

General Assurances

This document includes general assurances from the Every Student Succeeds Act (ESSA), as well as assurances required of all recipients of Federal funds. 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. Recipients are subject to all state and federal assurances, program provisions and requirements, program non-regulatory guidance, and statutory guidelines established by the [Elementary and Secondary Education Act \(ESEA\)](#), [Uniform Grant Guidance \(UGG\)](#), [Education Department General Administrative Regulations \(EDGAR\)](#), [Code of Federal Regulations \(CFR\)](#), [United States Code \(USC\)](#), [North Dakota Century Code \(NDCC\)](#), and [North Dakota Administrative Code \(NDAC\)](#).

Compliance with these assurances constitutes a condition of continued receipt of Federal financial assistance and is binding upon the district 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.

The signed assurances must be kept on file 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.

The school district assures it is, or will take action to become, compliant with the following programs or activities receiving Federal financial assistance:

- administer each program covered by the application in accordance with all applicable statutes, regulations, program plans, and applications (§8306(a)(2)(B))
- use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds paid to that agency under each program (§8306(a)(6)(A)-(B))
- cooperate in carrying out evaluations conducted by the NDDPI or the USED, make reports to the NDDPI or USED to enable them to perform their duties and that the school district will maintain and provide access to such records, and correct any deficiencies in program operations identified through audits, monitoring, or evaluations (§8306(a)(3)(4)(5))
- provide reasonable opportunities for the consultation and participation by teachers, parents, and other interested agencies, organizations, and individuals in the planning for the education of children and operation of each federal program; hear public comments, and consider such comments, pertaining to programs within the Consolidated Application before the application is submitted (§8306(a)(7))
- 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 (20 U.S.C. §1232e)

The school district shall adhere to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d-2000d-4) which states no person in the United States shall; on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination (34 CFR Part 100)
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794), which prohibits discrimination based on handicap (34 CFR Part 104)
- Title II of the Americans With Disabilities Act (42 U.S.C. §12131-12134) which prohibits discrimination on the basis of disability by public entities (28 CFR Part 35), or with Title III of the Americans with Disabilities Act (42 U.S.C. §12181-12189) which prohibits discrimination on the basis of disability and requires places of public accommodation to be designed, constructed, and altered in compliance with accessibility standards (28 CFR Part 36)
- Title IX of the Education Amendments of 1972 (20 U.S.C. §1681-1683), which prohibits discrimination based on sex in education (34 CFR Part 106)
- All contractors, 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 statutes, regulations, guidelines, and standards associated with Title IX of the Education Amendments of 1972 (34 CFR Part 106.4)
- Age Discrimination Act of 1975 (42 U.S.C. §6101), which prohibits discrimination based on age (34 CFR Part 110)
- Compliance under the Gun-Free Schools Act ensures the LEA has: (1) implemented a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm to school; and 2) policy for possession of weapons and firearms and one year expulsion as set forth in NDCC 15.1-19-10 and 3) submitted the required data in the Suspensions, Expulsion and Truancy annual report; a description of the circumstances surrounding expulsions imposed under the one-year expulsion requirement, including: (A) the name of the school concerned; (B) the number of students expelled from the school; and (C) the type of firearms concerned.

The school district shall:

- ensure control of funds provided to the school district 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 (20 U.S.C. §1232(e) and §8306(a)(2)(A))
- provide, on a request made by military recruiters or an institution of higher education, access to the name, address, and telephone of each secondary student, unless a parent has submitted the prior consent request which, upon receiving, prohibits the school district from releasing such information (20 U.S.C. §7908(a))
- ensure that a student who is attending a persistently dangerous public school, or who becomes a victim of a violent criminal offense while in or on the grounds of a public school, will be allowed to attend a safe public school (§8532)

- ensure that no policy of the school district prevents, or denies participation in, constitutionally protected prayer in public schools (20 U.S.C. §7904(b))
- ensure compliance with requirements and provisions under the Children’s Internet Protection Act (47 CFR §54.520(c))
- adopt appropriate procedures to implement the terms of the Family Educational Rights and Privacy Act of 1974 (34 CFR Part 99)
- 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 (§8306(a)(3))
- provide equitable participation to eligible private school children, teachers, and other educational personnel in programs under Title I, Title II, Title III, and Title IV (20 U.S.C. §6320(b) and §7881(d))
- comply with the requirements of the McKinney-Vento Homeless Assistance Act including equal access to education, comparable services, transportation, immediate enrollment, appointment of district homeless liaison, and participation in Title I set aside, and will use local funds, as necessary, to provide services for students experiencing homelessness (42 U.S.C. 11432 and §722(g))
- ensure that it has foster care policies and practices in place so the child remains in his or her school of origin while determining whether it is in a child’s best interest to remain in his or her school of origin, to minimize disruptions and reduce the number of moves between schools (§1111(g)(1)(E)(i))
- ESSA §1118 [20 U.S.C. §6321] Title I Supplement, Not Supplant Fiscal Requirements:
 - a. General – A district shall use Federal funds received under Title I only to supplement the funds that would, in the absence of such Federal funds, be made available from State and local sources for the education of students participating in programs assisted under this program, and not to supplant such funds.
 - b. Compliance – A district shall demonstrate the methodology used to allocate State and local funds to each school receiving assistance under Title I and ensures that such school receives all State and local funds it would otherwise receive if it were not receiving assistance under this program.
- ensure that funds received shall be used to supplement, and not supplant, non-Federal, State, and local funds that would otherwise be used for activities authorized under Title II (§2301), Title III (§3115(g) or Title IV (§4110)
- ensure funds are used to provide evidence-based practices, programs, and interventions supported by strong evidence, moderate evidence, promising evidence, or evidence that demonstrates a rationale §8101(21)(A)
- target funds to schools within the district that are implementing comprehensive support and improvement activities under §1111(d) and have the highest percentage of low-income children counted under §1124(c). Section 2102(c); are identified for comprehensive support

and improvement under §111(c)(4)(D)(i); are implementing targeted support and improvement plans as described in §111(d)(2); or are identified as a persistently dangerous public elementary school or secondary school under §8532. §4106 (e)(2)(A)

- to the extent authorized by law, save and hold harmless the State, its employees, and agents, against any and all claims, damages, liability, and court awards including costs, 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