



April 9, 2025

U.S. Department of Education
Office for Civil Rights
Washington, D.C. 20202

To Whom It May Concern:

This letter is in response to the U.S. Department of Education’s (USDE) April 3, 2025 “Reminder of Legal Obligations ... and Request for Certification...” (“Reminder and Request”). Considering how to respond to this Reminder and Request has prompted several concerns and raised follow-up questions for the Wisconsin Department of Public Instruction (WDPI).

The WDPI’s top priority and commitment is to use federal financial assistance for the benefit of Wisconsin children, schools, and communities, in compliance with applicable state and federal law. Federal funding provides essential services across Wisconsin, and the WDPI is diligent in its administration and monitoring of these funds to ensure all lawful requirements are fulfilled.

As acknowledged in the Reminder and Request, the WDPI and its subrecipients already provide USDE with certified assurances of compliance with federal law.¹ Specifically, these include assurances that the WDPI and its subrecipients comply with federal statutes related to nondiscrimination. It is unclear to the WDPI why the USDE is requesting an additional certification, when there has been no change in the law governing these funds.² As the USDE has repeatedly stated in recent communications, its guidance on this matter “does not have the force and effect of law and does not bind the public or create new legal standards.”³

If the USDE, through this Reminder and Request, intends to require some additional level or scope of assurance that is apart from the assurances repeatedly and regularly provided to the USDE, the WDPI has additional concerns. To impose additional requirements on the WDPI and its subrecipients, the USDE is required to adhere to federal notice and comment rulemaking procedures. To collect information from the WDPI and its subrecipients *en masse*, the USDE is also required to adhere to the federal Paperwork Reduction Act. And, even setting procedural

¹ Attached is an example of assurances annually submitted by Wisconsin Local Education Agencies to receive funding under the Elementary and Secondary Education Act.

² See 20 U.S.C. § 7842.

³ Off. of C.R., U.S. Dep’t of Educ., Dear Colleague Letter: *Title VI of the Civil Rights Act in Light of the Student for Fair Admissions v. Harvard* 1 n. 3 (2025); Off. of C.R., U.S. Dep’t of Educ., *Frequently Asked Questions About Racial Preferences and Stereotypes Under Title VI of the Civil Rights Act* 1 n.3 (2025).

requirements aside, the USDE presumably would want to clearly define these new certification requirements in a way that would pass constitutional muster, beyond a cursory description of “illegal DEI” and “DEI practices.”⁴

To summarize the above, at best, the Reminder and Request appears to be redundant. At worst, the Reminder and Request appears to be unauthorized, unlawful, and unconstitutionally vague.⁵ We are deeply concerned that the Reminder and Request allows the federal bureaucracy to threaten the loss of crucial education funding in order to dictate local education agency policies and decisions on what is best for kids.

Based on the above concerns, the WDPI is requesting the USDE respond to the following questions so that the WDPI can properly determine the appropriate response to this Reminder and Request:

- What specific purpose, beyond the assurances already provided by the WDPI, does this certification serve?
- Does the requested certification seek to enforce any requirement beyond what is required by federal law and regulation?
- If this certification is a material requirement for federal financial assistance, why has the USDE not engaged in the notice and comment rulemaking process?
- How does this request comply with the Paperwork Reduction Act?
- What legal authority is the USDE relying on to make this a material condition of federal financial assistance?
- For what specific grants and programs is the USDE requiring this certification?

I appreciate your attention to these concerns and look forward to your response.

Sincerely,



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⁴ See *Pennhurst State Sch. & Hosp. v. Halderman*, 451 U.S. 1, 17 (1981) (States must be given clear and unambiguous notice of the conditions attached to federal funds).

⁵ See, e.g., *Chicago Women in Trades v. Trump*, No. 1:25-cv-2005, 2025 WL 933871, at *6-8 (N.D. Ill. March 27, 2025).



