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# FEDERAL GRANT COMPLIANCE Info Sheet

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## **General Education Provisions Act Statement**

As a pass-through entity for Federal Education funds, the New Hampshire Department of Education (NHDOE) has prepared this **General Education Provisions Act Statement Info Sheet** to assist Local Education Agencies (LEAs) that apply for Federal grants that are subject to the requirements of the General Education Provisions Act (GEPA) Section 427 in meeting their compliance requirements. Federal education grants provided under the United States Department of Education are subject to the requirements of GEPA Section 427.

### **Background and Requirement**

Section 427 of the GEPA requires each applicant for funds (other than an individual person) to include in its application a description of the steps the applicant proposes to take in order to ensure equitable access to, and participation in, its Federally-assisted programs for students, teachers, and other program beneficiaries with special needs. LEAs or other eligible applicants that apply for Federal funding must provide this description in their application. The NHDOE is responsible for ensuring that the LEA or other local entity has submitted a sufficient Section 427 statement.

### **Developing a Response**

GEPA allows applicants discretion in developing and describing the activities that are occurring to meet this requirement. The statute highlights six types of barriers that may impede equitable access or participation: gender, race, national origin, color, disability, or age. Based on local circumstances, LEAs should determine whether these or other barriers may prevent your students, teachers, etc. from such access or participation in the Federally-funded project or activity.

The LEA may use information they have obtained through a comprehensive needs assessment process, strategic planning exercise or other applicable resources to develop their statement in response to the GEPA requirement. Examples of this approach are illustrated below.

- The LEA or school may have identified a lack of cultural competency in instruction, specifically in regard to the social, emotional, and academic success of its English learners, as a root cause of low student achievement. If the LEA then utilizes their Federal funds to provide professional development opportunities for teachers by addressing culturally responsive instructional

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practices, a description of how this activity will be implemented would address a barrier to equitable participation based on national origin, thereby satisfying the GEPA requirement.

- The LEA or school may identify the disproportionate use of exclusionary discipline practices (removing or excluding students from the classroom), specifically in regard to black, Hispanic, or Native American students, as a root cause of low student achievement. If the LEA then utilizes their Federal funds to reduce the use of discipline practices that remove students from the classroom, a description of how this activity will be implemented would address a barrier to equitable participation for students of color, thereby satisfying the GEPA requirement.
- The LEA or school may identify a lack of student participation in advanced placement STEM courses, specifically in regard to female students, as a root cause of low student achievement. If the LEA is then utilizing their Federal funds to increase outreach efforts to female students to encourage enrollment and participation in advanced placement STEM courses, a description of how this activity will be implemented would address a barrier to equitable participation for students based on gender, thereby satisfying the GEPA requirement.

## **Frequently Asked Questions**

**Question. What are the possible barriers to participation?**

Answer. The possible barriers that may impede equitable access to federally funded programs include gender, race, national origin, color, disability, age, or others as identified by the applicant.

**Question. Do I have to submit a GEPA statement for every barrier listed?**

Answer. No. The applicant may submit multiple GEPA statements, if applicable and appropriate, however the requirement is that the applicant submits at least one statement.

**Question. By identifying a barrier to participation, am I admitting in writing that the district is discriminating against students or staff?**

Answer. Generally, no. Barriers are not the same as overt discriminatory practices. Civil rights laws prohibit the use of discriminatory practices in federally-funded programs and the applicant's creation and implementation of a non-discrimination policy often addresses such requirements.

While the LEA's statement of non-discrimination is supportive of the intent of the GEPA statement, it does not satisfy the GEPA requirement. Further, it is the presumption of the NHDOE that an applicant is not intentionally implementing discriminatory practices; however, if in the process of assessing potential barriers the applicant identifies such practice, it would be incumbent upon the applicant to address and remedy the practice in a timely manner.

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**Question. How long does the GEPA statement need to be?**

Answer. The description(s) provided in the GEPA Statement need not be lengthy. Applicants may provide a clear and succinct description of how the LEA will address the barriers, as applicable to the LEA's local context, which may impede equitable access or participation in the LEA's Federal programs.

**Question. Can I use one GEPA statement for all applications I submit?**

Answer. It depends. Applicants should submit a GEPA statement that is responsive to how the applicant has identified and mitigated an existing barrier to participation in the activities supported with the federal funds for which the application is being submitted. In the case that the funds for which an applicant is applying (i.e. Consolidated Application, competitive grants, etc.) experience different barriers to participation, the applicant should submit GEPA statements that are responsive to the applicable barriers.

## **Federal Compliance Monitoring**

As part of the NHDOE's annual Federal Compliance Monitoring program, staff from the NHDOE may review an LEA's compliance with the GEPA Statement they provided as part of their Federal grant application. The NHDOE will rely, in part, on the information contained in this guidance document when completing such reviews.

## **Technical Assistance**

Please feel free to contact the Bureau of Federal Compliance staff should you have any questions relative to the contents of this document.

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