Assurances

Akron City (043489) - Summit County - 2019 - School Quality Improvement - Rev 0 - Assurances

The Federal agencies referred to in this document, including but not limited to the United States Department of Education, the United States Department of Agriculture, the United States Department of Health and Human Services and the United States Department of Labor, are all herein referred to as the "DEPARTMENT," and the Ohio Department of Education, herein referred to as the "ODE," and the local educational agency (LEA), herein referred to as the "SUBGRANTEE." ODE may make funds available to the SUBGRANTEE for programs operated by the SUBGRANTEE in accordance with requirements and regulations applicable to such programs. Consistent with 34 C.F.R. Sections 75-77, 79, and 81-84, the SUBGRANTEE assures, if awarded a grant, subgrant, or contract:

1	That the SUBGRANTEE will accept funds in accordance with applicable Federal and State statutes, regulations, program plans, and applications, and administer the programs in compliance with all provisions of such statutes, regulations, applications, policies and amendments thereto.
2	That the SUBGRANTEE has the necessary legal authority to apply for and receive the proposed grant or subgrant and enter into the contract.
3	That the SUBGRANTEE is aware all Federal and state funds granted to it are conditioned upon the availability and appropriation of such funds by the United States Congress and the Ohio General Assembly. These funds are subject to reduction or elimination by the United States Congress or Ohio General Assembly at any time, even following award and disbursement of funds. Except as otherwise provided by law, the SUBGRANTEE shall hold ODE harmless for any reduction or elimination of Federal or state funds granted to it. In the event of non-appropriation or reduction of appropriation and notice, the SUBGRANTEE shall immediately cease further expenditures under any Federal or state project.
4	The SUBGRANTEE will adopt and use the proper methods of administering the subgrants per 2 CFR 200 Sub Part F, including, but not limited to: (A)The enforcement of any obligations imposed by law. (B) The correction of deficiencies in program operations that are identified through program audits, monitoring or evaluation. (C) The adoption of written procedures for the receipt and resolution of complaints alleging violations of law in the administration of such programs.
5	The SUBGRANTEE, by submission of a grant proposal, agrees that the DEPARTMENT or ODE have the authority to take administrative sanctions, including, but not limited to, suspension of cash payments for the project, suspension of program operations and/or, termination of project operations, as necessary to ensure compliance with applicable laws, regulations and assurances for any project. The SUBGRANTEE acknowledges this authority under 2 CFR 200.338 and Ohio Revised Code Section 3301.07 (C), as applicable.
6	The SUBGRANTEE has obtained a Dun and Bradstreet (DUNS) number and registered the DUNS number in the federal System for Award Management (SAM) as required by 2 C.F.R. 25 Appendix A. The district must enter the DUNS number into the Ohio Educational Directory System (OEDS-R).
7	That the SUBGRANTEE will obligate funds within the approved project period as set forth in the approved application and will liquidate said obligations not later than 90 days after the end of the project period for grants applied for electronically. For purposes of approved projects, obligations have the same meaning as contained in The Uniform Guidance 2 CFR 200.71 and 200.343.
8	That the SUBGRANTEE agrees, when funded on an advance basis by ODE, to minimize the time between the transfer of funds and the disbursement by the local entity in accordance with the Cash Management Improvement Act (31 CFR part 205). The SUBGRANTEE agrees to maintain cash balances which meet their immediate cash needs only. Any interest earnings by the SUBGRANTEE will require repayment (2 CFR 200.305).
9	That the SUBGRANTEE will, where applicable, use federal funds to supplement and not supplant State and local funds expended for educational purposes and, to the extent practicable, increase the fiscal effort that would, in the absence of such funds, be made by the SUBGRANTEE for educational purposes.
10	That the SUBGRANTEE shall, to the extent possible, coordinate each of its projects with other activities that are in the same geographic area served by the project and that serves similar purposes and target groups (34 CFR 76.580).
11	That the SUBGRANTEE may not consolidate applicable programs or commingle funds derived from one appropriation with those derived from another appropriation, unless specifically authorized by statute.
12	That the SUBGRANTEE will not subgrant the approved project to another entity without the express written consent of ODE.
13	The SUBGRANTEE will comply will 2 C.F.R. Part 200 Standards for Financial and Program Management, including but not limited to, effective control over, and accounting-ability for, all funds, property, and other assets and must adequately safeguard all assets and assure that they are used solely for authorized purposes.
14	That the SUBGRANTEE has the capacity and agrees to report financial data verifying compliance with program regulations and will conform all activities conducted under the approved grant to the provisions contained within 2 CFR 200.
15	The SUBGRANTEE will comply with local, state and Federal procurement policies when purchasing equipment and supplies. Equipment and supplies purchased for use in a Federal or state program will comply with the provisions of 2 CFR 200.318. The SUBGRANTEE will furthermore utilize competitive bidding practices in compliance with applicable procurement regulations.
16	That the SUBGRANTEE will acquire, use, maintain and dispose of equipment purchased for the approved project in accordance with 2