I. SUBRECIPIENT IDENTIFICATION	
Agency Name	DPI Assigned Agency Code

II. FEDERAL GENERAL ASSURANCES

1. **Subrecipient agrees** to comply with all applicable provisions of the *Education Department General Administrative Regulations (EDGAR)*, 34 CFR Part 76; and the *Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (Uniform Grant Guidance)*, 2 CFR Part 200, including any changes to EDGAR or the Uniform Grant Guidance that may become effective after the date this application is signed. Services provided under this grant will be used to address the needs set forth in the guidelines document and federal regulations. Subrecipient agrees to implement the activities within the prescribed timeline as outlined in their work plan section of their proposal (if applicable). Subrecipient will provide fiscal information within the fiscal year timeline established for new and reapplying programs.
2. **Statutes and Regulations:** The subrecipient must comply with [34 CFR § 76.500](#), applicable statutes, regulations, and approved applications, and must use Federal funds in accordance with those statutes, regulations, plan, and applications ([34 CFR § 76.700](#)). These requirements include, but are not limited to, applicable provisions of—
 - *Title VI of the Civil Rights Act of 1964* (42 U.S.C. § 2000d through 2000d-4)
 - *Title IX of the Education Amendments of 1972* (20 U.S.C. § 1681-1683)
 - *Section 504 of the Rehabilitation Act of 1973* (29 U.S.C. § 794)
 - *The Age Discrimination Act of 1975* (42 U.S.C. § 6101 *et seq.*)
3. **Allowable Costs:** Costs claimed under the grant will be allowable under the principles established in the Uniform Grant Guidance, [2 CFR Subpart E—Cost Principles](#).
4. **Budget Modifications:** Subrecipients must report deviations from the approved budget through the WDPI's application amendment process ([2 CFR § 200.308\(b\)](#)). Subrecipients are permitted to claim funds above an approved budget line item amount as long as the accumulated line item overage does not exceed 10% of the approved budget amount and does not exceed the award amount ([2 CFR § 200.308\(i\)\(2\)](#)) but must follow through with a budget amendment to reconcile amounts with the subrecipient's last approved claim.
5. **Confidentiality:** The subrecipient must comply with provisions regarding confidentiality of student information (*Family Educational Rights and Privacy Act (FERPA)*, 20 U.S.C. § 1232g and 34 CFR Part 99; [Wis. Stat. § 118.125](#), Pupil Records).
6. **Conflict of Interest:** The subrecipient must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts. No employee, officer, agent, or board member with a real or apparent conflict of interest may participate in the selection, award, or administration of a contract supported by the Federal award ([2 CFR § 200.318\(c\)](#)). The subrecipient must disclose any potential conflict of interest to the WDPI in accordance with WDPI's established disclosure submission process ([2 CFR § 200.112](#)).
7. **Contracts, Purchases and Procurement:** The subrecipient must use its own documented procurement procedures; however, those procedures must be consistent with State, local, and tribal laws and the standards established in the Uniform Grant Guidance, [2 CFR §§ 200.318-200.327 Procurement Standards](#). Any Federally funded contract must contain the applicable provisions described in [2 CFR Appendix II](#).
8. **Suspension and Debarment / Never Contract with the Enemy:** The subrecipient must not award contracts to vendors that have been suspended, debarred, or otherwise excluded from receiving or participating in Federal awards ([2 CFR § 200.214](#)) or vendors that are considered enemies of the United States ([2 CFR § 200.215](#)). Prior to awarding any contracts, subrecipients must ensure vendors are eligible to receive federal funding by verifying their exclusionary status using the System for Award Management ([SAM.gov](#)).
9. **Monitoring and Reporting Program Performance:** The subrecipient must cooperate with any monitoring of activities by the WDPI or Federal awarding agency conducted to ensure the subrecipient is compliant with all federal grant requirements and meeting performance expectations ([2 CFR § 200.329](#)).
10. **Copyright, Acknowledgement, and Publications:** The awarding Federal agency and the WDPI reserve royalty-free, nonexclusive, and irrevocable right to reproduce, publish or otherwise use, and to authorize others to use (in whole or in part, including in connection with derivative works): (1) any copyrighted work developed under this subgrant or contract under this subgrant; and (2) any rights of copyright to which the subrecipient or a contractor purchases ownership with grant support. This includes the right to require subrecipients to make such works available through agency-designated public access repositories ([2 CFR § 200.315\(b\)](#)). The content of any grant-funded publication or product may be reprinted in whole or in part, with credit to the awarding Federal agency and WDPI acknowledged. However, resale for profit of any product funded in whole or in part with this subgrant must be authorized by the WDPI. When issuing statements, press releases, and other documents describing projects or programs funded in whole or in part with federal grant funds, the subrecipient must clearly acknowledge the receipt of federal funds in a statement.
11. **Financial Management:** The subrecipient must have a financial management system in place that will meet the WDPI's financial reporting requirements, including the ability to track expenditures to establish that funds have been used in accordance with Federal statutes, regulations, and the terms and conditions of the Federal award ([2 CFR § 200.302\(a\)](#)). The subrecipient's financial management system must meet the standards set forth in the Uniform Grant Guidance ([2 CFR §§ 200.302 Financial Management](#)).
12. **OMB Standard Form 424B:** The subrecipient must comply with all applicable assurances in [OMB Standard Forms 424B](#) (Assurances for Non Construction Programs), including the provisions related to the legal authority to apply for assistance; access to records; the *Hatch Act*; labor standards in accordance with the *Davis-Bacon Act* and the *Contract Work Hours and Safety standards Act*; *Single Audit Act*; and general agreement to comply with all applicable federal laws, executive orders and regulations.
13. **Programmatic Changes:** The subrecipient will obtain prior written approval from the WDPI for programmatic-related reasons listed in [2 CFR § 200.308\(f\)](#), which include but are not limited to:
 - Change in the scope or the objective of the project or program (even if there is no associated budget revision);
 - Change in key personnel (including employees or contractors) that are identified by name or position in the subrecipient's subaward;
 - The disengagement from the project for more than three months,

