

ESEA General Assurances Form

Purpose:

The purpose of the form is to collect the requisite general assurances for the administration of ESEA Title programs in a single location. The ESEA General Assurances form replaces the Single Assurances form previously collected for the administration of all Federal programs. The ESEA General Assurances form includes the general assurances outline in the Every Student Succeeds Act (ESSA), as well as the assurances required of all recipients of Federal funds.

Instructions:

Every local education agency (LEA) and board of cooperative educational services (BOCES) must submit an executed ESEA General Assurances form before the grant recipient will be granted substantial approval. **LEAs/BOCES must submit the executed form no later than June 30, 2020.**

One copy of this form must be duly executed by the President of the School Board or Board of Directors and submitted to: consolidatedapplications@cde.state.co.us

A copy of the signed form must be kept on file at your central office for review upon request by independent auditors, or State or Federal officials. Staff responsible for grants administration or fiscal management should either have a copy of the document or be informed of the location and contents of the document.

LEA Name: _____ LEA Code: _____

In consideration of participating in any educational program for which Federal funds are available including, but not limited to, ESEA Title programs and any Federal competitive grant program administered by the Colorado Department of Education, and of receiving Federal funds to carry out any such program, the board of directors of _____ by action at its meeting on _____, 20 _____, provides the following assurances to the Colorado Department of Education.

The LEA assures that it is, or will take action to become, in compliance with the following:

- ☐ Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d through 2000d-4) and its implementing regulations and in accordance therewith, no person in the United States shall; on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Education.¹
- ☐ Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794), as amended, and its implementing regulations which prohibit discrimination on the basis of handicap in programs and activities receiving Federal financial assistance.²

¹ 34 C.F.R. Part 100

² 34 CFR Part 104



ESEA General Assurances Form

- ☐ Title II of the Americans With Disabilities Act (42 U.S.C. §§ 12131-34) and its implementing regulations which prohibit discrimination on the basis of disability by public entities³, or with Title III of the Americans with Disabilities Act (42 U.S.C. §§12181-89) and its implementing regulations which prohibit discrimination on the basis of disability by covered public accommodations and requires places of public accommodation and commercial facilities to be designed, constructed, and altered in compliance with the accessibility standards established in the implementing regulations⁴, whichever is applicable.
- ☐ Title IX of the Education Amendments of 1972 (20 U.S.C. §1681-1683), as amended, and its implementing regulations which prohibit discrimination on the basis of sex in education programs and activities receiving Federal financial assistance, whether or not the program or activity is offered or sponsored by an educational institution as defined in the implementing regulations.⁵
- ☐ All contractors, subcontractors, sub grantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education programs or activities are not discriminating in violation of the statutes, regulations, guidelines and standards associated with Title IX of the Education Amendments of 1972 against those students or employees.⁶
- ☐ Age Discrimination Act of 1975 (42 U.S.C. § 6101 et seq.), as amended, and its implementing regulations which prohibit discrimination on the basis of age in programs or activities receiving Federal financial assistance.⁷
- ☐ That the LEA will:
 - administer each program covered by the application in accordance with all applicable statutes, regulations, program plans, and applications⁸;
 - use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds paid to that agency under each program⁹;
 - make reports to the State agency or board and to the Secretary as may reasonably be necessary to enable the State agency or board and the Secretary to perform their duties and that the local educational agency will maintain such records, including the records required under section 1232f of Title 20, and provide access to those records, as the State agency or board or the Secretary deem necessary to perform their duties¹⁰;
 - provide reasonable opportunities for the participation by teachers, parents, and other interested agencies, organizations, and individuals in the planning for and operation of each program;
 - The LEA will ensure, in the case of any project involving construction—
 - the project is not inconsistent with overall State plans for the construction of school facilities, and

³ 28 C.F.R. Part 35

⁴ 28 C.F.R. Part 36

⁵ 34 CFR part 106

⁶ 34 C.F.R. § 106.4 (2016).

⁷ 34 CFR part 110

⁸ § 8306(a)(2)(B).

⁹ § 8306(a)(6)(A)-(B).

¹⁰ § 8306(a)(5).



