

General Assurances for all Federal and State Programs (23-24)

Instructions: Completion of this page by the authorized representative indicates an agreement to all **applicable** assurances listed on this page as well as in all federal and state form packages contained in the iGrants system. Signing below is considered agreement in writing.

Assurances

1. The applicant will comply with all federal and state statutes and administrative regulations and all program plans and applications which are applicable to each program included in this application.
2. The applicant will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, federal and state funds paid to the applicant under each program in this application and in the event of an audit exception, shall repay federal and state funds upon completion of audit resolution.
3. The applicant will control funds provided under each such program and title to property acquired with program funds will be in a public agency or in a nonprofit private agency, institution, organization, or Indian tribe if the law authorizing the program provides for assistance to such entities.
4. The applicant agrees to adopt and use proper methods of administering each program in this application, including but not limited to: the enforcement of any obligations imposed by federal and state statutes and administrative rules on the applicant responsible for carrying out each program and correcting any deficiencies in program operations that are identified through audits, monitoring or evaluation.
5. The applicant will maintain accurate and timely program plan records which document progress in implementing the plans in this application and will amend any application plan when necessary to reflect significant changes in program scope and/or budget.

Records Retention and Access

6. The applicant agrees to provide all information as directed or as requested by the Office of Superintendent of Public Instruction (OSPI), the Secretary for the Department of Education, and other federal and state officials for audit, program evaluation, compliance, monitoring and other purposes, and to maintain all records in accordance with the records retention schedule applicable to the applicant.

Suspension and Debarment

7. The applicant certifies that persons responsible for the application programs are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this program by any federal department or agency.

The applicant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may also check the Excluded Parties List System in the federal System for Award Management (SAM).

Conflict of Interest

8. The applicant certifies that no funds have been or will be paid by or on behalf of the applicant to any person for influence or attempting to influence an officer or employee of any federal or state department or agency.

Civil Rights & Equity

9. The applicant will comply with Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d et seq., which prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving Federal financial assistance.

42 U.S. Code § 2000d-1:

..."Compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and, shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found, or (2) by any other means authorized by law..."

10. The applicant will comply with Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 et seq., which prohibits discrimination on the basis of sex in any education program or activity receiving Federal financial assistance.

20 U.S. Code § 1682:

..."Compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made, and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found, or (2) by any other means authorized by law..."

11. The applicant will comply with Title II of the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of disability by public entities.
12. The applicant will comply with Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, which prohibits discrimination on the basis of disability in any program or activity receiving Federal financial assistance.
13. The applicant will comply with The Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 et seq., which prohibits discrimination on the basis of age in any program or activity receiving Federal financial assistance.

42 U.S. Code § 6104:

..."(a) Methods of achieving compliance with regulations. The head of any Federal department or agency who prescribes regulations under section 6103 of this title may seek to achieve compliance with any such regulation-

(1) by terminating, or refusing to grant or to continue, assistance under the program or activity involved to any recipient with respect to whom there has been an express finding on the record, after reasonable notice and opportunity for hearing, of a failure to comply with any such regulation; or

(2) by any other means authorized by law..."

14. The applicant will comply with The Boy Scouts of America Equal Access Act of 2001, 20 U.S.C. 7905, which requires public elementary and secondary schools if they provide an opportunity for

any outside youth or community group to meet on school premises before or after school to provide equal access to any group affiliated with the Boy Scouts of America or any other group listed in Title 36 of the United States Code as a patriotic society.

20 U.S. Code § 7905(c):

..."If the public school or agency does not comply with the rules or orders, then notwithstanding any other provision of law, no funds made available through the Department shall be provided to a school that fails to comply with such rules or orders or to any agency or school served by an agency that fails to comply with such rules or orders..."

15. The applicant will comply with Washington's Equal Educational Opportunity Laws in Chapter 28A.640 and 28A.642 RCW and 392-190 WAC, which prohibit discrimination in Washington public schools on the basis of sex, race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, disability, or the use of a trained dog guide or service animal by a person with a disability.

RCW 28A.640.050:

"The superintendent of public instruction shall have the power to enforce and obtain compliance with the provisions of this chapter and the regulations and guidelines adopted pursuant thereto by appropriate order made pursuant to chapter 34.05 RCW, which order, by way of illustration, may include, the termination of all or part of state apportionment or categorical moneys to the offending school district, the termination of specified programs in which violations may be flagrant within the offending school district, the institution of a mandatory affirmative action program within the offending school district, and the placement of the offending school district on probation with appropriate sanctions until compliance is achieved."

RCW 28A.642.050:

"The superintendent of public instruction has the power to enforce and obtain compliance with the provisions of this chapter and the rules and guidelines adopted under this chapter, by appropriate order made pursuant to chapter 34.05 RCW. The order may include, but is not limited to, termination of all or part of state apportionment or categorical moneys to the offending school district, termination of specified programs in which violations may be flagrant within the offending school district, institution of corrective action, and the placement of the offending school district on probation with appropriate sanctions until compliance is achieved."

Unsafe school choice option

16. UNSAFE SCHOOL CHOICE POLICY.—Each State receiving funds under this Act shall establish and implement a statewide policy requiring that a student attending a persistently dangerous public elementary school or secondary school, as determined by the State in consultation with a representative sample of local educational agencies, or who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school.

CERTIFICATION.—As a condition of receiving funds under this Act, a State shall certify in writing to the Secretary that the State is in compliance with this section.

TITLE VIII—GENERAL PROVISIONS PART F—UNIFORM PROVISIONS SUBPART 2—OTHER PROVISIONS Sec. 8532. Unsafe school choice option:

[Title VIII General Provisions - Office of Elementary and Secondary Education](#)

Gun Free Requirements

17. SHORT TITLE.—This subpart may be cited as the “Gun-Free Schools Act”.

REQUIREMENTS.—

IN GENERAL.—Each State receiving Federal funds under any title of this Act shall have in effect a State law requiring local educational agencies to 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, under the jurisdiction of local educational agencies in that State, except that such State law shall allow the chief administering officer of a local educational agency to modify such expulsion requirement for a student on a case-by-case basis if such modification is in writing.

CONSTRUCTION.—Nothing in this subpart shall be construed to prevent a State from allowing a local educational agency that has expelled a student from such a student’s regular school setting from providing educational services to such student in an alternative setting.

DEFINITION.—For the purpose of this section, the term “firearm” has the same meaning given such term in section 921(a) of title 18, United States Code.

SPECIAL RULE.—The provisions of this section shall be construed in a manner consistent with the Individuals with Disabilities Education Act.

REPORT TO STATE.—Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under any title of this Act shall provide to the State, in the application requesting such assistance—

an assurance that such local educational agency is in compliance with the State law required by subsection (b); and

a description of the circumstances surrounding any expulsions imposed under the State law required by subsection (b), including—

the name of the school concerned;

the number of students expelled from such school; and

the type of firearms concerned.

REPORTING.—Each State shall report the information described in subsection (d) to the Secretary on an annual basis.

DEFINITION.—For the purpose of subsection (d), the term “school” means any setting that is under the control and supervision of the local educational agency for the purpose of student activities approved and authorized by the local educational agency.

EXCEPTION.—Nothing in this section shall apply to a firearm that is lawfully stored inside a locked vehicle on school property, or if it is for activities approved and authorized by the local educational agency and the local educational agency adopts appropriate safeguards to ensure student safety.

POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL.—

IN GENERAL.—No funds shall be made available under any title of this Act to any local educational agency unless such agency has a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to a school served by such agency.

DEFINITION.—For the purpose of this subsection, the term “school” has the same meaning given to such term by section 921(a) of title 18, United States Code.

TITLE VIII—GENERAL PROVISIONS PART F—UNIFORM PROVISIONS SUBPART 2—OTHER PROVISIONS SUBPART 4—GUN POSSESSION Sec. 8561. Gun-free requirements:

Title VIII General Provisions - Office of Elementary and Secondary Education

Nonsmoking policy for children’s services

18. PROHIBITION.—After the date of enactment of the No Child Left Behind Act of 2001, no person shall permit smoking within any indoor facility owned or leased or contracted for, and utilized, by such person for provision of routine or regular kindergarten, elementary, or secondary education or library services to children.

ADDITIONAL PROHIBITION.—

IN GENERAL.—After the date of enactment of the No Child Left Behind Act of 2001, no person shall permit smoking within any indoor facility (or portion of such a facility) owned or leased or contracted for, and utilized by, such person for the provision of regular or routine health care or day care or early childhood education programs.

EXCEPTION.—Paragraph (1) shall not apply to—

any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and

any private residence.

FEDERAL AGENCIES.—

KINDERGARTEN, ELEMENTARY OR SECONDARY EDUCATION OR LIBRARY SERVICES.—After the date of enactment of the No Child Left Behind Act of 2001, no Federal agency shall permit smoking within any indoor facility in the United States operated by such agency, directly or by contract, to provide routine or regular kindergarten, elementary, or secondary education or library services to children.

HEALTH OR DAY CARE OR EARLY CHILDHOOD EDUCATION PROGRAMS.—

IN GENERAL.—After the date of enactment of the No Child Left Behind Act of 2001, no Federal agency shall permit smoking within any indoor facility (or portion of such facility) operated by such agency, directly or by contract, to provide routine or regular health or day care or early childhood education programs to children.