II. FEDERAL GENERAL ASSURANCES (cont'd.)

or a 25 percent reduction in time and effort devoted to the project over the course of the period of performance, by the approved grant project director; or

- The need arises for additional Federal funds to complete the project; before providing approval, the WDPI must ensure adequate funds are available and the increase in an award amount is allowed.

14. Record Retention: In accordance with [2 CFR § 200.334\(b\)](#), this is written notification to the subrecipient that the WDPI requires an extension to the record retention period addressed in the [General Records Schedule for Wisconsin Public School District and Related Records](#) (Wisconsin Public Records Board Approved March 10, 2023, Revised August 28, 2023). All subrecipients will ensure records are maintained for a period of at least three years after the end of the project year ([2 CFR § 200.334](#)). If any litigation, claim, negotiation, audit, or other action involving the records starts before the end of the period, the records will be retained until completion of the action and resolution of all issues.

15. Performance Reporting: If applicable, the subrecipient must submit performance reports as required by the WDPI per any schedule established by the WDPI (which will not be more frequent than quarterly except if specific conditions are applied). Grant evaluation information provided to the WDPI staff must accurately assess the completeness of grant goals, activities, benchmarks and target dates ([2 CFR § 200.329](#)).

16. Audit Requirements: Any subrecipient that expends \$1,000,000 or more in federal funds during a fiscal year (July 1 – June 30) must conduct a single audit ([2 CFR §200.501](#)). If a single audit is required, a copy of the audit must be submitted to the WDPI's School Financial Services team.

17. Text Messaging and E-Mailing While Driving: The subrecipient and their grant personnel are prohibited from text messaging while driving a vehicle during official grant business, or from using government supplied government-owned vehicle, or while driving their own privately owned electronic equipment to text message or e-mail when driving (Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," October 1, 2009).

18. Time and Effort Supporting Documentation: For costs to be allowable, compensation for personal services must adhere to the "Standards for Documentation of Personnel Expenses" ([2 CFR § 200.430 \(g\)](#)). The subrecipient must retain records that accurately reflect the work

performed and be supported by a system of internal control which will provide reasonable assurance that final amounts charged to a grant are accurate, allowable, and properly allocated. This documentation must be incorporated into the official records of the subrecipient. Lack of reliable time and effort documentation of grant-funded personnel may lead to questioned costs and a return of federal funds to the WDPI.

19. Whistleblower Protections: An employee of a subrecipient must not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing information that the employee reasonably believes is evidence of gross mismanagement or waste of a Federal contract or grant, an abuse of authority relating to a Federal contract or grant, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract). The subrecipient must inform their employees in writing of employee whistleblower rights and protections ([2 CFR § 200.217](#)).

20. Trafficking in Persons: The grant condition specified in [2 CFR Part 175](#) mandates that the subrecipient and its employees must not engage in trafficking in persons or acts that directly support or advance trafficking in persons or soliciting persons. A subrecipient must inform the Federal agency and the agency's Office of Inspector General immediately of any information received that alleges credible information that the subrecipient or a subcontractor of the subrecipient has engaged in this conduct and will fully cooperate with any federal agencies responsible for audits, investigation or correct actions relating to trafficking in persons. The federal agency may unilaterally terminate this award or take any remedial actions authorized by [22 U.S.C. § 7104b\(c\)](#), without penalty, if a subrecipient is determined to have violated this condition.

