the ESEA as amended by ESSA.**

- (a) General. Notwithstanding the provisions of Sec. Sec. 300.202 and 300.203 or any other provision of Part B of the Act, an LEA may use funds received under Part B of the Act for any fiscal year to carry out a schoolwide program under section 1114 of the ESEA as amended by ESSA, except that the amount used in any schoolwide program may not exceed--
  - (1) (i) The amount received by the LEA under Part B of the Act for that fiscal year; divided by
  - (ii) The number of children with disabilities in the jurisdiction of the LEA; and multiplied by

- (2) The number of children with disabilities participating in the schoolwide program.
- (b) Funding conditions. The funds described in paragraph (a) of this section are subject to the following conditions:
- (1) The funds must be considered as Federal Part B funds for purposes of the calculations required by Sec. 300.202(a)(2) and (a)(3).
- (2) The funds may be used without regard to the requirements of Sec. 300.202(a)(1).
- (c) Meeting other Part B requirements. Except as provided in paragraph (b) of this section, all other requirements of Part B of the Act must be met by an LEA using Part B funds in accordance with paragraph (a) of this section, including ensuring that children with disabilities in schoolwide program schools--
- (1) Receive services in accordance with a properly developed IEP; and
- (2) Are afforded all of the rights and services guaranteed to children with disabilities under the Act. (*Authority: 20 U.S.C. 1413(a)(2)(D)*)

### **§300.207 Personnel development.**

The LEA must ensure that all personnel necessary to carry out Part B of the Act are appropriately and adequately prepared, subject to the requirements of Sec. 300.156 (related to personnel qualifications) and section 2122 of the ESEA as amended by ESSA. (*Authority: 20 U.S.C. 1413(a)(3)*)

### **§300.208 Permissive use of funds.**

- (a) Uses. Notwithstanding Sec. Sec. 300.202, 300.203(a), and 300.162(b), funds provided to an LEA under Part B of the Act may be used for the following activities:
- (1) Services and aids that also benefit nondisabled children. For the costs of special education and related services, and supplementary aids and services, provided in a regular class or other education-related setting to a child with a disability in accordance with the IEP of the child, even if one or more nondisabled children benefit from these services.
- (2) Early intervening services. To develop and implement coordinated, early intervening educational services in accordance with Sec. 300.226.
- (3) High cost special education and related services. To establish and implement cost or risk sharing funds, consortia, or cooperatives for the LEA itself, or for LEAs working in a consortium of which the LEA is a part, to pay for high cost special education and related services.
- (b) Administrative case management. An LEA may use funds received under Part B of the Act to purchase appropriate technology for recordkeeping, data collection, and related case management activities of teachers and related services personnel providing services described in the IEP of children with disabilities, that is needed for the implementation of those case management activities. (*Authority: 20 U.S.C. 1413(a)(4)*)

### **§300.209 Treatment of charter schools and their students.**

- (a) Rights of children with disabilities. Children with disabilities who attend public charter schools and their parents retain all rights under this part.
- (b) Charter schools that are public schools of the LEA.
- (1) In carrying out Part B of the Act and these regulations with respect to charter schools that are public schools of the LEA, the LEA must--
- (i) Serve children with disabilities attending those charter schools in the same manner as the LEA serves children with disabilities in its other schools, including providing supplementary and related services on site at the charter school to the same extent to which the LEA has a policy or practice of providing such services on the site to its other public schools; and
- (ii) Provide funds under Part B of the Act to those charter schools--
- (A) On the same basis as the LEA provides funds to the LEA's other public schools, including proportional distribution based on relative enrollment of children with disabilities; and

(B) At the same time as the LEA distributes other Federal funds to the LEA's other public schools, consistent with the State's charter school law.

(2) If the public charter school is a school of an LEA that receives funding under Sec. 300.705 and includes other public schools--

(i) The LEA is responsible for ensuring that the requirements of this part are met, unless State law assigns that responsibility to some other entity; and

(ii) The LEA must meet the requirements of paragraph (b)(1) of this section. (*Authority: 20 U.S.C. 1413(a)(5)*)

#### **§300.210 Purchase of instructional materials.**

(a) General. Not later than December 3, 2006, an LEA that chooses to coordinate with the National Instructional Materials Access Center (NIMAC), when purchasing print instructional materials, must acquire those instructional materials in the same manner, and subject to the same conditions as an SEA under Sec. 300.172.

(b) Rights of LEA.

(1) Nothing in this section shall be construed to require an LEA to coordinate with the NIMAC.

(2) If an LEA chooses not to coordinate with the NIMAC, the LEA must provide an assurance to the SEA that the LEA will provide instructional materials to blind persons or other persons with print disabilities in a timely manner.

(3) Nothing in this section relieves an LEA of its responsibility to ensure that children with disabilities who need instructional materials in accessible formats but are not included under the definition of blind or other persons with print disabilities in Sec. 300.172(e)(1)(i) or who need materials that cannot be produced from NIMAS files, receive those instructional materials in a timely manner. (*Authority: 20 U.S.C. 1413(a)(6)*)

#### **§300.211 Information for SEA.**

The LEA must provide the SEA with information necessary to enable the SEA to carry out its duties under Part B of the Act, including, with respect to Sec. Sec. 300.157 and 300.160, information relating to the performance of children with disabilities participating in programs carried out under Part B of the Act. (*Authority: 20 U.S.C. 1413(a)(7)*)

#### **§300.212 Public information.**

The LEA must make available to parents of children with disabilities and to the general public all documents relating to the eligibility of the agency under Part B of the Act. (*Authority: 20 U.S.C. 1413(a)(8)*)

#### **§300.213 Records regarding migratory children with disabilities.**

The LEA must cooperate in the Secretary's efforts under section 1308 of the ESEA as amended by ESSA to ensure the linkage of records pertaining to migratory children with disabilities for the purpose of electronically exchanging, among the States, health and educational information regarding those children. (*Authority: 20 U.S.C. 1413(a)(9)*)

### **G-2 PRIVATE SCHOOL PARTICIPATION**

Provide for services on behalf of students with disabilities enrolled in private schools as required by IDEA. (*Authority: 20 U.S.C. 1412(a)(10)*).

### **G-3. 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 regulations. (*Authority: 20 U.S.C. 1414(d); NH PART Ed1109*).

## **Section H: Assurances for the Strengthening Career and Technical Education for 21<sup>st</sup> Century Act (Perkins V).**

*All Sections cited are from the Carl D. Perkins Career and Technical Education Act of 2006, as amended by the Strengthening Career and Technical Education for the 21<sup>st</sup> Century Act P.L. 115-224, unless otherwise noted.*

**The local education agency (LEA) hereby assures the New Hampshire Department of Education that pursuant to the requirements in the Strengthening Career and Technical Education for 21st Century Act, the LEA will:**

- H-1 Administer each program, service or activity covered by the LEA local application in accordance with all applicable statutes and regulations governing the Strengthening Career and Technical Education for 21<sup>st</sup> Century Act and in accordance with *Section 135 Local Uses of Funds*.
- H-2 Be in compliance with *Executive Order 12246; Title VI of the Civil rights Act of 1964, as amended; Title IX Regulations; Section 504 of the Rehabilitation Act of 1973, as amended; Individuals with Disabilities Education Act* and any other federal or state laws, regulations and policies which apply to the operation of the programs.
- H-3 Comply with the requirement of the Act and the provisions of the State plan, including the provision of a financial audit of funds received under the Act which may be included as part of an audit of other Federal or State programs. (*Section 122(d)(13)(A)*).
- H-4 Not to expend funds under the Act to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any employee of the acquiring entity, or any organization affiliated with such an employee. (*Section 122 (d)(13)(B)*).
- H-5 Comply with all reporting requirements in a timely manner and ensure that the information reported is valid, reliable, and accurate.
- H-6 Not discriminate on the basis of sex, race, color, national origin or handicap in the educational programs, services or activities being provided. (*Section 122(b)(9)(B)*).

**By signing this document, I attest I have read and understand the obligations of all the assurance statements above (Section A through H) and will ensure that the LEA complies with the assurances for the federal program(s) in which the LEA is accepting federal funds for the 2023-2024 SY. I further attest that I have provided a copy of all the assurances for the program the LEA will participate in to the LEA School Board and have consulted with them, including explaining the obligations of the LEA under these assurances. I will ensure that the LEA will email [ESEAAssurances@doe.nh.gov](mailto:ESEAAssurances@doe.nh.gov) and electronically attach this signed document in the online Grants Management System LEA homepage and a copy will be kept on file at the LEA.**

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Superintendent/Charter School Administrator Signature

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Date

**General Education Provisions Act (GEPA)  
Section 427 and 442 Requirements**

*Please compose answers carefully and completely. Use additional pages as needed.*

**Contact information for the person responsible for fulfilling GEPA requirements:**

Name/Title: \_\_\_\_\_

Phone Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

\_\_\_\_\_  
Superintendent/Charter School Administrator Signature

\_\_\_\_\_  
Date

**GEPA 427 General Educational Provisions Act Requirement**

1. Section 427 of GEPA (20 U.S.C. 1228a), requires subrecipients to provide a description of the steps it proposes to take to permit students, teachers, and other program beneficiaries to overcome barriers (including barriers based on gender, race, color, national origin, disability, and age) that impede equal access to, or participation in, the program.

DESCRIPTION: \_\_\_\_\_

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**GEPA 442 General Educational Provision Act Requirements**

1. Section 442 of GEPA requires subrecipients to provide opportunities for the participation in, planning for, and operation of each program supported by ESEA and IDEA funds, by teachers, parents, and other interested agencies, organizations, and individuals.

**Please describe how such participation opportunities will be provided.**

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2. Section 442 of GEPA requires subrecipients applications, evaluations, plans, or reports related to each program will be made available to parents and the public.

**Please describe how such information will be made available to parents and the public.**

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