ESEA General Assurances Form

- in developing plans for construction, due consideration will be given to excellence of architecture and design and to compliance with standards prescribed by the Secretary under section 794 of title 29 in order to ensure that facilities constructed with the use of Federal funds are accessible to and usable by individuals with disabilities; and
 - adopt (or has adopted) effective procedures for acquiring and disseminating to teachers and administrators participating in each program significant information from educational research, demonstrations, and similar projects, and for adopting, where appropriate, promising educational practices developed through such projects.¹¹
- ☐ The LEA will ensure that the control of funds provided to the LEA under each program, and title to property acquired with those funds, will be in a public agency or in an eligible private agency, institution, organization, or Indian tribe, if the law authorizing the program provides for assistance to those entities, and that a public agency or eligible agency will administer those funds and property.³¹²
- ☐ The LEA will ensure that none of the funds expended under any program will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity or its employees or any affiliate of such an organization.³
- ☐ The LEA will ensure that any application, evaluation, periodic program plan or report relating to each program will be made readily available to parents and other members of the general public.³
- ☐ The LEA will provide, on a request made by military recruiters or an institution of higher education, access to the name, address, and telephone listing of each secondary school student served by the LEA, unless the parent of each student has submitted the prior consent request which, upon receiving, prohibits the LEA from releasing such information without the prior written consent of the parent.¹³
- ☐ The LEA will ensure that a student who is attending a persistently dangerous public elementary or secondary school, or who becomes a victim of a violent criminal offense while in or on the grounds of a public elementary or secondary school, will be allowed to attend a safe public elementary or secondary school within the local educational agency, including a public charter school.¹⁴
- ☐ The LEA will ensure that no policy of the LEA prevents, or otherwise denies participation in, constitutionally protected prayer in public elementary schools and secondary schools.¹⁵
- ☐ The LEA will ensure that it is in compliance with the requirements and provisions under the Children's Internet Protection Act and its implementing regulations.¹⁶

¹¹ 20 U.S.C. 1232e (2015).

¹² 20 U.S.C. 1232e (2015); § 8306(a)(2)(A).

¹³ 20 U.S.C. § 7908(a) (2015).

¹⁴ Every Student Succeeds Act of 2015, § 8532.

¹⁵ 20 U.S.C. § 7904(b) (2015).

¹⁶ 47 C.F.R. § 54.520(c) (2016).



ESEA General Assurances Form

- ☐ That no federal appropriated funds have been paid or will be paid, by or on behalf of the recipient, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement.
- a) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a federal grant or cooperative agreement the recipient shall complete and submit Standard Form - LLL "Disclosure Form to Report Lobbying" in accordance with its instructions along with the sub grant application, contract or cooperative agreement to which the disclosure applies.
- b) The recipient shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including sub grants, contracts under grants and cooperative agreements, and subcontracts) and all sub-recipients shall certify and disclose accordingly.

NOTE: This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any recipient that fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.¹⁷

- ☐ The LEA has adopted appropriate procedures to implement the terms of the Family Educational Rights and Privacy Act of 1974¹⁸ and its regulations.¹⁹
- ☐ The LEA will adopt and use proper methods of administering each program, including the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program and the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation.²⁰
- ☐ The LEA will cooperate in carrying out any evaluation of each such program conducted by or for the SEA, the Secretary, or other Federal officials.²¹
- ☐ The LEA afforded a reasonable opportunity for public comment on the application and considered such comment before the application was submitted.²²
- ☐ To the extent authorized by law, the LEA shall indemnify, save and hold harmless the State, its employees and agents, against any and all claims, damages, liability and court awards including costs,

¹⁷ 45 CFR Appendix A to Part 93

¹⁸ , 20 U.S.C. §1232g

¹⁹ (34 C.F.R. Part 99)

²⁰ § 8306(a)(3).

²¹ § 8306(a)(4).

²² § 8306(a)(7).



ESEA General Assurances Form

expenses and attorney(s)' fees incurred as a result of any act or omission by it, or its employees, agents, subcontractors or assignees in its operation of the programs.

This assurance form shall remain in effect for the duration of the programs it covers. The State shall not require the submission or amendment of this assurance form unless required by changes in Federal or State law or by other significant change in circumstances affecting the assurances contained herein.

Compliance with these assurances constitutes a condition of continued receipt of Federal financial assistance and is binding upon the district, administrative unit, LEA, BOCES or other entity, its successors, transferees and assignees for the duration of the programs.

In the event of failure to comply with these assurances, it is understood that funds can be terminated and the right to receive further assistance can be denied.

These are statutorily required assurances for the receipt of Federal funds under the specifically designated programs. In addition, recipients are required to fulfill all statutory, regulatory and program plan requirements inherent in the application and approval process for each program.

Signature of Board President
(LEA)

Name of Board President
(LEA)

Date