21. Mandatory Disclosures: The subrecipient must promptly disclose whenever, in connection with the Federal award, it has credible evidence of the commission of a violation of Federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations found in Title 18 of the United States Code or a violation of the civil False Claims Act ([31 U.S.C. 3729-3733](#)). The disclosure must be made in writing to the Federal agency, the agency's Office of Inspector General, and the WDPI. Subrecipients are also required to report matters related to recipient integrity and performance in accordance with [Appendix XII](#) through SAM.gov. Failure to make required disclosures can result in any of the remedies described in [2 CFR § 200.339](#). See also [2 CFR part 180, 31 U.S.C. 3321](#), and [41 U.S.C. 2313](#) ([2 CFR § 200.113](#)).

III. CERTIFICATION REGARDING LOBBYING - OMB No. 4040-0013

Certification for Grants

The undersigned certifies, to the best of their knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, 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 awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) 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 this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. 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 person who 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.

Agency Authorizer Name	Title of Individual Signing	
Signature	Date Signed Mo./Day/Yr.	

IV. PROGRAM SPECIFIC ASSURANCES

General Assurances

Any Local Educational Agency (LEA) or other qualifying entity in Wisconsin that submits a plan or application under the ESEA (a LEA or other qualifying entity will collectively be referred to as Applicant), whether separately or pursuant to 20 USC § 7845, shall have on file with the Wisconsin Department of Public Instruction (DPI) a single set of assurances, applicable to each program for which a plan or application is submitted, that provides the following assurances:

- (1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications, and each program shall comply with the terms and conditions of Wisconsin's consolidated State plan under the ESEA as approved by the U.S. Department of Education;
- (2) (A) the control of 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 these entities; and
(B) the Applicant will administer the funds and property to the extent required by the authorizing statutes;
- (3) the Applicant will adopt and use proper methods of administering each such program including—
 - (A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program; and
 - (B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation;
- (4) the Applicant will cooperate in carrying out any evaluation of each such program conducted by or for the state educational agency, the Secretary, or other Federal Officials;
- (5) the Applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, federal funds paid to the Applicant under each such program;
- (6) the Applicant will—
 - (A) submit such reports to the DPI (which shall make the reports available to the Governor) and the Secretary as the DPI and Secretary may require to enable the DPI and the Secretary to perform their duties under each such program; and
 - (B) maintain such records, provide such information, and afford such access to the records as the state educational agency (after consultation with the Governor) or the Secretary may reasonably require to carry out the state educational agency's or the Secretary's duties;
- (7) before the application was submitted, the Applicant afforded a reasonable opportunity for public comment on the application and considered such comment;
- (8) that all funds received under ESEA will be used to supplement and not supplant those from other sources otherwise available to continue current or past efforts;
- (9) the application will be available for review by the public;
- (10) the Applicant will comply with all requirements of the ESEA programs included in its consolidated application, whether or not the program statute identifies these requirements as a description or assurance that the Applicant would have addressed, absent this consolidated application, in a program-specific plan or application, and maintain records of its compliance with each of those requirements; and
- (11) any printed (or other media) description of ESEA programs will state the total amount being spent on the project or activity and will indicate the percentage of funds from the ESEA programs which are involved.
- (12) the Applicant will only use ESSA funds to administer and support evidence-based practices as described in 20 USC § 7801(21)(A).
- (13) the Applicant shall timely and meaningfully consult with stakeholders as required under each applicable Title.

GEPA 427-Equitable Access and Participation

Under section 427 of the General Education Provisions Act, each Applicant is required to include in its plan a description of steps that will be taken to remove barriers that may exist regarding equitable access to, or equitable participation in, activities and programs the state will undertake with the federal funds provided.

Gun-Free Schools Requirements 20 USC § 7961

Each LEA that submits a plan or application under the ESEA assures:

- (1) that the LEA is in compliance with Wis. Stat. § 120.13(1)(c)2m requiring commencement of proceedings to expel from school for a period of not less than one 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 the LEA.
- (2) that the LEA shall provide to the DPI, in the application requesting assistance under the ESEA, a description of the circumstances surrounding any expulsions imposed under Wis. Stat. § 120.13(1)(c)2m, including—
 - (A) the name of the school concerned;
 - (B) the number of students expelled from such school; and
 - (C) the type of firearms concerned.
- (3) that the LEA 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 the LEA.