EXCEPTION.—Subparagraph (A) shall not apply to—

any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and

any private residence.

APPLICATION OF PROVISIONS.—The provisions of paragraph (2) shall also apply to the provision of such routine or regular kindergarten, elementary or secondary education or library services in the facilities described in paragraph (2) not subject to paragraph (1).

NOTICE.—The prohibitions in subsections (a) through (c) shall be published in a notice in the Federal Register by the Secretary (in consultation with the heads of other affected agencies) and by such agency heads in funding arrangements involving the provision of children’s services

administered by such heads. Such prohibitions shall be effective 90 days after such notice is published, or 270 days after the date of enactment of the No Child Left Behind Act of 2001, whichever occurs first.

CIVIL PENALTIES.—

IN GENERAL.—Any failure to comply with a prohibition in this section shall be considered to be a violation of this section and any person subject to such prohibition who commits such violation may be liable to the United States for a civil penalty in an amount not to exceed \$1,000 for each violation, or may be subject to an administrative compliance order, or both, as determined by the Secretary. Each day a violation continues shall constitute a separate violation. In the case of any civil penalty assessed under this section, the total amount shall not exceed 50 percent of the amount of Federal funds received under any title of this Act by such person for the fiscal year in which the continuing violation occurred. For the purpose of the prohibition in subsection (c), the term “person”, as used in this paragraph, shall mean the head of the applicable Federal agency or the contractor of such agency providing the services to children.

ADMINISTRATIVE PROCEEDING.—A civil penalty may be assessed in a written notice, or an administrative compliance order may be issued under paragraph (1), by the Secretary only after an opportunity for a hearing in accordance with section 554 of title 5, United States Code. Before making such assessment or issuing such order, or both, the Secretary shall give written notice of the assessment or order to such person by certified mail with return receipt and provide information in the notice of an opportunity to request in writing, not later than 30 days after the date of receipt of such notice, such hearing. The notice shall reasonably describe the violation and be accompanied with the procedures for such hearing and a simple form that may be used to request such hearing if such person desires to use such form. If a hearing is requested, the Secretary shall establish by such certified notice the time and place for such hearing, which shall be located, to the greatest extent possible, at a location convenient to such person. The Secretary (or the Secretary’s designee) and such person may consult to arrange a suitable date and location where appropriate.

CIRCUMSTANCES AFFECTING PENALTY OR ORDER.—In determining the amount of the civil penalty or the nature of the administrative compliance order, the Secretary shall take into account, as appropriate—

the nature, circumstances, extent, and gravity of the violation;

with respect to the violator, any good faith efforts to comply, the importance of achieving early and permanent compliance, the ability to pay or comply, the effect of the penalty or order on the ability to continue operation, any prior history of the same kind of violation, the degree of culpability, and any demonstration of willingness to comply with the prohibitions of this section in a timely manner; and

such other matters as justice may require.

MODIFICATION.—The Secretary may, as appropriate, compromise, modify, or remit, with or without conditions, any civil penalty or administrative compliance order. In the case of a civil penalty, the amount, as finally determined by the Secretary or agreed upon in compromise, may be deducted from any sums that the United States or the agencies or instrumentalities of the United States owe to the person against whom the penalty is assessed.

PETITION FOR REVIEW.—Any person aggrieved by a penalty assessed or an order issued, or both, by the Secretary under this section may file a petition for judicial review of the order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business. Such person shall provide a copy of the petition to the Secretary or the Secretary’s designee. The petition shall be filed within 30 days after the Secretary’s assessment or order, or both, are final and have been provided to

such person by certified mail. The Secretary shall promptly provide to the court a certified copy of the transcript of any hearing held under this section and a copy of the notice or order.

FAILURE TO COMPLY.—If a person fails to pay an assessment of a civil penalty or comply with an order, after the assessment or order, or both, are final under this section, or after a court has entered a final judgment under paragraph (5) in favor of the Secretary, the Attorney General, at the request of the Secretary, shall recover the amount of the civil penalty (plus interest at prevailing rates from the day the assessment or order, or both, are final) or enforce the order in an action brought in the appropriate district court of the United States. In such action, the validity and appropriateness of the penalty or order or the amount of the penalty shall not be subject to review.

TITLE VIII—GENERAL PROVISIONS PART F—UNIFORM PROVISIONS SUBPART 2—OTHER PROVISIONS SUBPART 5—ENVIRONMENTAL TOBACCO SMOKE Sec. 8573. Nonsmoking policy for children's services:

Title VIII General Provisions - Office of Elementary and Secondary Education

Protected Prayer

19. The applicant agrees it has no policy in place that prevents, or otherwise denies, participation in constitutionally protected prayer in public schools as set forth in the U.S. Department of Education's February 7, 2003 document and set forth in 20 U.S.C. 7904 (Section 8524 of the Elementary and Secondary Education Act as amended by the Every Student Succeeds Act). [US Department of Education Guidance on Constitutionally Protected Prayer](#)

SEC. 8524. Ø20 U.S.C. 7904:

..."(b) CERTIFICATION.—As a condition of receiving funds under this Act, a local educational agency shall certify in writing to the State educational agency involved that no policy of the local educational agency prevents, or otherwise denies participation in, constitutionally protected prayer in public elementary schools and secondary school..."

By signing below, we certify that we have read and agree we have no policy in place preventing or otherwise denying participation in constitutionally protected prayer in public schools.

LEA-Tribal Affirmation of Consultation

20. One of the new requirements under [ESSA Section 8538](#) is to ensure timely and meaningful consultation on issues affecting American Indian and Alaska Native students, and consult with appropriate officials from Indian tribes or tribal organizations prior to the school district's submission of a required plan or application. Such consultation shall be done in a manner and in such time that provides the opportunity for such appropriate officials from Indian tribes or tribal organizations to meaningfully and substantively contribute to such plan.
21. School districts with an American Indian/Alaska Native student enrollment of 50 percent or more of the total district enrollment; or for fiscal year 2017, received a grant in the previous year under subpart 1 of part A of Title VI that exceeded \$40,000; or for any fiscal year following fiscal year 2017, received a grant in the previous fiscal year under subpart 1 of part A of Title VI that exceeded \$40,000.
22. Each affected school district shall maintain in the district's records AND upload in the General Assurances section in iGrants the Affirmation of Consultation with Tribal Representatives signed by the appropriate officials of the participating tribes or tribal organizations approved by the tribes that the consultation required has occurred. If such officials do not provide such affirmation within a reasonable period of time, the affected school district shall forward documentation that such consultation has taken place to OSPI.

Audit Requirements

23. Subrecipients of federal awards, as defined by 2 CFR Part 200 Subpart F, shall maintain records that identify all federal funds received and expended. Such funds shall be identified by the appropriate OMB Catalog of Federal Domestic Assistance (CFDA) numbers. Subrecipients must make their records available for review or audit by officials of federal agencies, the Government Accountability Office (GAO), and the Superintendent of Public Instruction (OSPI) or designee.

Subrecipients expending seven hundred fifty thousand dollars (\$750,000) or more in federal awards from all federal sources combined in any fiscal year beginning after December 26, 2014, will receive an audit under 2 CFR Part 200 Subpart F for that fiscal year. The audit must be completed within nine (9) months of the end of that fiscal year.

Upon completion of each audit, all subrecipients, except for School Districts and ESDs, must submit the audit report, including any corrective action plans as a result of audit findings, to the Audit Management and Resolution Section, Office of Superintendent of Public Instruction, PO Box 47200, Olympia, WA 98504.

Closeout

24. The applicant will submit all financial, performance, and other reports as required by the terms and conditions of the grant (no later than 90 calendar days after the end date of the period of performance).
25. Unless an extension is approved by OSPI, the applicant will liquidate all obligations incurred under the federal grant not later than 90 days after the end date of the performance period as specified in the terms and conditions of the award.
26. The applicant will promptly refund any balances of unobligated funds that are paid in advance or paid but not authorized to be retained for use in other projects.
27. The applicant will account for any real and personal property acquired with federal funds or received from the Federal government in accordance with administrative requirements.

Open Educational Resources

28. Copyright: Except when in conflict with stated policies, grantees receiving funds managed by OSPI from state, federal, foundation, or other funding sources shall own copyright on their original works of authorship; however, as a condition of receiving a grant, applicants are subject to the licensing policies below.
- Licensing (original work): As a condition of receiving a grant and where not in conflict with state policies, all original works of authorship produced by grants from state, federal, foundation or other funds managed by OSPI will carry a Creative Commons Attribution License, version 4.0 or later (CC BY).
 - Licensing (adapted work): All derivative works, adapted by grantees from others' existing openly licensed resources, must follow the terms of the open license on those materials. The derivative work must be licensed with the least restrictive open license possible that is not in conflict with existing licenses.

System for Award Management (SAM)

System for Award Management (SAM) is the primary registrant database for the U.S. Federal Government. SAM collects, validates, stores, and disseminates data in support of agency acquisition missions, including Federal agency contract and assistance awards. Please note that the term "assistance awards" includes grants, cooperative agreements and other forms of federal assistance. Whether applying for assistance awards, contracts, or other business opportunities, all entities are considered "registrants."

The applicant agrees it has a current SAM registration. If not pre-populated in the box below, please provide your current UEI (Unique Entity Identifier) information as registered in [SAM](#).

