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May 30, 2018

TO: Superintendents

FROM: Frank Edelblut, Commissioner  
Department of Education

SUBJECT: General Assurances FY 2019

The New Hampshire Department of Education (NHDOE) has developed the attached "General Assurances, Terms and Requirements for Participation in Federal Programs" document that must be signed by all agencies and organizations that receive federal funds through the NHDOE. The federally funded education programs which flow money through the NHDOE require each applicant to file certain assurances. Some of these assurances apply to all programs and are therefore, considered "general assurances."

The submission of general assurances is required by:

- Federal regulation 34 CFR §76.301 of the Education Department General Administrative Regulations (EDGAR), which requires a general application for subgrantees/subrecipients for participation in federal programs funded by the U.S. Department of Education that meets the requirements of Section 442 of the General Education Provisions Act (GEPA).
- Applicable federal statutes.
- Applicable regulations of other federal agencies.

The NHDOE has consolidated the general assurances into one document which also now includes terms and requirements in an effort to provide more guidance relative to implementation of the underlying assurances. NHDOE requests an annual submission for all of your Local Education Agencies (LEA's). This will simplify the collection of assurances and facilitate the requirement that I certify to the Secretary of Education the status of all LEAs. In New Hampshire both School Districts and School Administrative Units (SAUs) are considered LEA's. Individual program policy establishes which may

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apply for federal funds. As such, both the Superintendent and the local School Board are required to sign the certification page of the attached document.

I am requesting that you and the local School Board complete the certification page at the end of the enclosed general assurance document and return it to the attention of the Bureau of Federal Compliance. I have instructed that office to notify the directors of all programs approving federal funds to LEA's when they have received your assurances. The directors of the various federal programs are not to request additional copies from you, but to accept the Bureau of Federal Compliance list as the basis for determining compliance with these requirements as one item in their approval of proposals for funding. Other program specific assurances will still be requested from the LEA's by individual programs.

Compliance with these general assurances will be subject to review by NHDOE staff during on-site federal compliance monitoring. Annual audits by CPA's in accordance with the Single Audit Act may also include compliance checks.

On the certification page, please include the name and number of the SAU office and the name of the School District which will be applying for funds, both certifying parties are asked to sign in **blue** ink, and return to this office no later than **June 30, 2018**.

Thank you for your assistance with this initiative. This process should make it less difficult for all of us to access and use the federal funds for the purposes designated.

If you should have any questions regarding these general assurances, please contact Timothy Carney, Administrator of the Bureau of Federal Compliance at [Timothy.Carney@doe.nh.gov](mailto:Timothy.Carney@doe.nh.gov) or at 603-271-2634.

Enclosure

# General Assurances, Terms, and Requirements for Participation in Federal Programs

## 1.0 General Assurances

Assurance is hereby given that, to the extent applicable:

- The recipient has the legal authority to apply for the federal, and the instructional, managerial, and financial capability (including funds sufficient to pay non-federal share of project costs, as applicable) to ensure proper planning, management, and completion of the project described in this/all applications submitted.
- The recipient will administer each program covered by the application in accordance with all applicable laws, regulations, statutes, rules, policies, procedures, and program requirements.
- The control of funds provided to the recipient under each program, and title to property acquired with those funds, will be in a public agency, and a public agency will administer those funds and property.
- The recipient will have/establish and maintain a proper accounting system in accordance with generally accepted accounting standards.
- The recipient will comply with the Stevens Amendment as explained on page 13.
- The recipient will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, federal funds paid to that recipient under each program. Access to documents, papers, and other such records shall be made available to authorized representatives of U.S. governmental agencies, including but not limited to, the federal awarding agency, Inspectors General, the Comptroller General and the NHDOE for the purpose of program and fiscal auditing and monitoring.
- The recipient will submit such reports to the NHDOE and to U.S. governmental agencies as may reasonably be required to enable the NHDOE and U.S. governmental agencies to perform their duties. The recipient will maintain such fiscal and programmatic records, including those required under 20 U.S.C. 1234f, and will provide access to those records, as necessary, for those Departments/agencies to perform their duties.
- To assure that all applications submitted for project/grant funding are proper and in accordance with the terms and conditions outlined in the RFA and/or the RFP, the official who is authorized to legally bind the agency/organization agrees to the following certification. By signing the General Assurances, Terms and Requirements for Participation in Federal Programs, I certify to the best of my knowledge and belief that all applications submitted are true, complete, and accurate, for the purposes and objectives set forth in the RFA and/or the RFP. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal or administrative penalties for false statements, false claims or otherwise.”
- To assure that expenditures reported are proper and in accordance with the terms and conditions of the Project Award and approved project budget, the official who is authorized to legally bind

the agency/organization agrees to the following certification for all fiscal reports and/or vouchers requesting payment. “By signing the General Assurances, Terms, and Conditions for Participation in Federal Programs, I certify to the best of my knowledge and belief that the reports submitted are true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purpose and objectives set forth in the terms and conditions of the Project 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.”

- The recipient will provide reasonable opportunities for systematic consultation with and participation of teachers, parents, and other interested agencies, organizations, and individuals, including education-related community groups and non-profit organizations, in the planning for and operation of each program.
- The recipient shall assure that any application, evaluation, periodic program plan, or report relating to each program will be made readily available to parents and other members of the general public upon request.
- The recipient 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. Such procedures shall ensure compliance with applicable federal laws and requirements.
- The recipient will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain.
- The recipient will initiate and complete the work within the applicable time frame after receipt of approval from the awarding agency.
- The recipient will comply with all federal statutes relating to nondiscrimination. (These include but are not limited to, Title VI of the Civil Rights Act of 1964 [P.L. 88-352], which prohibits discrimination on the basis of race, color, or national origin; Title IX of the Education Amendments of 1972, as amended [20 U.S.C. 1681-1683 and 1685-1686], which prohibits discrimination on the basis of sex; Section 504 of the Rehabilitation Act of 1973, as amended [29 U.S.C. 794], which prohibits discrimination on the basis of handicaps; and the Age Discrimination Act of 1975, as amended [42 U.S.C. 6101-6107], which prohibits discrimination on the basis of age.)
- The recipient will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by any award of assistance.
- The recipient will comply with the requirements of the Gun-Free Schools Act of 1994.
- The recipient will submit a fully executed and accurate Certificate of Federal Expenditure worksheet to the NHDOE not later than **March 31, 2019**. The worksheet will be provided to each recipient by the NHDOE.
- The recipient will cause to be performed the required financial and compliance audits in

accordance with the Single Audit Act Amendments of 1996 and 2 CFR 200, Subpart F, “Audit Requirements,” as applicable.

- The recipient assures that no federally appropriated funds have been paid or will be paid by or on behalf of the recipient to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any federal grant; the entering into of any cooperative agreement; and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement.
- The recipient shall comply with the restrictions of New Hampshire RSA 15:5 as explained on page 10.
- The recipient will comply with the requirements in 2 CFR Part 180, Government-wide Debarment and Suspension (Nonprocurement).
- The recipient certifies that neither it nor its officers is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal Department or agency.
- The recipient certifies that it will maintain a drug-free workplace and will comply with the requirements of the Drug-Free Workplace Act of 1988.
- The recipient will comply with all federal requirements, as applicable, for internal controls to ensure compliance with federal statutes, regulations, and terms and conditions of the award.
- The recipient will comply with all applicable requirements of all other federal and state laws, statutes, executive orders, regulations, policies, terms and conditions governing each program funded.
- The recipient will adhere to the requirements of Title 20 USC 7197 relative to the Transfer of Disciplinary Records.
- If applicable, after timely and meaningful consultation, the recipient will provide the opportunity for children enrolled in private, non-profit schools, and the educational personnel of such schools, equitable participation in the activities and services provided by these federal funds, and will notify the officials of the private schools of said opportunity. (Educational services or other benefits provided, including materials and equipment, shall be secular, neutral, and non-ideological. Expenditures for such services or other benefits shall be equal [consistent with the number of children to be served] to expenditures for programs of children enrolled in the public schools of the local educational agency.)

## 2.0 Terms

**Applicant** – A school district, SAU or other entity seeking a project award from the NHDOE.

**Budget** - The applicant's financial plan, in terms of accounts and amounts, showing use of funds for carrying out project objectives, services, or activities as found in the budget narrative and on other budget documents required by the NHDOE.

**Budget Period** - The interval of time into which a project period is divided for budgetary purposes.

**Capital Outlay** - Equipment, fixtures, and other tangible personal property of a non-consumable and non-expendable nature.

**Conflict of Interest** – Must disclose in writing any potential conflict of interest in accordance with applicable federal and/or state laws or policies.

**Disbursement** - Payment made in cash, by check, or via other electronic means.

**Mandatory Disclosure** – Must disclose, in a timely manner, in writing all violations of criminal law involving fraud, bribery or gratuity violations potentially affecting the project award.

**Monitoring** – Actions, activities, and practices used by the NHDOE to determine that funds are used and programs are operated in accordance with applicable federal and state statutes, rules, and regulations.

**More Restrictive Conditions** - Special requirements or restrictions imposed on a project recipient as a condition of project approval by the NHDOE.

**Obligations** - The amounts for orders placed, contracts awarded, services received, or for similar transactions during the stipulated project period, which will require payment during the same or a future period.

**Private, Non-profit Organization** - An agency, organization, or institution not under federal or public supervision or control, which is owned by one or more corporations or associations whose net earnings do not benefit and cannot lawfully benefit any private shareholder or entity.

**Private, For-Profit Organization** - An agency, organization, or institution not under federal or public supervision or control, which is owned by one or more individuals, partnerships, corporations, or associations whose net earnings do or can benefit any private shareholder or entity.

**Project** - The services, activities, or program that an entity agrees to provide for a specified period of time using state or federal funds awarded to a project recipient.

**Project Application** - An entity's request for a project award under state or federal education programs administered by the NHDOE.

**Project Award** - The approval of a project application as stated in the Project Award Notification sent to project recipients that specifies the amount of funds awarded, the project period, and any special requirements or restrictions to be imposed by the NHDOE.

**Project Period** - The length of time for which a project has been authorized/awarded.

**Project Recipient** - The school district, a local education agency (LEA), colleges, universities, public agency, or non-public agency that has been awarded a project to provide services or activities described in a project application approved by the NHDOE.

### **3.0 Explanation of Grants Management Requirements**

The following section elaborates on certain requirements included in legislation or regulations referred to in the "General Assurances" section. This section also explains the broad requirements that apply to federal program funds.

### **Accounts and Records**

The recipient shall maintain all accounts, records, and other supporting documentation pertaining to all costs incurred and revenues or other applicable credits acquired under each approved project in accordance with 2 CFR 200.333.

### **Allowable Costs**

In accounting for and expending project/grant funds, a recipient and/or sub-recipient may only charge expenditures to the project award if they are: (a) in payment of obligations incurred during the approved project period; (b) in conformance with the approved project; (c) in compliance with all applicable statutes and regulatory provisions; (d) costs that are allocable to a particular cost objective; (e) spent only for reasonable and necessary costs of the program; and (f) not used for general expenses required to carry out other responsibilities of the recipient and/or sub-recipient. All recipients must have written procedures for determining allowability in accordance with Subpart E – Cost Principles of 2 CFR Part 200 and the terms and conditions of the project award.

### **Audits**

This part is applicable for all non-Federal entities as defined in 2 CFR 200, Subpart F.

1. In the event that the recipient expends \$750,000 or more in federal awards in its fiscal year, the recipient must have a single or program-specific audit conducted in accordance with the provisions of 2 CFR 200, Subpart F. In determining the federal awards expended in its fiscal year, the recipient shall consider all sources of federal awards, including federal resources received from the NHDOE. The determination of amounts of federal awards expended should be in accordance with the guidelines established by 2 CFR 200, Subpart F.
2. In connection with the audit requirements, the recipient shall also fulfill the requirements relative to auditee responsibilities as provided in 2 CFR 200.508.
3. If the recipient expends less than \$750,000 in federal awards in its fiscal year, an audit conducted in accordance with the provisions of 2 CFR 200, Subpart F, is not required. In the event that the recipient expends less than \$750,000 in federal awards in its fiscal year and elects to have an audit conducted in accordance with the provisions of 2 CFR 200, Subpart F, the cost of the audit must be paid from non-federal resources (i.e., the cost of such an audit must be paid from recipient resources obtained from non-federal entities).

### **Reports to be Submitted**

#### Audits/Management Letters

Copies of reporting packages for audits conducted in accordance with 2 CFR 200, Subpart F shall be submitted, by or on behalf of the recipient directly to the following:

- The Federal Audit Clearinghouse (FAC) in 2 CFR 200, Subpart F requires the auditee to electronically submit the data collection form described in 200.512(b) and the reporting

package described in 200.512(c) to FAC at:  
[https://harvester.census.gov/facides/\(S\(mqamohbpj0hmyh1r45p1pol\)\)/account/login.aspx](https://harvester.census.gov/facides/(S(mqamohbpj0hmyh1r45p1pol))/account/login.aspx)

Copies of reports or management letter(s) shall be submitted by or on behalf of the recipient directly to:

- New Hampshire Department of Education  
Bureau of Federal Compliance  
101 Pleasant Street  
Concord, NH 03301
- In response to requests by a Federal agency, auditees must submit a copy of any management letters issued by the auditor, 2 CFR 200.512(e).

Any other reports, management letters, or other information required to be submitted to the NHDOE pursuant to this agreement shall be submitted in a timely manner.

#### Certificate of Federal Expenditures

An executed and accurate Certificate of Federal Expenditure worksheet shall be submitted to the NHDOE not later than **March 31, 2019**. A copy of the worksheet will be provided to each LEA by the NHDOE in September of 2018.

#### **Debarment, Suspension, and Other Responsibility Matters**

As required by Executive Orders (E.O.) 12549 and 12689, Debarment and Suspension, and implemented at 2 CFR Part 180, for prospective participants in primary covered transactions, as defined in 2 CFR 180.120, 180.125 and 180.200, no contract shall be made to parties identified on the General Services Administration's *Excluded Parties List System* as excluded from Federal Procurement or Non-procurement Programs in accordance with E.O.s 12549 and 12689, "Debarment and Suspension." This list contains the names of parties debarred, suspended, or otherwise excluded by agencies, and contractors declared ineligible under statutory or regulatory authority other than E.O. 12549. Contractors with awards that exceed the small purchase threshold shall provide the required certification regarding their exclusion status and that of their principal employees.

The federal government imposes this requirement in order to protect the public interest, and to ensure that only responsible organizations and individuals do business with the government and receive and spend government grant funds. Failure to adhere to these requirements may have serious consequences – for example, disallowance of cost, termination of project, or debarment.

To assure that this requirement is met, there are four options for obtaining satisfaction that subgrantees and contractors are not suspended, debarred, or disqualified. They are:

The applicant certifies that it and its principals:

- Are not presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from covered transactions by any federal Department or agency.
- Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or



contract under a public transaction; violation of federal or state antitrust statutes; commission of embezzlement; theft, forgery, bribery, falsification, or destruction of records; making false statements; or receiving stolen property.

- Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in this certification.
- Have not within a three-year period preceding this application had one or more public transactions (federal, state, or local) terminated for cause or default.

Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

### **Drug-Free Workplace (Grantees Other Than Individual)**

As required by the Drug-Free Workplace Act of 1988 and implemented in 34 CFR 84.200 and 84.610, the applicant certifies that it will continue to provide a drug-free workplace by:

- Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition.
- Establishing, as required by 34 CFR 84.215, an ongoing drug-free awareness program to inform employees about:
  - The dangers of drug abuse in the workplace.
  - The recipient's policy of maintaining a drug-free workplace.
  - Any available drug counseling, rehabilitation, and employee assistance programs.
  - The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- Requiring that each employee engaged in the performance of the project is given a copy of this statement.
- Notifying the employee in the statement that, as a condition of employment under the project, the employee will:
  - Abide by the terms of the statement.
  - Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.
- Notifying the agency in writing within 10 calendar days after receiving notice of an employee's conviction of a violation of a criminal drug statute in the workplace, as required by 34 CFR 84.205(c)(2), from an employee or otherwise receiving actual notice of employee's conviction. Employers of convicted employees must provide notice, including position title to:

Director, Grants and Contracts Service  
U.S. Department of Education  
400 Maryland Avenue, S.W. [Room 3124, GSA – Regional Office Building No. 3]  
Washington, D.C. 20202-4571

(Notice shall include the identification number[s] of each affected grant).

- Taking one of the following actions, as stated in 34 CFR 84.225(b), within 30 calendar days of receiving the required notice with respect to any employee who is convicted of a violation of a criminal drug statute in the workplace.
  - Taking appropriate personnel action against such an employee, up to and including termination consistent with the requirements of the Rehabilitation Act of 1973, as amended.
  - Requiring such employee to participate satisfactorily in drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

Making a good-faith effort to maintain a drug-free workplace through implementation of requirements stated above.

### **EDGAR - Education Department General Administrative Regulations**

The federal grant administrative regulations for education (Title 34 CFR Parts 75, 76, 77, 79, 81, 82, 84, 86, 97, 98, and 99), was revised on December 26, 2014, with the implementation of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Grants Guidance), and delete 34 CFR Parts 74, 80, and 85 (Part 85 changed to 2 CFR Part 180) and included the deleted regulations into the Uniform Grants Guidance. Both administrative regulations (EDGAR and Uniform Grants Guidance), apply to all federal projects/awards.

### **General Education Provisions Act (GEPA) Requirements - Section 427 (Federal Requirement) Equity for Students, Teachers, and Other Program Beneficiaries**

The purpose of Section 427 of GEPA is to ensure equal access to education and to promote educational excellence by ensuring equal opportunities to participate for all eligible students, teachers, and other program beneficiaries in proposed projects, and to promote the ability of such students, teachers, and beneficiaries to meet high standards. Further, when designing their projects, grant applicants must address the special needs and equity concerns that might affect the ability of students, teachers, and other program beneficiaries to participate fully in the proposed project.

Program staff within the NHDOE must ensure that information required by Section 427 of GEPA is included in each application that the Department funds. *(There may be a few cases, such as research grants, in which Section 427 may not be applicable because the projects do not have individual project beneficiaries. Contact the Government Printing Office staff should you believe a situation of this kind exists).*

The statute highlights **six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, and age.** Based on local circumstances, the applicant can determine whether these or other barriers may prevent participants from access and participation in the federally assisted project, and how the applicant would overcome these barriers.

These descriptions may be provided in a single narrative or, if appropriate, may be described in connection with other related topics in the application. Applicants should be asked to state in the table of contents where this requirement is met.

NHDOE program staff members are responsible for screening each application to ensure that the requirements of this section are met before making an award. If this condition is not met, after the application has been selected for funding the program staff should contact the applicant to find out why this information is missing. Documentation must be in the project file indicating that this review was completed before the award was made. If an oversight occurred, the program staff may give the applicant another opportunity to satisfy this requirement, but must receive the missing information before making the award, 34 CFR 75.231.

All applicants for new awards must satisfy this provision to receive funding. Those seeking *continuation* awards do not need to submit information beyond the descriptions included in their original applications.

### **Gun Possession**

As required by Title XIV, Part F, and Section 14601 (Gun-Free Schools Act of 1994) of the Improving America's Schools Act:

The LEA assures that it shall comply with the provisions of RSA 193:13 III.

RSA 193:13, III. Any pupil who brings or possesses a firearm as defined in section 921 of Title 18 of the United States Code in a safe school zone as defined in RSA 193-D:1 without written authorization from the Superintendent or designee shall be expelled from school by the local school board for a period of not less than 12 months.

The LEA assures that it has adopted a policy, which allows the Superintendent or Chief Administrating officer to modify the expulsion requirement on a case by case basis. RSA 193:13, IV.

The LEA assures that it shall report to the NHDOE in July of each year, a description of the circumstances surrounding any expulsions imposed under RSA 193:13, III and IV including, but not limited to:

- (1) The name of the school concerned;
- (2) The grade of the student disciplined;
- (3) The type of firearm involved;
- (4) Whether or not the expulsion was modified, and
- (5) If the student was identified as Educationally Disabled.

The LEA assures that it has in effect a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to school.

Ed 317.03 Standard for Expulsion by Local School Board.

- (a) A school board which expels a pupil under RSA 193:13, II or III, shall state in writing its reasons, including the act leading to expulsion, and shall provide a procedure for review as allowed under RSA 193:13, II.
- (b) School boards shall make certain that the pupil has received notice of the requirements of RSA 193-D and RSA 193:13 through announced, posted, or printed school rules.

- (c) If a student is subject to expulsion and a firearm is involved, the Superintendent shall contact local law enforcement officials whenever there is any doubt concerning:
- (1) Whether a firearm is legally licensed under RSA 159; or
  - (2) Whether the firearm is lawfully possessed, as opposed to unlawfully possessed, under the legal definitions of RSA 159.
- (d) If a pupil brings or possesses a firearm in a safe school zone without written authorization from the Superintendent, the following shall apply:
- (1) The Superintendent shall suspend the pupil for a period not to exceed 10 days, pending a hearing by the local board; and
  - (2) The school board shall hold a hearing within 10 days to determine whether the student was in violation of RSA 103:13, III and therefore is subject to expulsion.

## **Lobbying**

As required by Section 1352, Title 31, of the U.S. Code, and implemented in 34 CFR Part 82, for persons entering into a grant or cooperative agreement over \$100,000, as defined in 34 CFR 82.105 and 82.110, the applicant certifies that:

- No federally 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 any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any federal grant; the entering into of any cooperative agreement; and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement.
- If any funds other than federally 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 grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- The recipient shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, contracts under grants, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

## **New Hampshire RSA 15:5 Prohibited Activities.**

- I. Except as provided in paragraph II, no recipient of a grant or appropriation of state funds may use the state funds to lobby or attempt to influence legislation, participate in political activity, or contribute funds to any entity engaged in these activities.
- II. Any recipient of a grant or appropriation of state funds that wishes to engage in any of the activities prohibited in paragraph I, or contribute funds to any entity engaged in these activities, shall segregate the state funds in such a manner that such funds are physically and financially separate from any non-state funds that may be used for any of these purposes. Mere bookkeeping separation of the state

funds from other moneys shall not be sufficient.

### **Monitoring**

In addition to reviews of audits conducted in accordance with 2 CFR 200, Subpart F, monitoring procedures may include, but not be limited to, on-site visits by NHDOE staff, limited scope audits, and/or other procedures. By signing this document, the project recipient agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by the NHDOE. In the event the NHDOE determines that a limited scope audit of the project recipient is appropriate, the project recipient agrees to comply with any additional instructions provided by NHDOE staff to the project recipient regarding such audit.

### **More Restrictive Conditions**

Project recipients found to be in noncompliance with program and/or fund source requirements or determined to be “high risk” shall be subject to the imposition of more restrictive conditions as determined by the NHDOE.

### **Obligations by Project Recipients**

Obligations will be considered to have been incurred by project recipients on the basis of documentary evidence of binding commitments for the acquisition of goods or property or for the performance of work, except that funds for personal services, for services performed by public utilities, for travel, and for the rental of facilities shall be considered to have been obligated at the time such services were rendered, such travel was performed, and/or when facilities are used.

### **Participation of Private School Students and Staff in Federal Grants**

Students and staff of nonpublic schools shall be given an opportunity for equitable participation in activities or services conducted by school districts using federal funds. Appropriate personnel must be aware of, and consult, program-specific guidelines discussed in the applicable program statute, regulations, and guidance documents.

### **Personnel Costs – Time Distribution**

Charges to federal projects for personnel costs, whether treated as direct or indirect costs, are allowable to the extent that they satisfy the specific requirements of 2 CFR 200.430, and will be based on payrolls documented in accordance with generally accepted practices of the LEA and approved by a responsible official(s) of the LEA.

When employees work solely on a single federal award or cost objective, charges for their salaries and wages must be supported by personnel activity reports (PARs), which are periodic certifications (at least semi-annually) that the employees worked solely on that program for the period covered by the certification. These certifications must be signed by the employee or a supervisory official having firsthand knowledge of the work performed by the employee.

When employees work on multiple activities or cost objectives (e.g., more than one federal project, a federal project and a non-federal project, an indirect cost activity and a direct cost activity, two or more indirect activities which are allocated using different allocation bases, or an unallowable activity and a direct or indirect cost activity), the distribution of their salaries or wages will be supported by personnel activity reports or equivalent documents that meet the following standards:

- Reflect an after-the-fact distribution of the actual activity of each employee
- Account for the total activity for which each employee is compensated
- Prepared at least monthly and must coincide with one or more pay periods
- Signed and dated by the employee

### **Project Effective Dates**

For federal programs, funds shall be obligated no earlier than the date the project application was received by the NHDOE and determined to be in substantially approvable form or the effective date of the federal grant award, whichever is later.

All Project Award Notifications reflect the beginning and ending dates of the project period and the date for submission of the final expenditure report. All conditions stated in the award notification are considered binding on the project recipient.

### **Protected Prayer in Public Elementary and Secondary Schools**

As required in Section 9524 of the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the No Child Left Behind Act of 2001, LEAs must certify annually that they have no policy that prevents or otherwise denies participation in constitutionally protected prayer in public elementary and secondary schools.

### **Purchasing**

All project recipients and subrecipients must have documented procurement policies and procedures that meet the minimum requirements of federal and state statutes, rules, and regulations. Under the Uniform Administrative Requirements, the procurement standards are located at 2 CFR 200.317 – 200.326.

### **Retention and Access to Records**

Requirements related to retention and access to project/grant records, are determined by federal rules and regulations. Federal regulation 2 CFR 200.333, addresses the retention requirements for records that applies to all financial and programmatic records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal or Project award. If any litigation, claim, or audit is started before the expiration date of the retention period, the records must be maintained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.

Access to records of the recipient and subrecipients and the expiration of the right of access is found at 2 CFR 200.336 (a) (c), which states:

- (a) Records of non-Federal entities. The Federal awarding agency, Inspectors General, the Comptroller General of the United States, and the pass-through entity, or any of their authorized representatives [including but not limited to the NHDOE] must have the right of access to any documents, papers, or other records of non-Federal entity which are pertinent to the Federal award, in order to make audits, examinations, excerpts, and transcripts. The right

also includes timely and reasonable access to the non-Federal entity's personnel for the purpose of interview and discussion related to such documents.

(c) Expiration of right of access. The rights of access in this section are not limited to the required retention period but last as long as the records are retained.

### **Supplement, Not Supplant**

In accordance with program-specific authorizing laws and regulations implementing those laws, federal funds must generally be used to increase, to the extent practical, the level of nonfederal funds that would be available in the absence of federal funds, and in no case to replace these nonfederal funds.

### **The Stevens Amendment**

All federally funded projects must comply with the Stevens Amendment of the Department of Defense Appropriation Act, found in Section 8136, which provides:

When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with federal money, all grantees receiving federal funds, including but not limited to state and local governments, shall clearly state (1) the percentage of the total cost of the program or project which will be financed with federal money, (2) the dollar amount of federal funds for the project or program, and (3) the percentage and dollar amount of the total costs of the project or program that will be funded by non-governmental sources.

### **Assurance on Transfer of Disciplinary Records**

Title 20 USC 7197 requires that the State have a procedure to assure that a student's disciplinary records, with respect to suspensions and expulsions, are transferred by the project recipient to any public or private elementary or secondary school where the student is required or chooses to enroll. In New Hampshire, that assurance is statutory and found at RSA 193-D:8.

The relevant portions of the federal and state law appear below.

**Disciplinary Records** - In accordance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g), not later than 2 years after the date of enactment of this part, each State receiving Federal funds under this Act shall provide an assurance to the Secretary that the State has a procedure in place to facilitate the transfer of disciplinary records, with respect to a suspension or expulsion, by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, on a full- or part-time basis, in the school.

**193-D:8 Transfer Records; Notice** – All elementary and secondary educational institutions, including academies, private schools, and public schools, shall upon request of the parent, pupil, or former pupil, furnish a complete school record for the pupil transferring into a new school system. Such record shall include, but not be limited to, records relating to any incidents involving suspension or expulsion, or delinquent or criminal acts, or any incident reports in which the pupil was charged with any act of theft, destruction, or violence in a safe school zone.

END OF DOCUMENT -

**CERTIFICATION PAGE**

**Instructions:** The Superintendent, or other Qualifying Administrator, if the School District does not have a Superintendent, (*See* RSA 194-C:5, II) must consult with the School Board for the School District by informing said School Board about the District's participation in Federal Programs and the terms and conditions of the General Assurances, Terms, and Requirements for Participation in Federal Programs. The Superintendent or other Qualifying Administrator and the Chair of the School Board must sign the certification page as described below and return it to the NHDOE. No payment for project/grant awards will be made by the NHDOE without a current signed Certification Page on file. For further information, contact the NHDOE Bureau of Federal Compliance at (603) 271-2634.

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**Superintendent or other Qualifying Administrator Certification:**

I, the undersigned official legally authorized to bind the named School District hereby apply for participation in federally funded education programs on behalf of the School District named below. I certify, to the best of my knowledge, that the below School District will adhere to and comply with these General Assurances, Terms, and Requirements for Participation in Federal Programs (pages 1 through 13 inclusive). I further certify that I have informed all members of the School Board of the federal funds the District will be receiving and of these General Assurances, Terms, and Requirements for the District's participation in said programs.

SAU Number \_\_\_\_\_  
School Administrative Unit

\_\_\_\_\_  
Name of School District

Typed Name of Superintendent Or other Qualifying Administrator	Signature (Blue ink please)	Date
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**School Board Certification:**

I, the undersigned official representing the School Board, acknowledge that the Superintendent, or other Qualifying Administrator, as identified above, has consulted with all members of the School Board, in furtherance of the School Board's obligations, including those enumerated in RSA 189:1-a, and pursuant to the School Board's oversight of federal funds the District will be receiving and of the General Assurances, Terms, and Requirements for the District's Participation in said programs.

\_\_\_\_\_  
Name of School District

Typed Name of School Board Chairperson (on behalf of the School Board)	Signature (Blue ink please)	Date
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