Civil Rights 20 USC § 7914

Each Applicant that submits a plan or application under the ESEA assures its understanding that:

- (1) nothing in the ESEA shall be construed to permit discrimination on the basis of race, color, religion, sex (except as otherwise permitted under Title IX of the Education Amendments of 1972), national origin, or disability in any program funded under the ESEA; and
- (2) nothing in the ESEA shall be construed to require the disruption of services to a child or the displacement of a child enrolled in or participating in a program administered by eligible entity, as defined in 20 USC § 1111(d), at the commencement of the entity's participation in a grant under section 20 USC § 1116.

School Prayer 20 USC § 7904(b)

Each Applicant that submits a plan or application under the ESEA assures that it has no policy that prevents, or otherwise denies participation in, constitutionally protected prayer in public elementary schools and secondary schools.

Bipartisan Safer Communities Act § 13401

No funds under the ESEA may be used for the provision to any person of a dangerous weapon, as defined in section 930(g)(2) of title 18, United States Code, or training in the use of a dangerous weapon. Dangerous weapon is defined in section 930(g)(2) as a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocketknife with a blade of less than 2 1/2 inches in length.

Please note, this prohibition does not apply to the use of funds for activities that are otherwise permissible, and that "provide students with educational instruction or educational enrichment activities, such as archery, hunting, other shooting sports, or culinary arts." 20 U.S.C. § 7906(7)

IV. PROGRAM SPECIFIC ASSURANCES (cont'd.)

Title I, Part A

Each LEA that submits a plan under Title I, Part A of the ESEA assures that the LEA will:

- (1) ensure that migratory children and formerly migratory children who are eligible to receive services under this part are selected to receive such services on the same basis as other children who are selected to receive services under this part;
- (2) provide services to eligible children attending private elementary schools and secondary schools in accordance with 20 USC § 6320, and timely and meaningful consultation with private school officials regarding such services;
- (3) participate, if selected, in the National Assessment of Educational Progress in reading and mathematics in grades 4 and 8 carried out under 20 USC § 9622(b)(3);
- (4) coordinate and integrate services provided under this part with other educational services at the LEA or individual school level, such as services for English learners, children with disabilities, migratory children, American Indian, Alaska Native, and Native Hawaiian children, and homeless children and youths, in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program;
- (5) collaborate with the state, county, and tribal child welfare agency to—
 - (A) designate a point of contact if the corresponding child welfare agency notifies the local educational agency, in writing, that the agency has designated an employee to serve as a point of contact for the local educational agency; and
 - (B) develop 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 the time in foster care, which procedures shall—
 - (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 42 USC § 675(4)(A); and
 - (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—
 - (I) the local child welfare agency agrees to reimburse the LEA for the cost of such transportation;
 - (II) the LEA agrees to pay for the cost of such transportation; or
 - (III) the LEA and the local child welfare agency agree to share the cost of such transportation.
- (6) shall ensure the educational stability of children in foster care, through collaboration with county and tribal child welfare agencies and by assuring that:
 - (A) any such child enrolls or remains in such child's school of origin, unless a determination is made that it is not in such child's best interest to attend the school of origin, which decision shall be based on all factors relating to the child's best interest, including consideration of the appropriateness of the current educational setting and the proximity to the child's out-of-home care placement for the duration of the time that the child is in an out-of-home care placement;
 - (B) when a determination is made that it is not in such child's best interest to remain in the school of origin, the LEA of the new school will immediately enroll the student - even if the student is unable to produce records normally required for enrollment - and
 - (C) when receiving a new student, the LEA will immediately contact the school of origin to obtain relevant academic and other records and, if the school of origin, immediately transfer those records.
- (7) will provide services to homeless children and youths, including services to support the enrollment, attendance, and success of homeless children and youths, in coordination with the services the local educational agency is providing under the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.) [(20 USC § 6312 (b) (6)].
- (8) ensure that all teachers and paraprofessionals working in a program supported with funds under this part meet applicable state certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification;
- (9) in the case of a LEA that chooses to use funds under this part to provide early childhood education services to low-income children below the age of compulsory school attendance, ensure that such services comply with the performance standards established under section 641A(a) of the Head Start Act (42 U.S.C. 9836a(a)); and
- (10) comply with school improvement activities and requirements if one or more schools in the LEA is identified for comprehensive support and improvement, targeted support and improvement (TSI) or additional targeted support and improvement (ATSI) pursuant to Wisconsin's consolidated State plan under the ESEA as approved by the U.S. Department of Education. Specifically, notify each school within the LEA that is identified under ESSA; review and approve improvement plans for all schools identified for CSI, TSI and ATSI; monitor improvement plans for all schools identified for TSI and/or ATSI; and take additional action to support schools identified for TSI that have not exited after the number of years specified in the ESSA LEA plan.