	CFR: 200.313-Equipment; 200.20- Computing Devices-Machines used to acquire, store, analyze, process, public data and other information electronically. Includes accessories for printing, transmitting and receiving or storing electronic information; 200.94 Supplies-Tangible personal property other than equipment computing devices are supplies if less than $5,000.
17	That the SUBGRANTEE may not use its Federal or State funding to pay for any of the following: (A) Religious worship, instruction, or proselytization. (B) Construction, remodeling, repair, operation or maintenance of any facility or part of a facility to be used for any of the activities specified in this assurance, herein. In the case of any project involves construction, the project is consistent with overall State plans for the construction of school facilities, if applicable; and in developing plans for construction, due consideration will be given to excellence of architecture and design and to compliance with standards prescribed under Section 504 of the Rehabilitation Act of 1973, in order to ensure that facilities constructed with Federal (which become subsequently State) funds are accessible to and usable by handicapped individuals. For the construction of facilities with Federal funds per 2 CFR 200.320, the SUBGRANTEE will comply with the provisions of the Davis-Bacon Act.
18	That the SUBGRANTEE may not use Federal funding for the acquisition of real property unless specifically permitted by the authorizing statute or implementing regulations for the program (2 CFR 200.311). If real property or structures are provided or improved with the aid of Federal financial assistance, the SUBGRANTEE will comply with applicable statutes, regulations and the project application in the use, encumbrance, transfer or sale of such property or structure. If personal property is so provided, the SUBGRANTEE will comply with applicable statutes, regulations and the project application in the use, encumbrance, transfer, disposal and sale of such. The Uniform Guidance 2 CFR 200.307, 200.311, 200.312 and 200.400.
19	The SUBGRANTEE will abide by the single audit requirements that a non-federal entity that expends $750,000 or more during the non-federal entity's fiscal year in Federal awards must have a single audit conducted in accordance with 2 C.F.R. 200.514 "Scope of Audit", except when it elects to have a program specific audit conducted and 200.515 (GAAP). The SUBGRANTEE will submit to ODE the aforementioned audit reports in accordance with The Uniform Guidance Subpart F. In the event of a sustained audit exception, and upon demand of ODE, the SUBGRANTEE shall immediately reimburse ODE for that portion of the audit exception attributable under the audit to the SUBGRANTEE. The SUBGRANTEE agrees to hold ODE harmless for any audit exception arising from the SUBGRANTEE's failure to comply with applicable regulations.
20	That the SUBGRANTEE will maintain records, including the records required under Section 437 of the General Education Provisions Act ("GEPA"), 20 U.S.C. Section 1221, and provide access to those records as ODE or the DEPARTMENT and the Comptroller General or any of their authorized representatives in the conduct of audits authorized by Federal Law or State Statute. This cooperation includes access without unreasonable restrictions to its records and personnel for the purpose of obtaining relevant information. The Uniform Guidance 2 CFR 200.333-337. That it shall per 2 CFR 200.333 maintain records for 3 years following completion of the activities for which the SUBGRANTEE uses the federal or state funding and which show: (A) The amount of funds under the subgrant or grant. (B) How the SUBGRANTEE uses the funds. (C) The total cost of the project. (D) The share of that total cost provided from other sources.
21	That the SUBGRANTEE will make reports to ODE and to the DEPARTMENT as may reasonably be necessary to enable ODE and DEPARTMENT to perform their duties. The reports shall be completed and submitted in accordance with the standards and procedures designated by ODE and/or the DEPARTMENT and shall be supported by appropriate documentation.
22	The SUBGRANTEE will comply with any additional assurances listed on a specific application as required by the ODE program office administering the program.
23	That the SUBGRANTEE agrees to continue its coordination with ODE during the length of the project period.
24	That the SUBGRANTEE will comply with 2 C.R.F. Part 200.343 regarding closeout procedures. The administration actions include, but are not limited to, submitting, no later than 90 calendar days after the end of the period of performance, all financial, performance and other reports as required by the terms and conditions of the federal award.
25	That the SUBGRANTEE will ensure that no person be denied the benefits, or be otherwise subjected to discrimination on the ground of race, color, national origin, handicap, or sex under any program or activity for which the SUBGRANTEE receives federal financial assistance. Admissions policies for private schools are understood and agreed to be part of such programs. In this vein, the SUBGRANTEE agrees to assure compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.); Title IX of the Education Amendments of 1972 (20 U.S.C. Section 1681-1683); Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Section 794); the Age Discrimination Act (42 U.S.C. Section 6101 et seq.); and the Americans with Disabilities Act ("ADA") (42 U.S.C. Section 12101 et seq.).
26	That the SUBGRANTEE will comply with Section 8524 of the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the Every Student Succeeds Act, and that SUBGRANTEE has no policy that prevents, or otherwise denies participation in, constitutionally protected prayer in elementary and secondary public schools as set forth in the Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools dated February 7, 2003.
27	That the SUBGRANTEE will make readily available to parents and to other members of the general public any application, evaluation, periodic program plan or report relating to each program.
28	That the SUBGRANTEE has adopted effective procedures for: (A) Acquiring and disseminating to teachers and administrators participating in each program, significant information resulting from educational research, demonstration and similar projects; and (B) Adopting, if appropriate, promising educational practices developed through those projects.

