

General Assurances for Unified Federal Application

The District/ Charter School hereby assures the Public Education Department that:

Stakeholder Engagement and Program Planning

1. The LEA/Charter School involves all stakeholders in the creation, evaluation, and updating of its plan, including teachers, principals, school governing leaders, school administrators, parents, families, community members, public or private entities, institutions of higher education, and community organizations representing:
 - Native American Students
 - Immigrant students
 - Low-income students
 - English Language Learners/Multilingual Learners (EL/ML)
 - Neglected, delinquent, and at-risk students
 - Children with disabilities
 - Children in foster care
 - Children experiencing homelessness
 - Migratory children

Program Administration and Compliance

2. The LEA/Charter School:
 - Is not in violation of any State law regarding the education of the aforementioned groups
 - Will administer all programs in accordance with applicable federal and state statutes, regulations, program plans, and applications
 - Will maintain control of funds and title to property acquired under each program
 - Will administer the funds and property to the extent required by the authorizing statutes, including any required reservations
 - Will comply with the enforcement of any obligations imposed by law by federal, state, and SEA officials
 - Will correct any deficiencies noted in audits, monitoring, or evaluations
 - Will cooperate with SEA, federal, and state officials in evaluation activities
 - Will comply with all local, state, and federal safety and discipline policies
3. Certifies that no policy of the LEA prevents, or otherwise denies participation in, constitutionally protected prayer in public elementary and secondary schools per ESEA, as amended, section 8524
 - Will ensure that early childhood education services, if provided using funds under Title I-A, comply with the performance standards established under Section 641A(a) of the Head Start Act.
 - Will prioritize the distribution of Title IV-A funds to schools that are among the schools with the greatest needs, have the highest percentages or numbers of children counted under section 1124(c), are identified for comprehensive support and improvement under section 1111(c)(4)(D)(i), are implementing targeted support and improvement plans as described in section 1111(d)(2), are identified as a persistently dangerous public elementary school or secondary school under section 8532.

- Will use Title IV-A funds in accordance with required categories of spending (if applicable), including 20 percent of funds for activities authorized under Sec. 4107, 20 percent of funds for activities authorized under Sec. 4108, and a portion of funds for one or more activities authorized under Sec. 4109(b).
- Will provide services to all Indian students under Title VI-A, if applicable, served by the local educational agency.
- Under Sec. 7002 and 7003, if applicable, is in compliance with Sec. 7004 (relating to children residing on Indian lands).
- Will maintain all required policies and procedures related to the education of students with disabilities that are consistent with State policies and procedures under IDEA Part B regulations at 34 CFR §§ 300.101-163 and 300.165-174.

Fiscal Management

3. The LEA/Charter School:

- Will use federal funds to supplement, not supplant, other federal, nonfederal, state and/or local funds, as applicable, according to each program's specific rules
- Will implement sound fiscal controls and generally accepted accounting procedures
- Will maintain appropriate time and effort documentation
- Will follow federal procurement procedures and conflict of interest policies
- Will comply with cash management requirements
- Will maintain inventory control of federally funded assets
- Will adhere to records retention requirements
- Will comply with single audit requirements
- Will follow approved indirect cost procedures
- Will provide such information as NMPED may determine necessary to evaluate compliance with fiscal requirements.
- Will expend IDEA Part B funds in accordance with IDEA Part B regulations, and only to pay the excess costs of providing special education and related services to children with disabilities, consistent with 34 CFR § 300.202(b).
- Will comply with all maintenance of effort requirements at 34 CFR § 300.203, including by meeting the eligibility standard, the compliance standard, and the subsequent years rule.
- Will not use IDEA Part B funds 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, except as provided in 34 CFR §§ 300.203-205.
- Will ensure any permissive use of IDEA Part B funds complies with 34 CFR § 300.208.

Reporting and Documentation

4. The LEA/Charter School will:

- Submit required reports by prescribed deadlines and including all required information and data.
- Maintain necessary records to carry out program duties
- Certify the accuracy of all reports
- Allow public comment on its plan before submission

- Document meaningful consultation with private schools
- Maintain FERPA compliance and data privacy standards
- Annually report to the State how funds are being used under Title IV-A to meet the required spending categories (if applicable).
- Provide the State with information necessary to enable the State to carry out its duties under IDEA Part B, including, with respect to 34 CFR §§ 300.157 and 300.160, information relating to the performance of children with disabilities participating in programs carried out under Part B.
- Make available to parents of children with disabilities and to the general public all documents relating to the eligibility of the agency under IDEA Part B.
- Cooperate in the Secretary's efforts under section 1308 of the ESEA 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.

Personnel Requirements

5. The LEA/Charter School certifies that:
 - All teachers and paraprofessionals meet state certification and licensure requirements
 - A district-wide salary schedule and staff equivalence policies are in place
 - Professional development is based on identified needs
 - Professional development provided with Title II-A funds is coordinated with professional development activities provided through other federal, state, and local programs.
 - Evaluation and induction programs are funded with local/state funds, not Title II
 - All personnel necessary to carry out Part B of the IDEA are appropriately and adequately prepared, subject to the requirements of 34 CFR § 300.156 (related to personnel qualifications) and section 2102(b) of the ESEA.

Special Populations Services

6. The LEA/Charter School will:
 - Identify and appropriately serve students with disabilities eligible to receive special education and related services pursuant to the IDEA Part B.
 - Comply with McKinney-Vento homeless education requirements
 - Provide equitable services to private school students where applicable, as described below
 - Support transition of justice-involved youth
 - Coordinate services across ESEA, IDEA, and other relevant programs
 - Ensure civil rights compliance for all protected groups
 - Ensure migratory and formerly migratory children eligible to receive services under Title I-A are selected to receive services on the same basis as other children selected to receive services under Title I-A.
 - The LEA will collaborate with the State or local child welfare agency to:
 1. (a) designate a point of contact if the corresponding child welfare agency notifies the LEA, in writing, that the agency has designated an employee to serve as a point of contact for the LEA; and

2. (b) develop and implement clear written procedures governing how transportation will maintain children in foster care in their school of origin, when in their best interest, and will be provided, arranged, and funded for the duration of the time in foster care, which procedures shall:
 3. (i). ensure that children in foster care needing transportation to the school of origin will promptly receive transportation in a cost-effective manner and in accordance with section 475(4)(A) of the Social Security Act (42 U.S.C. 675(4)(A)); and
 4. (ii). ensure that, if there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, the LEA will provide transportation to the school of origin if:
 5. (I). the local child welfare agency agrees to reimburse the LEA for the cost of such transportation;
 6. (II). the LEA agrees to pay for the cost of such transportation; or
 7. (III). the LEA and the local child welfare agency agree to share the cost of such transportation
- To the extent the LEA uses IDEA Part B funds to carry out a schoolwide program under section 1114 of the ESEA, use those funds consistent with 34 CFR § 300.206 and meet all other Part B requirements, including by ensuring those children (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 IDEA-B.
 - In carrying out IDEA Part B with respect to charter schools that are public schools of the LEA:
 1. Serve children with disabilities attending those charter schools in the same manner as the LEA serves children with disabilities in its other schools, including by 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
 2. Provide funds under IDEA-B to those charter schools 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 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.
 3. If the public charter school is a school of an LEA that receives funding under 34 CFR § 300.705 and includes other public schools, ensure that the requirements of IDEA Part B are met, unless State law assigns that responsibility to some other entity.
 - Will choose either 1) to coordinate with the National Instructional Materials Access Center (NIMAC), when purchasing print instructional materials, and will acquire those instructional materials in the same manner, and subject to the same conditions as the SEA under 34 CFR §300.172 and 6.75.4.9 NMAC OR 2) not to coordinate with the NIMAC but assures that it will provide instructional materials to blind persons or other persons with print disabilities in a timely manner. ***This option requires for a plan of action to be uploaded to the LEA's application.***

- Will 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 34 CFR §300.172(e)(1)(i) or who need materials that cannot be produced from NIMAC files, receive those instructional materials in a timely manner.
- The LEA has chosen to coordinate with the National Instructional Materials Access Center (NIMAC), when purchasing print instructional materials, and will acquire those instructional materials in the same manner, and subject to the same conditions as the SEA under 34 CFR §300.172 and 6.75.4.9 NMAC (20 U.S.C. 1413(a)(6); 34 CFR § 300.210). OR The LEA has chosen not to coordinate with the NIMAC but assures that it will provide instructional materials to blind persons or other persons with print disabilities in a timely manner. ***This option requires for a plan of action to be uploaded to the LEA's application.***

Parent and Family Engagement

7. The LEA/Charter School will:
 - Maintain written parent and family engagement policies
 - Inform parents of their rights regarding teacher qualifications
 - Notify parents within 30 days of EL/ML program placement
 - Provide assessment information and opt-out policies
 - Notify parents if teachers don't meet state certification for 4+ weeks
 - Submit parent comments to SEA with plan if parents are dissatisfied
 - Comply with ESEA Sec. 1112(e) prior to, and throughout, each school year as of the date of application

Private School Services

8. The LEA/Charter School:
 - Has conducted timely, meaningful consultations with private schools
 - Will provide equitable services for eligible private school students as determined through consultation
 - Will maintain public control of funds for private school services
 - Ensures services are secular, neutral, and non-ideological
 - Reports consultation outcomes to the private school ombudsman

Assessment and Evaluation

9. The LEA/Charter School will:
 - Participate in NAEP if selected
 - Make assessment information publicly available
 - Maintain program evaluation systems
 - Use evidence-based practices and programs

Justice System-Involved Youth

10. The LEA/Charter School commits to:
 - Providing adequate services required by IEPs of students in custody

- Supporting transition between facilities and local programs
- Coordinating with juvenile justice programs
- Providing alternative education options
- Supporting post-release education and employment

Other Assurances

11. The LEA/Charter School agrees to provide other such information as is necessary to maintain and demonstrate compliance with federal grants requirements.
12. As per 6.31.2.11(A)(3) NMAC, each public agency shall develop and implement appropriate policies and procedures to ensure a smooth and effective transition from Part C to Part B programs for preschool children with disabilities within the agency's educational jurisdiction, in compliance with 34 CFR Sec. 300.124. The Part C lead agency must share the directory information of potentially eligible students with their LEA(s). Each LEA and other public agencies as appropriate shall make reasonable efforts to establish productive working relations with local Part C programs and when given reasonable notice shall participate in the transition planning conferences arranged by local Part C providers. The process of sharing this data must be completed in a Memorandum of Understanding (MOU) or Interagency Agreement between both the LEA and Part C lead agency. (Not applicable to State Supported Schools without preschool.)
13. The LEA provides assurance that there is a process and procedure in place to obtain one time only consent to access Medicaid and private insurance and that there is a yearly review so that notice is given annually to parents that have given the one-time consent. (20 USC 1412(a)(12); 34 CFR § 300.154(d)(2)(iv) and (v); 6.31.2.9(B)(7)(b) NMAC
14. LEAs may provide IDEA Part B funds, through MOUs, with the tribes to assist them in coordinating child find and providing direct services to preschool children with disabilities aged three through five living on reservations. However, the LEA remains responsible for conducting child find and making a free appropriate public education available to those preschool children. LEAs and public agencies serving preschool children with disabilities on reservations must negotiate equitable arrangements through joint powers agreements or memorandums of understanding or interstate agreements for sharing funding and other resources available for the educational services of the preschool children with disabilities. To provide seamless services to the preschool children living on reservations, such agreements shall include provisions about resolving disputes between all parties to the agreement. (A copy of the signed agreement must be submitted with your local IDEA-B sub-grant application. Any revisions made to the agreement must be submitted to the OSE.) ***Please upload MOUs with tribes to the LEA's application.***
15. The LEA, in a manner consistent with the Individuals with Disabilities Education Act (IDEA) shall expel from school for a period of not less than 1 year a student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school;
16. The LEA has a policy that requires the referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to school; and
17. The LEA shall submit to the SEA on an annual basis a description of the circumstances surrounding any expulsions imposed under the State law including –
 - (i). the name of the school concerned;
 - (ii). the number of students expelled from such school; and

(iii). the type of firearms concerned.

I certify that all assurances above are true and correct to the best of my knowledge. I further assure that any assurance requiring reports and documents outlined above will be provided to the Department in a timely and accurate manner.