Title I, Part A, Comparability

Each LEA that submits a plan under Title I, Part A of the ESEA assures that the LEA has complied or will comply with comparability requirements under 20 USC § 6321(c) by establishing and implementing:

- (1) a local educational agency-wide salary schedule;
- (2) a policy to ensure equivalence among schools in teachers, administrators, and other staff; and
- (3) a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.

Title I, Part A, School Improvement

Each LEA receiving funds under a grant awarded to the State pursuant to 20 USC § 6303 provides the following assurances to:

- (1) use a rigorous review process to recruit, screen, select, and evaluate any external partners with whom the local educational agency will partner;
- (2) align other Federal, State, and local resources to carry out the activities supported with these funds; as appropriate, modify practices and policies to provide operational flexibility that enables full and effective implementation of the plans developed for schools identified for comprehensive support and improvement, schools identified for targeted support and improvement, and/or schools identified for additional targeted support and improvement; and
- (3) ensure that each school the LEA serves with these funds will receive all of the State and local funds it would have received in the absence of funds received under this section.

The LEA is knowledgeable and approves of the uses of funds made available under 20 USC § 6303 to provide services to schools implementing comprehensive support and improvement, schools identified for targeted support and improvement, and/or schools identified for additional targeted support and improvement activities on its behalf. These services include direct support from DPI as well as through educational service agencies.

IV. PROGRAM SPECIFIC ASSURANCES (cont'd.)

Title I, Part C, Migrant Education

Each Applicant receiving funds under a grant awarded to the State pursuant to 20 USC § 6394(c) provides the following assurances:

- (1) funds received under this part will be used only—
 - (A) for programs and projects, including the acquisition of equipment, in accordance with 20 USC § 6396; and
 - (B) to coordinate such programs and projects with similar programs and projects within the State and in other states, as well as with other federal programs that can benefit migratory children and their families;
- (2) such programs and projects will be carried out in a manner consistent with the objectives of 20 USC § 6314, subsections (b) and (d) of 20 USC § 6315, subsections (b) and (c) of section 20 USC § 6321 and 20 USC ch. 70, Part F;
- (3) in the planning and operation of programs and projects, there is consultation with parent advisory councils for programs of 1 school year in duration and that all such programs and projects are carried out—
 - (A) in a manner that provides for the same parental involvement as is required for programs and projects under 20 USC § 6318, unless extraordinary circumstances make such provision impractical; and
 - (B) in a format and language understandable to the parents;
- (4) in planning and carrying out such programs and projects, there has been, and will be, adequate provision for addressing the unmet education needs of preschool migratory children and migratory children who have dropped out of school
- (5) the effectiveness of such programs and projects will be determined, where feasible, using the same approaches and standards that will be used to assess the performance of students, schools, and local educational agencies under 20 USC ch. 70, Part A;
- (6) such programs and projects will provide for outreach activities for migratory children and their families to inform such children and families of other education, health, nutrition, and social services to help connect them to such services;
- (7) to the extent feasible, such programs and projects will provide for—
 - (A) advocacy and outreach activities for migratory children and their families of, or helping such children and families gain access to other education, health, nutrition, and social services;
 - (B) professional development programs, including mentoring, for teachers and program personnel;
 - (C) family literacy programs;
 - (D) the integration of information technology into educational and related programs, and
 - (E) programs to facilitate the transition of secondary school students to postsecondary education or employment.

Title I, Part D, Sub Part 1, Neglected and Delinquent

The State Agency receiving Title I, Part D, Subpart 1 funds shall:

- (1) except for institution-wide projects, serve only those students who are failing, or most at-risk of failing, to meet the state's challenging student performance standards (20 USC § 6435(a)(2)(B)(i)).
- (2) use multiple and appropriate measures to evaluate student progress (20 USC § 6471(c)).
- (3) provide the necessary training for appropriate staff, to ensure that the planning and operation of educational projects are of high quality. This includes program support for special education identified students (20 USC § 6434(c)(10) & (17)).
- (4) assist in locating alternative programs through which students can continue their education if they are not returning to school after leaving the institution (20 USC § 6434(c)(13)).
- (5) coordinate with other programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 or other comparable

programs, if applicable (20 USC § 6434(c)(19)).

- (6) ensure that, in making services available to children and youth in adult correctional institutions, priority will be given to such children and youth who are likely to complete incarceration within a two-year period (20 USC § 6434(c)(2)).
- (7) work with parents to secure parents' assistance in improving the educational achievement of their children and youth and preventing their children's and youth's further involvement in delinquent activities (20 USC § 6434(c)(14)).
- (8) work with children and youth with disabilities in order to meet an existing individualized education program and notify the children's or youth's local school if the child or youth is identified as in need of special education services in the institution and intends to return to the local school (20 USC § 6434(c)(15)).
- (9) work with children and youth who dropped out of school before incarceration in order to encourage the children and youth to reenter school and attain a regular high school diploma once the term of incarceration is completed or provide the child or youth with the skills necessary to gain employment, continue their education, or attain a regular high school diploma or its recognized equivalent if they do not intend to return to school (20 USC § 6434(c)(16)).

Title I, Part D, Sub Part 2, Neglected and Delinquent

Each LEA that enters into an agreement with a correctional facility pursuant to 20 USC § 6453(2) assures that in regard to services provided to neglected and/or delinquent youth under 20 USC § 6421, the agreement shall require the facility to:

- (1) where feasible, provide transition assistance to help the youth stay in school, including coordination of services for counseling, assistance in accessing drug and alcohol abuse prevention programs, tutoring, and family counseling;
- (2) notify the local school if a youth is identified as in need of special education services while in the facility;
- (3) where feasible, provide transition assistance to help the youth stay in school, including coordination of services for counseling, assistance in accessing drug and alcohol abuse prevention programs, tutoring, and family counseling;
- (4) provide support programs which encourage youth who have dropped out to re-enter school once their term has been completed or provide such youth with the skills necessary for such youth to gain employment or seek a secondary school diploma or its recognized equivalent;
- (5) work to ensure such facilities are staffed with teachers and other qualified staff who are trained to work with children with disabilities and other students with special needs taking into consideration the unique needs of such children and students;
- (6) ensure that educational programs in the correctional facility are related to assisting students to meet the challenging State academic standards;
- (7) use, to the extent possible, technology to assist in coordinating educational programs between the juvenile facility and the community school;
- (8) where feasible, involve parents and family members in efforts to improve the educational achievement of their children and prevent the further involvement of such children in delinquent activities;
- (9) coordinate funds received under this program with other local, State, and federal funds available to provide services to participating youths, such as funds under the Job Training Partnership Act, and vocational education funds;
- (10) coordinate programs operated under this subpart with activities funded under the Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs, if applicable; and
- (11) if appropriate, work with local businesses to facilitate postsecondary and workforce success for participating youth.
- (12) upon the child's or youth's entry into the correctional facility, work

IV. PROGRAM SPECIFIC ASSURANCES (cont'd.)

with the child's or youth's family members and the local educational agency that most recently provided services to the child or youth (if applicable) to ensure that the relevant and appropriate academic records and plans regarding the continuation of educational services for such child or youth are shared jointly between the correctional facility and LEA in order to facilitate the transition of such children and youth between the LEA and the correctional facility; and;

- (13) consult with the LEA for a period jointly determined necessary by the correctional facility and LEA upon discharge from that facility, to coordinate educational services so as to minimize disruption to the child's or youth's achievement.

Title II, Part A, Supporting Effective Instruction

Each LEA receiving a subgrant under 20 USC § 6612 provides the following assurances:

- (1) the LEA will comply with 20 USC § 7881 (regarding participation by private school children and teachers); and
- (2) the LEA will coordinate professional development activities authorized under this part with professional development activities provided through other Federal, State, and local programs.
- (3) the LEA will use funds in accordance with 20 USC § 6613(b)(2) to address the learning needs of all students, including children with disabilities, students from low-income families, English learners, and talented students.

Title III, Part A

Each LEA or other eligible entity that receives a subgrant under 20 USC § 6821 for purposes of supplementing and not supplanting efforts to improve the education of English learners provides the following assurances:

- (1) each LEA that is included in the eligible entity is complying with 20 USC § 6312(e) prior to, and throughout, each school year as of the date of application;
- (2) the eligible entity is not in violation of any State law, including State constitutional law, regarding the education of English learners, consistent with 20 USC § 6846;
- (3) the eligible entity consulted with teachers, researchers, school administrators, parents and family members, community members, public or private entities, and institutions of higher education, in developing and implementing such plan;
- (4) the eligible entity will, if applicable, coordinate activities and share relevant data under the plan with local Head Start and Early Head Start agencies, including migrant and seasonal Head Start agencies, and other early childhood education providers;
- (5) the eligible entity certifies that all teachers in any language instruction educational program for limited English proficient children that is, or will be, funded under this part are fluent in English and any other language used for instruction, including having written and oral communication skills;
- (6) the eligible entity agrees to expend the funds to improve the education of English learners by assisting them to learn English and meet the challenging State academic standards. In carrying out activities with such funds, the eligible entity shall use effective approaches and methodologies for teaching English learners; and
- (7) the eligible entity agrees to use the funds to increase the English language proficiency of English learners, provide effective professional development, and provide and implement other effective parent, family, and community engagement activities and strategies that enhance or supplement language instruction educational programs for

English learners.

- (8) select one or more methods or forms of effective instruction to be used in the programs and activities undertaken by the entity to assist English learners to attain English language proficiency and meet challenging State academic standards.
- (9) The eligible entity will assess annually the English proficiency of all English learners.

Title IV, Part A, Student Support and Academic Enrichment

Applicant that applies for funds under 20 USC § 7115 shall include assurances that the LEA, or consortium of such agencies, will:

- (1) prioritize the distribution of funds to schools served by the local educational agency, or consortium of such agencies, that—
 - (A) are among the schools with the greatest needs, as determined by such local educational agency, or consortium;
 - (B) have the highest percentages or numbers of children counted under 20 USC § 6333(c);
 - (C) are identified for comprehensive support and improvement under 20 USC § 6311(c)(4)(D)(i);
 - (D) are implementing targeted support and improvement plans as described in 20 USC § 6311(d)(2); or
 - (E) are identified as a persistently dangerous public elementary school or secondary school under 20 USC § 7912;
- (2) comply with 20 USC § 7881 (regarding equitable participation by private school children and teachers);
- (3) develop and implement the application through ongoing consultation with stakeholders under ESEA Section 4106;
- (4) use not less than 20 percent of funds received under this subpart to support one or more of the activities authorized under 20 USC § 7117;*
- (5) use not less than 20 percent of funds received under this subpart to support one or more activities authorized under 20 USC § 7118;*
- (6) use a portion of funds received under this subpart to support one or more activities authorized under 20 USC § 7119(a), including an assurance that the local educational agency, or consortium of local educational agencies, will comply with 20 USC § 7119(b);*
- (7) annually report to the State for inclusion in the report described in 20 U.S.C. § 7114(a)(2) how funds are being used under this subpart to meet the requirements of 20 USC § 7116(e)(2)(C) through (E) [(4)-(6) above].
- (8) conduct a comprehensive needs assessment prior to receiving funds and at least once every 3 years, unless the LEA's allocation under 20 USC § 7115(a)(1) is less than \$30,000;
- (9) obtain prior written, informed consent from the parent of each child who is under 18 years of age to participate in any mental-health assessment or service that is funded under 20 USC ch. 70 subch. IV [20 USC 7101(a)].
- (10) not use funds received under 20 USC ch. 70 subch. IV for medical services or drug treatment or rehabilitation, except for integrated student supports, specialized instructional support services, or referral to treatment for impacted students, which may include students who are victims of, or witnesses to, crime or who illegally use drugs. [20 USC 7101(b)].

***Any LEA receiving an allocation under 20 U.S.C. § 7115(a)(1) in an amount less than \$30,000 shall be required to provide only one of the assurances described in subparagraphs (C) through (E) of 20 U.S.C. § 7116(e)(2) [(4) through (6) above].**

IV. PROGRAM SPECIFIC ASSURANCES (cont'd.)

Bipartisan Safer Communities Act (BSCA) Stronger Connections Grant

Each LEA receiving a subgrant under the BSCA Stronger Connections Grant will:

- (1) provide equitable services to students and teachers in non-public schools as required under ESEA section 8501;
- (2) allocate funds toward activities allowable under ESEA section 4108;
- (3) develop and implement the application through ongoing consultation with stakeholders under ESEA section 4106;
- (4) use BSCA funds to administer and support evidence- based practices.

V. CERTIFICATION

I CERTIFY that I have been authorized by the subrecipient to provide the assurances in these sections and apply for funds under the Federal program; and that, to the best of my knowledge and belief, the information provided herein is true, complete, and accurate. I am aware that the provision of false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil, or administrative consequences including, but not limited to violations of U.S. Code Title 18, Sections 2, 1001, 1343 and Title 31, Sections 3729-3730 and 3801-3812 ([2 CFR § 200.415\(b\)](#)).

Agency Authorizer Name	Title of Individual Signing	
Signature		Date Signed <i>Mo./Day/Yr.</i>