29	That the SUBGRANTEE will provide reasonable opportunities for participation by and outreach to teachers, family members, and other interested agencies, organizations and individuals in the planning for and operation of each program, as may be necessary according to statute.
30	That the SUBGRANTEE shall cooperate in any evaluation by the DEPARTMENT including other provisions to support teaching and learning assurances that the State will, beginning in school year 2002-2003, participate in biennial State academic assessments of 4th and 8th grade reading and mathematics under the National Assessment of Educational Progress carried out under section 411(b)(s) of the National Education Statistics Act of 1994.
31	That the SUBGRANTEE may not count tuition and fees collected from students toward meeting matching, cost sharing or maintenance of effort requirements of a program (34 CFR 76.534).
32	That the SUBGRANTEE will comply with 34 C.F.R. Section 76.652-662, if a program so requires, and ensure participation of children enrolled in private schools in the area to be served. (A) Provide private school students with a genuine opportunity for equitable participation. (B) Provide an opportunity to participate in a manner that is consistent with the number of eligible private school students and their needs. (C) Maintain continuing administrative direction and control over funds and property that benefit students enrolled in private schools.
33	That the SUBGRANTEE will comply with all relevant laws relating to privacy and protection of individual rights including 34 C.F.R. Part 99 (Family Educational Rights and Privacy Act of 1974).
34	That the SUBGRANTEE will comply with any applicable federal, state and local health or safety requirements that apply to the facilities used for a project (34 CFR 76.683).
35	That the SUBGRANTEE will comply with the Safe and Drug Free Schools Act (as amended) and the Pro-Children Act of 1994 (as amended).
36	That the SUBGRANTEE will ensure personnel employed as teachers and instructional aides or personnel contracted to provide such service to the SUBGRANTEE shall be certified as required by Ohio Revised Code Section 3319.22, 3319.30 and 3319.088.
37	That the SUBGRANTEE will comply with requirements regarding Lobbying; Debarment, Suspension, Ineligibility and Voluntary Exclusion (34 C.F.R. Part 82) and Drug-Free Workplace (34 C.F.R. Part 84) and the required regulations implementing Executive Order 12549: (A) All fund participants certify, by submission of this statement, that project funds will not, in any way, be used for the purpose of Lobbying or otherwise influencing decisions supporting the granting of funds administered by the Ohio Department of Education (ODE). (B) The prospective lower tier participant certifies, by submission of this statement, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency. (C) If the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this statement. (D) That subgrantees receiving ODE administered funds will provide a drug-free workplace.
38	That the SUBGRANTEE will comply with any additional assurances listed on a specific application as required by a particular ODE program office administering the program.
39	That the SUBGRANTEE will comply with the requirements of the Boy Scouts of America Equal Access Act (Boy Scouts Act), 20 U.S.C. 7905, 34 C.F.R. Part 108, and with other federal civil rights statues enforced by OCR.
40	That the SUBGRANTEE will comply with requirements to collaborate with the State or local child welfare agency to designate a point of contact regarding the educational stability of children in foster care and implement clear written procedures governing how transportation to maintain children in foster care in their school of origin when in their best interest will be provided, arranged and funded for the duration of time in foster care. ESEA Section 1112(c)(5)(A-B).
41	That the SUBGRANTEE will comply with requirements of the Award Term for Trafficking in Persons under 2 C.F.R.175.15 which prohibits SUBGRANTEEs from engaging in severe forms of trafficking in person during the period of time that the award is in effect.
42	That the SUBGRANTEE will comply with Executive Order 13513 which states that SUBGRANTEEs and their personnel are prohibited from text messaging and e-mailing while driving a government owned vehicle, or while driving their own privately-owned vehicle during official grant business.
43	That the SUBGRANTEE will comply with the Memorandum to ED Grantees Regarding the Use of Grant Funds for Conferences and Meetings (link to memorandum).
44	That the SUBGRANTEE will abide by the following requirements when issuing statements, press releases, request for proposals, bid solicitation and other documents describing projects or programs funded in whole or in part with federal money to comply with Section 505 of Public Law 113-76, Consolidated Appropriation Act of 2014: (1) The percentage of the total costs of the programs or project which will be financed with Federal money; (2) the dollar amount of Federal funds for the projects of programs; (3) the percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the Federal award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (U.S. Code Title 18, Section 1001 and Title 31, Sections 3729-3730 and 3801-3812).

Signature of Authorized Person:	Date: