



Caitlin D. Davis
Commissioner

Richard K. Sala
Deputy Commissioner

STATE OF NEW HAMPSHIRE
Department of Education
25 Hall Street
Concord, NH 03301
TEL. (603) 271-3495

August 13, 2026

Her Excellency, Governor Kelly A. Ayotte
and the Honorable Council
State House
Concord, NH 03301

REQUESTED ACTION

Authorize the Department of Education Bureau of Career Development to enter into a **sole source** Cooperative Project Agreement with the Community College System of New Hampshire (VC# 216952), in an amount not to exceed \$2,310,000, to improve Career and Technical Education programs, effective upon Governor and Council approval through September 30, 2028, with an option to renew for an additional two-year period. **100% Federal Funds.**

Funds to support this request are available in the following account for FY 2027 and are anticipated to be available in FY 2028 and FY 2029, upon the availability and continued appropriation of funds in the future operating budget, with the ability to adjust encumbrances between fiscal years through the Budget Office, if needed and justified, as follows.

06-56-56-562010-40260000, CTE VOC ED – FEDERAL

Fiscal Year	Class / Account	Class Title	Amount
2027	072-502652	Grants Federal	\$866,250
2028	072-502652	Grants Federal	\$1,155,000
2029	072-502652	Grants Federal	\$288,750
Total			\$2,310,000

EXPLANATION

This request is **sole source** because the Community College System of New Hampshire (CCSNH) is the only approved postsecondary subrecipient for 2026-2027 Strengthening Career and Technical Education (CTE) for the 21st Century Act (Perkins V) funds, determined by the U.S. Department of Education, Office of Career, Technical and Adult Education. The New Hampshire State Plan for the Strengthening Career and Technical Education for the 21st Century Act (Perkins V), in effect between 2020-2028, identifies the Community College System of New Hampshire as the only post-secondary subrecipient of Federal funds to support career and technical education programs and programs of study. Funds for this grant are available from 2026-2027 Perkins V

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funds that are made available under Perkins V statute in Section 133 (b)(1). The Cooperative Project Agreement service area is statewide.

CCSNH delivers a comprehensive range of high-quality CTE programs across seven colleges and multiple academic centers, offering more than 200 certificate and degree pathways aligned with New Hampshire's workforce needs. These programs span health sciences, advanced manufacturing, information technology, business, transportation, hospitality, and other high demand sectors, supported by flexible scheduling options and strong employer partnerships. Collectively, CCSNH's systemwide programming provides accessible, workforce focused education that equips students with the skills required for immediate employment and career advancement.

Over the past two program years, CCSNH has demonstrated strong performance across core Perkins V postsecondary indicators. Most notably, CCSNH achieved an 84% postsecondary placement rate in Health Science programs, significantly exceeding the state's 77.25% performance target and reflecting the system's critical role in preparing graduates for essential healthcare fields statewide. Systemwide, CCSNH also exceeded the state-determined level of performance for overall postsecondary placement with an 80.10% placement rate, reinforcing the effectiveness of its CTE programming and its alignment with industry needs.

Students completing programs at both the secondary and postsecondary levels represent the future workforce for New Hampshire, and CCSNH (through direct enrollment and students dually enrolled in secondary and postsecondary programming) plays a central role in preparing them for high demand fields statewide. Building on its strong performance across key Perkins V indicators, CCSNH continues to strengthen pathways that directly align with employer needs.

Respectfully submitted,



Caitlin D. Davis
Commissioner of Education

COOPERATIVE PROJECT AGREEMENT
between the
STATE OF NEW HAMPSHIRE, Department of Education
and the
COMMUNITY COLLEGE SYSTEM OF NEW HAMPSHIRE

- A. This Cooperative Project Agreement (hereinafter "Project Agreement") is entered into by the State of New Hampshire, **Department of Education**, (hereinafter "State"), and the **Community College System of New Hampshire** (hereinafter "CCSNH"), for the purpose of undertaking a project of mutual interest. This Cooperative Project, involving a consortium made up of the seven community colleges in CCSNH and the Thompson School of Applied Sciences at the University of New Hampshire, shall be carried out under the terms and conditions of the Master Agreement for Cooperative Projects between the State of New Hampshire and the Community College System of New Hampshire dated June 8, 2015, except as may be modified herein.
- B. This Project Agreement and all obligations of the parties hereunder shall become effective on the date the Governor and Executive Council of the State of New Hampshire approve this Project Agreement ("Effective date") and shall end on **September 30, 2028**. If the provision of services by CCSNH precedes the Effective date, all services performed by CCSNH shall be performed at the sole risk of CCSNH and in the event that this Project Agreement does not become effective, State shall be under no obligation to pay CCSNH for costs incurred or services performed; however, if this Project Agreement becomes effective, all costs incurred prior to the Effective date, and within the grant period, that would otherwise be allowable shall be paid under the terms of this Project Agreement.
- C. The work to be performed under the terms of this Project Agreement is described in the proposal identified below and attached to this document as Exhibit A, the content of which is incorporated herein as a part of this Project Agreement.

Project Title: Perkins Postsecondary CTE Program Improvement Grant

- D. The Following Individuals are designated as Project Administrators. These Project Administrators shall be responsible for the business aspects of this Project Agreement and all invoices, payments, project amendments and related correspondence shall be directed to the individuals so designated.

State Project Administrator

Name: Chrissy Vander Hook
Address: Department Of Education
Bureau of Career Development
25 Hall Street
Concord, NH 03301
Phone: (603) 931-0535

CCSNH Project Administrator

Name: Shawna Young
Address: CCSNH
26 College Dr.
Concord, NH 03301
Phone: (603) 230-3530

- E. The Following Individuals are designated as Project Directors. These Project Directors shall be responsible for the technical leadership and conduct of the project. All progress reports, completion reports and related correspondence shall be directed to the individuals so designated.

State Project Director

Name: Jeffry W. Beard
Address: Department Of Education
Office of Career and Technical Education
25 Hall Street
Concord, NH 03301
Phone: (603) 892-4131

CCSNH Project Director

Name: Shawna Young
Address: CCSNH
26 College Dr.
Concord, NH 03301
Phone: (603) 230-3530

- F. Total Federal funds in the amount of \$2,310,000 have been allotted and are available for payment of allowable costs incurred under this Project Agreement. State will not reimburse CCSNH for costs exceeding the amount specified in this paragraph.

Check if applicable

☐ CCSNH will cost-share (Not Applicable) % of total costs during the term of this Project Agreement.

- ☒ Federal funds paid to CCSNH under this Project Agreement are from Grant Agreement No. **26E55EP000148** from USDOE CFDA# 84.048. Federal regulations required to be passed through to CCSNH as part of this Project Agreement, and in accordance with the Master Agreement for Cooperative Projects between the State of New Hampshire and the Community College System of New Hampshire dated June 8, 2015, are attached to this document as Exhibit B, the content of which is incorporated herein as a part of this Project Agreement.

G. Check if applicable

- ☒ Article(s) 7 of the Master Agreement for Cooperative Projects between the State of New Hampshire and the Community College System of New Hampshire dated June 8, 2015, is/are hereby amended to read:

Upon mutual agreement between the State Project Director and the Authorized Official of CCSNH, and the availability and continued appropriation of funds in the future operating budget, allocation amounts may be adjusted between fiscal years within the price limitation through the Budget Office if needed and justified, but in no case shall the total budget exceed the price limitation of \$2,310,000. To be binding on the state, such adjustments must be memorialized in writing, executed by the Project Director and approved by the Commissioner.

- H. ☒ State has chosen **not to take** possession of equipment purchased under this Project Agreement.

☐ State has chosen **to take** possession of equipment purchased under this Project Agreement and will issue instructions for the disposition of such equipment within 90 days of the Project Agreement's end-date. Any expenses incurred by CCSNH in carrying out State's requested disposition will be fully reimbursed by State. (Not Applicable)

This Project Agreement and the Master Agreement constitute the entire agreement between State and CCSNH regarding this Cooperative Project, and supersede and replace any previously existing arrangements, oral or written; all changes herein must be made by written amendment and executed for the parties by their authorized officials.

IN WITNESS WHEREOF, the Community College System of New Hampshire and the State of New Hampshire, **Department of Education** have executed this Project Agreement.

By An Authorized Official of:

Community College System of New Hampshire

Name: Dr. Mark Rubinstein

Title: Chancellor, CCSNH

Signature and Date:

Mark Rubinstein

08/14/26

By An Authorized Official of: the New Hampshire

Office of the Attorney General

Name:

Title: Elizabeth A. Brown Attorney

Signature and Date:

Elizabeth A. Brown

8/24/2026

By An Authorized Official of:

Department of Education

Name: Caitlin D. Davis

Title: Commissioner of Education

Signature and Date:

Caitlin D. Davis

8/24/2026

By An Authorized Official of: the New

Hampshire Governor & Executive Council

Name:

Title:

Signature and Date:

EXHIBIT A

A. Project Title: Perkins Postsecondary CTE Program Improvement Grant

B. Project Period: Effective upon Governor and Council approval through September 30, 2028. Subject to Governor and Council approval, the contractor's acceptable performance, and the identified ongoing need, authorizing the New Hampshire Department of Education (NHED) to include a renewal option on this agreement for an additional two years.

C. Objectives: The Strengthening Career and Technical Education for the 21st Century Act (Perkins V) is a principal source of federal funding to states for the improvement of secondary and postsecondary career and technical education programs across the nation. The purpose of Perkins V is to develop more fully the academic, career and technical skills of secondary and post-secondary students who elect to enroll in career and technical education programs.

This Cooperative Project Agreement is the mechanism the State will use to meet its obligation to pass through the portion of New Hampshire's Perkins V Federal Grant Award allocated to postsecondary career and technical education (CTE) to the Community College System of New Hampshire (CCSNH). CCSNH is named in New Hampshire's 2020-2028 State Plan for Career & Technical Education (State Plan) as the postsecondary subrecipient of Perkins V funds for the State of New Hampshire.

The objective of the activities and spending in this Cooperative Project Agreement is to meet the requirements outlined in Section 135 of Perkins V. Activities funded using such funds will be used to increase program performance on core indicators of performance for CTE concentrators at the postsecondary level, as outlined in Section 113 (2) B of Perkins V.

The Annual Application for Funds (AAF), submitted through the State's Grants Management System, describes in detail CCSNH's proposed activities for spending Perkins V funds on equipment and services at each of the seven community colleges in the CCSNH System. A review team from the State's Bureau of Career Development reviews CCSNH's AAF to determine compliance with all the requirements of Perkins V and alignment with State education and workforce development goals.

D. Scope of Work:

The Strengthening Career and Technical Education for the 21st Century Act (Perkins V) was reauthorized by the Federal government and signed into law in 2018. The Act supports and promotes offering quality career and technical education programs at the secondary and postsecondary levels. Funds granted to CCSNH through this CPA must be used to address required uses, found in Section 135 of the Act. The Annual Application for Funds includes costs and budget lines to support activities outlined in the remainder of this section:

- 1.) Provide career exploration and career development activities through an organized, systematic framework designed to aid students, including in the middle grades, before enrolling and while participating in a career and technical education program, in making informed plans and decisions about future education and career opportunities and programs of study (Perkins 135(b)(1)).
- 2.) Provide professional development for teachers, faculty, school leaders, administrators, specialized instructional support personnel, career guidance and academic counselors, or paraprofessionals (Perkins 135(b)(2)).
- 3.) Provide within career and technical education the skills necessary to pursue careers in high-skill, high-wage, or in-demand industry sectors or occupations (Perkins 135(b)(3)).
- 4.) Support integration of academic skills into career and technical education programs and programs of study to support CTE participants at the secondary school level in meeting the challenging State academic standards and CTE participants at the postsecondary level in achieving academic skills (Perkins 135(b)(4)).
- 5.) Plan and carry out elements that support the implementation of career and technical education programs and programs of study and that result in increasing student achievement of the local levels of performance (Perkins 135(b)(5)).
- 6.) Develop and implement evaluations of the activities carried out with funds under this part, including evaluations necessary to complete the comprehensive local needs assessment and the local report required under section 113(b)(4)(B) (Perkins 135(b)(6)).
- 7.) Administrative costs. Each eligible recipient receiving Perkins V funds shall not use more than 5 percent of such funds for costs associated with the administration of activities (Perkins 135(d)), including indirect costs (34 CFR 75.564(a)).

E. Deliverables Schedule:

CCSNH must submit data to the Bureau of Career Development at the New Hampshire Department of Education included in this CPA. The New Hampshire Department of Education will include this data as postsecondary data for the Consolidated Annual Report (CAR). The data includes CTE enrollments for the CCSNH and performance on the three Perkins Postsecondary Performance Indicators (PPI). The data for the CAR submission must be submitted to the New Hampshire Department of Education no later than December 15 of each year included in this CPA.

F. Budget and Invoicing Instructions:

Budget:

	FY 2027	FY 2028	FY 2029	Total
Grant Funding	\$866,250	\$1,155,000	\$288,750	\$2,310,000

Limitation on Price: The grant agreement will not exceed \$2,310,000.

Sources of Funds: Funds to support this request are available in the following account for FY 2027 and are anticipated to be available in FY 2028 and FY 2029 as follows:

06-56-56-562010-40260000, CTE VOC ED – FEDERAL

Fiscal Year	Class / Account	Class Title	Amount
2027	072-502652	Grants Federal	\$866,250
2028	072-502652	Grants Federal	\$1,155,000
2029	072-502652	Grants Federal	\$288,750
Total			\$2,310,000

Method of Payment: Grantee shall submit monthly reports in the Grants Management System (GMS) for expenses incurred for each month. Reports shall be submitted within 15 days of the following month submitted through GMS. Supporting documents for expenditures reported each month shall be clearly identified and uploaded as attachments in GMS. Reports lacking in supporting documentation will be returned to the grantee with request for additional documentation.

The Grantee will be responsible for submitting required documentation, including signed Federal Program Assurances, Federal General Assurances, Budget Worksheet, and Certificate of Insurance, at the start of each new State fiscal year to receive the annual grant allocation.

Upon the availability and continued appropriation of funds in the future operating budget, allocation amounts may be adjusted between fiscal years within the price limitation with approval from the Bureau of Career Development and through the Budget Office, if needed and justified.

EXHIBIT B

This Project Agreement is funded under a Cooperative Agreement to State from the Federal sponsor specified in Project Agreement article F. All applicable requirements, regulations, provisions, terms and conditions of this Federal Cooperative Agreement are hereby adopted in full force and effect to the relationship between State and CCSNH, except that wherever such requirements, regulations, provisions and terms and conditions differ for Institutions of Higher Education, the appropriate requirements should be substituted (e.g., OMB Circulars A-21 and A-110, rather than OMB Circulars A-87 and A-102). References to Contractor or Recipient in the Federal language will be taken to mean CCSNH; references to the Government or Federal Awarding Agency will be taken to mean Government/Federal Awarding Agency or State or both, as appropriate.

Special Federal provisions are listed here: ☒ None

Caitlin D. Davis
Commissioner



Richard K. Sala
Deputy Commissioner

STATE OF NEW HAMPSHIRE
DEPARTMENT OF EDUCATION
25 Hall Street
Concord, N.H. 03301
TEL. (603) 271-3495
FAX (603) 271-1953

EXHIBIT C
GRANT SUBAWARD NOTIFICATION

1	Primary Award to/by Grant Program Name: CFDA Number: Amount of Federal Award: FAIN and Initial Date:	NH Department of Education by US Department of Labor Perkins V Program Improvement 84.048 \$3,206,884.00 26E55EP000148 on 07/01/2026
	SUBAWARD	
2	Recipient Name, LEA/RA ID, SAU, District and UEL:	Communit College System Of NH RA 996
3	Initial Award Date: Action Number & Type: Date of this Action:	Awarded to Commence upon Governor and Council Approval 1 Preliminary Award Date Assigned Upon Governor and Council Approval
4	Subaward Type: Project Description:	Formula 84.048 Career and Technical Education -- Basic Grants to States
5	Award Period:	Federal period to complete activities & expend Program Year 2026-2027 Perkins V funds: July 1, 2026 - September 30, 2028 (See block 11) Local period for Local Educational Agencies (LEAs) to complete activities and expend funds for this Perkins V Career and Technical Education Formula Grant: July 1, 2026 - September 30, 2027. Local period for Reporting Authority (RA) subrecipients to complete activities and obligate/expend funds for this Perkins V Career and Technical Education Formula Grant will begin upon approval by Governor and Council of the RA's Grant Agreement or Cooperative Project Agreement through September 30, 2027. Period to request reimbursement of expended Perkins V 2026-2027 Program Year Grant: July 1, 2026 - November 15, 2027
6	Contacts:	Subrecipient: LEA Superintendent/RA Executive Director and Project Director NHED Program Administrator: Jeff Beard 603-892-4131 jeffry.w.beard@doe.nh.gov Grants Management System Contact: Kathryn Maffei 603-271-3867 kathryn.f.maffei@doe.nh.gov
7	Subaward Amount:	Previous Award Amount: 0.00 Net Change of Award Amount: 1,101,005.76 Updated Award Amount: 1,101,005.76
8	Laws, Regulations and Requirements:	EDGAR AS APPLICABLE 2 CFR 200 AS APPLICABLE EDUCATION ACT OF 2006, AS AMENDED BY THE STRENGTHENING CAREER AND TECHNICAL EDUCATION FOR THE 21ST CENTURY ACT (Perkins V)
9	Maximum Allowed Indirect Cost Rate:	Indirect Cost Rate: 55% Max Rate: 5% Indirect Cost subject to Administrative Limitation of 5% (34 CFR 75.564(a)) https://www.education.nh.gov/sites/g/files/ehbemt326/files/inline-documents/sonh/id-rates-for-web-fy27.pdf
10	Additional Federal Conditions:	Executive Order 13513 - Prohibition of Text Messaging While Driving This grant is not intended for research and development.

MR
Initials: 08/14/26
Date: _____

GRANT SUBAWARD NOTIFICATION (Continued)

11	Additional NHED Conditions:	Subrecipients shall be reimbursed for allowable and documented costs when they are incurred. No advance payments will be made. NHED may impose additional conditions (2 CFR 200.332(i), 2 CFR 200.208(b)(2) and (c)(3)) or take enforcement actions (2 CFR 200.339) which may delay and/or reduce reimbursement amounts. Reimbursement is not guaranteed unless NHED has approved the activity. The subrecipient shall submit a complete and accurate Certificate of Federal Expenditure worksheet no later than December 31st of each year to the NHED which will include any expenditures under this grant incurred in the prior fiscal year. A copy of the worksheet will be provided to each subrecipient by the NHED in September of each fiscal year. This award is subject to the contents of both the FY27 version of NHED's <u>General Assurances, Requirements and Definitions for Participation in Federal Programs</u> document and the <u>FY27 Federal Program Assurances</u> as executed by the party that may legally bind the grantee listed in Block 2 above. Acceptance of this award and its related terms and conditions, is acknowledged by the grantee when reimbursement of funds is requested through the NHED Grants Management System by the grantee.
12	Access to Records and Monitoring Requirements:	The federal awarding agency, Inspectors General, the Comptroller General of the United States, and the NHED shall have the right of access to any documents, papers, or other records of the subrecipient which are pertinent to this subaward, in order to make audits, examinations, excerpts, and transcripts. The right also includes timely and reasonable access to the subrecipient's personnel for the purpose of interview and discussion related to such documents. 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 NHED staff, limited scope audits, and/or other procedures. Subrecipient agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by the NHED. In the event the NHED determines that a limited scope audit of the subrecipient is appropriate, the subrecipient agrees to comply with any additional instructions provided by NHED staff to the subrecipient regarding such audit.
13	Project Closeout Requirements:	The subrecipient shall permit the NHED access to records and financial statements as necessary for audits and monitoring during the records retention period for three years after the completion of the subaward in accordance with 2 CFR 200.334.
14	Attachments	GOVERNMENT-WIDE ADMINISTRATIVE STATUTORY AND NATIONAL POLICY REQUIREMENTS FOR U.S. DEPARTMENT OF EDUCATION AWARDS Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) Notification to Perkins and AEFLA Grantees and Subgrantees of Updated PRWORA Interpretation of Federal Public Benefits USED Clarification of Federal Public Benefits Under the PRWORA USED Dear Colleague Letter: Reminder Regarding Prohibited Use of Federal Grants Funds for Lobbying and Allowable Membership Costs.



Signature of Authorizing Official
Caitlin D. Davis
New Hampshire Commissioner of Education

MR
Initials: 08/14/26
Date: _____

EXPLANATION OF BLOCKS ON THIS SUBAWARD GRANT AWARD NOTIFICATION (GAN)

1. The Primary Award block identifies: the federal agency making the primary award; the Catalog of Federal Domestic Assistance (CFDA) subprogram title and associated subprogram number, the Federal Award Identification Number (FAIN), which typically changes each year; and the signature date on the initial grant primary award to NH Department of Education (NHED). As a pass-through agency, NHED is authorized to make and manage sub-awards.
2. Subaward Recipient: Legal name, physical address and UEI of the subrecipient. For large entities, the organizational unit with primary responsibility for funded activity may be identified. For subawards to multiple New Hampshire local education agencies (LEAs), an attachment showing LEA name, unique entity identifier (UEI), and subaward amount may be used. UEI shown have been provided by the subrecipient. NHED is not responsible for the correctness of UEI information.
3. Action Number: The cumulative number of steps (including this action) taken by NHED to-date to establish or modify this sub-award. Action number "01" indicates an Initial (i.e. new) Award.
Action Type: The nature of the action (e.g. New Award, Continuation, Amount Modification, Performance Period Change, etc).
Date of this Action: Effective date of action.
4. Subaward Type: Most subawards are categorical formula grants. Other types include project grants (generally a one-time grant for a specific purpose), block grants (which allow greater spending discretion), and research and development (R&D) grants.
Project Description: Very brief description of the grant program.
5. Award Period: Date ranges for expending grant funds and requesting reimbursement. Included are any other time-sensitive conditions such as carry-over options and award periods for multi-year grants (3+ years).
6. Contacts: The subrecipient contact (identified by name or position) responsible for the grant administration. At least one NHED program contact is identified.
7. Subaward Amount: A subaward may have subsequent modifications that increase or decrease the amount of an award. "Award of this Action" indicates the amount of this action. A dollar amount indicates an increase. "Decrease of \$xxx" or "(\$xxx)" indicates a reduction in the award. "None" indicates no change in the amount. Previous Cumulative and Current Cumulative amounts are used to reconcile any change. If awards for a list of LEAs are being modified, this block will show the total net increase/decrease and an attachment will show individual subrecipient changes.
8. Laws, Regulations and Requirements: 2 CFR Part 200 applies to all federal awards. 34 CFR 76 applies to all USDE awards, although certain programs may be exempt from some sections. Program specific requirements or 34 CFR 76 exemptions are listed. Web link to laws, regulations or guidance may be included. Non-program specific regulations are at:
<http://www2.ed.gov/policy/fund/reg/edgarReg/edgar.html>
9. Maximum Allowed Indirect Cost Rate: Identifies rate type - restricted, unrestricted, temporary, or de minimus; and cognizant authority (usually a federal agency) that approved the rate. When the program prohibits supplanting of non-federal funds, a restricted indirect cost rate with a cap of 8% must be used. (See 34 CRF 76.560-580.) For restricted rate programs, the 10% de minimus rate option does not apply to state and local governments or their sub-recipients. LEAs and SAUs rates may be included as an attachment.
10. Additional Federal Conditions: Federal requirements of the award that are binding upon the sub-recipient.
11. Additional NHED Conditions: Requirements imposed on the award by the NHED as the pass-through entity that are binding upon the sub-recipient.
12. Access to Records and Monitoring Requirements: This requirement allows the NHED, as the pass-through entity, and auditors to have access to the sub-recipient's records and financial statements as necessary to meet the NHED's responsibilities under 2 CFR 200.332.
13. Project Closeout Requirements: Activities that are required by either the terms of the award or as required by the NHED and are binding upon the sub-recipient.
14. Attachments: Provide the sub-recipient with any attachments required by either the federal agency making the primary award or NHED.

Signature of Authorizing Official – This sub-award is binding only when signed and dated by a State of New Hampshire official authorized to award funds for this federal program.

MR

08/14/26

Initials: _____

Date: _____

GOVERNMENT-WIDE ADMINISTRATIVE STATUTORY AND NATIONAL POLICY REQUIREMENTS FOR U.S. DEPARTMENT OF EDUCATION AWARDS

OVERVIEW

This portion of the Notice of Award (NOA) Attachment describes Federal government-wide sources of laws and policies that apply to grantees and subgrantees of Federal awards issued by the U.S. Department of Education (ED).¹ The sources of Federal government-wide laws and policy include the U.S. Constitution, statutes, regulations, executive orders, and statements of policy.

This Attachment compiles many of the laws and policies that apply to awards; however, it is not intended to be an exhaustive list or to reproduce the full text. Some laws and policies are only applicable to awards with certain types of activities or to certain types of recipients. Additionally, ED award terms and conditions may incorporate statutes, regulations, or policies specific to an award.

Please note that some sources use different terms for grantee such as recipient. Per 34 CFR Part 77–Definitions that Apply to Department Regulations, ED uses grantee to mean the legal entity to which a grant is awarded and is accountable to the Federal Government for the use of the funds provided. Subgrantee means the government or other legal entity to which a subgrant is awarded and that is accountable to the grantee for the use of the funds provided.

APPLICABILITY OF LAWS AND POLICIES

The legal order of precedence determines the order in which laws and policies may apply to Federal awards. The following list includes examples of the types of laws and policies, and is not an exhaustive list:

- U.S. Constitution
- Program-Specific Authorizations and Appropriations
- Single Audit Amendments Act of 1996
- Federal Funding Accountability and Transparency Act of 2006 (FFATA)
- Digital Accountability and Transparency Act of 2014 (DATA Act)
- Grant Reporting Efficiency and Agreements Transparency Act of 2019 (GREAT Act)
- Uniform Administrative Requirements, Cost Principles, and Audit Requirements: 2 CFR Part 200 as adopted as regulations of ED in 2 CFR 3474.
- Education Department General Administrative Regulations: 34 CFR Parts 75, 76, 77, 79, etc. (ED-specific)
 - 34 CFR Part 75–Direct Grant Programs
 - 34 CFR Part 76–State-Administered Formula Grant Programs
 - 34 CFR Part 77–Definitions that Apply to Department Regulations

¹ The content in this portion of the NOA Attachment consolidates information previously included in separate Grant Award Notification/NOA Attachments and Enclosures.

o 34 CFR Part 79—Intergovernmental Review of Department of Education Programs and Activities

- Executive Orders
- Office of Management and Budget Memoranda (OMB Memos)
- ED and Program-specific guidance such as grant notices, Frequently Asked Questions, and other program announcements

The following general condition is applicable to all grantees:

Grantees must not use federal funds under this project in any manner that violates the United States Constitution, Title VI or Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq. or 42 U.S.C. 2000e et seq.), Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act (29 U.S.C. 794), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.), the Boy Scouts of America Equal Access Act of 2001 (20 U.S.C. 7905), section 117 of the Higher Education Act of 1965, as amended (20 U.S.C. 1011f), or other applicable federal law.

Please note the provisions of Executive Orders 14151, 14168, 14173, and 14190 as well as the U.S. Department of Justice's July 29, 2025, non-regulatory "Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination," which clarifies the application of federal antidiscrimination laws to programs or initiatives that may involve discriminatory practices, including those labeled as Diversity, Equity, and Inclusion ("DEI") programs.

Such activities may risk violating federal civil rights laws and may jeopardize federal funding. This includes any discriminatory equity ideology in violation of a Federal anti-discrimination law. A definition of "discriminatory equity ideology" is contained in Section 2(b) of Executive Order 14190.

Additionally, grantees must comply with all "Financial Assistance General Certifications and Representations" annual registration requirements made in SAM.gov including any provisions in the annual registration that address civil rights, DEI programs or activities, and support of illegal aliens.

To the extent that a grantee uses grant funds for such unallowable activities, ED may take appropriate enforcement action including the potential recovery of funds, or may pursue termination or withholding. The Grant Award Notification document accompanying your award may contain further terms and conditions, as necessary, to ensure grantee compliance with applicable laws, regulations, and administrative priorities.

FINANCIAL ASSISTANCE GENERAL CERTIFICATIONS AND REPRESENTATIONS

All applicants, grantees, and subgrantees of Federal financial assistance are required to register in the System for Award Management (SAM.gov) and obtain a Unique Entity Identifier (UEI) before receiving an award per 2 CFR Part 25, Unique Entity Identifier and System for Award Management.

An entity must be registered in SAM.gov before submitting applications, include their UEI in

each application, maintain current and active registration in SAM.gov at all times during which it has an active Federal award, and review and update its information annually as a recipient or an application under consideration by a Federal agency. The applicant or recipient must review and update its information in SAM.gov annually from the date of initial registration or subsequent updates to ensure it is current and accurate.

SUBSEQUENT UPDATES TO ENSURE IT IS CURRENT AND ACCURATE.

Grantee authorized organization representatives agree to the Financial Assistance General Certifications and Representations that are binding on every award as part of registration and annual certification in SAM.gov. However, grantees may be exempted by Federal statute or the exceptions listed in 2 CFR 25.110, Exemptions to this part.

When applicants register or annually recertify in SAM.gov, their authorized organization representative agrees to the Financial Assistance General Certifications and Representations (Certifications). These Certifications are binding on every award. Laws and policies identified in these Certifications are identified in this document with the statement, "See Certifications." The Certifications in SAM.gov can be found in Appendix I of the SAM.gov Entity Registration Checklist and are incorporated by reference herein.

LAWS AND POLICIES

This section outlines various laws and policies that may apply to ED awards (including grantees and subgrantees). It is not intended to be an exhaustive list.

Requirement	Description	Source
Cash Management	Grantees are required to manage Federal grant funds in compliance with the requirements in the Payment Integrity Information Act of 2019 (PIIA), Cash Management Improvement Act of 1990 (CMIA), and as further clarified in ED and government-wide regulations.	• <u>Payment Integrity Information Act of 2019 (PIIA)</u> • <u>Cash Management Improvement Act of 1990 (CMIA)</u>
Conflict of Interest	Federal agencies must establish conflict of interest policies for Federal awards and grantees, and subgrantees must disclose in writing any potential conflict of interest to the Federal agency or pass-through entity in accordance with established Federal agency policies.	• <u>2 CFR Part 200.112, Conflict of interest</u> • See Certifications
Debt Collection	After providing reasonable notice, Federal agencies or pass-through entities may withhold payments to grantee or subgrantees for financial obligations incurred after a	• <u>OMB Circular A-129, Policies for Federal Credit Programs and Non-Tax Receivables</u> • See Certifications

3

Formula NOA Attachment Revised
6/2026

Requirement	Description	Source
	specific date until conditions are corrected or the debt is repaid to the Federal Government.	
Drug-Free Workplace	Related to maintaining a drug-free workplace and notifying the awarding agency if an employee is convicted of violating a criminal drug law. Failure to follow these	• <u>Drug-Free Workplace Act, (41 USC 8101-8106)</u> • <u>2 CFR Part 182, Government-Wide Requirements for Drug-Free Workplace (Financial Assistance)</u>

MR
Initials: 08/14/26
Date: _____

	requirements may be cause for debarment.	• See Certifications
Executive Compensation Reporting	Related to requirements to report certain information on compensation for executives.	• <u>Federal Funding Accountability and Transparency Act of 2006 (FFATA)</u> • <u>2 CFR Part 170. Reporting Subaward and Executive Compensation Information</u> • See Certifications
Environmental Protections – Assess and Mitigate Environmental Impact	The National Environmental Protection Act includes policies to conduct reviews to assess and mitigate environmental impact. Applies to construction or major renovation activities. Does not apply to subcontractors.	• <u>National Environmental Policy Act of 1969, as amended (42 USC 4321 <i>et seq</i>)</u> • See Certifications
Fair Housing Practices	Related to protecting people from discrimination in housing under federally funded programs.	• <u>Title VIII of the Civil Rights Act of 1968 (42 USC 3601 <i>et seq</i>)</u> • See Certifications
Faith-Based Organizations	Related to protections for faith-based organizations to apply and receive Federal funds without discrimination or interference with their mission. Describes limitations on the use of Federal funds.	• <u>Religious Freedom Restoration Act of 1993 (42 USC 2000bb <i>et seq</i>)</u> • <u>Executive Order 13279. Equal Protection of the Laws for Faith-Based and Community Organizations</u> • <u>Executive Order 13559. Fundamental Principles and Policymaking Criteria for Partnerships with Faith-Based and Other Neighborhood Organizations</u> • <u>Executive Order 13831.</u>

Formula NOA Attachment Revised
6/2026

Requirement	Description	Source
		<u>Establishment of a White House Faith and Opportunity Initiative</u> • <u>28 CFR Part 38. Partnerships with Faith-Based and Other Neighborhood Organizations</u>
Lobbying Disclosures	Related to requirements to disclose lobbying activities.	• <u>Lobbying Disclosure Act of 1995 (2 USC 1601 <i>et seq</i>. Disclosure of Lobbying Activity)</u> • See Certifications
Procurement – American-Manufactured Goods	Related to required preferences for certain products and materials made in the US. Waivers may be possible.	• <u>Buy American Act (41 USC 8301 <i>et seq</i>)</u> • <u>Build America. Buy America Act</u> • <u>2 CFR 200.322. Domestic preferences for procurements</u>

MR
Initials: 08/14/26
Date: _____

Procurement – Fly America Act	Related to requirements for travelers to use certified U.S. airlines for award-funded air travel.	• <u>49 USC 40118</u> • <u>41 CFR 301-10.132 - 142. Use of United States Flag Air Carriers</u>
Procurement – Prohibition on certain telecommunications and video surveillance services or equipment	Related to restrictions on using Federal funds for telecommunications equipment produced by certain companies.	• <u>41 USC 3901 et seq</u> • <u>2 CFR 200.216. Prohibition on certain telecommunications and video surveillance equipment or services</u>
Protections Against Discrimination	Related to protecting people from discrimination based on different criteria under Federal grants and programs.	• <u>Age Discrimination Act of 1975 (42 USC 6101 et seq)</u> • <u>Section 504 of the Rehabilitation Act (29 USC 794)</u> • <u>Title VI of the Civil Rights Act (42 USC 2000d)</u> • <u>Church Amendments (42 USC 300a-7)</u> • <u>Coates-Snowe Amendment (42 USC 238n)</u> • <u>Title IX of the Education Amendments of 1972, as amended (20 USC 1681 et seq)</u> • <u>See Certifications</u>
Public Announcements	Disclosure of Federal funding sources in public announcements when issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects	• <u>Division H, Title V, Section 505 of Public Law 116260 Consolidated Appropriations Act, 2021 (pages 441-442)</u>

Formula NOA Attachment Revised
6/2026

Requirement	Description	Source
	or programs funded in whole or in part with Federal money.	
Subaward Reporting	Related to requirements to report certain information on subawards.	• <u>Federal Funding Accountability and Transparency Act of 2006 (FFATA)</u> • <u>2 CFR Part 170. Reporting Subaward and Executive Compensation Information</u> • <u>See Certifications</u>
Suspension and Debarment	Related to restrictions on issuing Federal awards, subawards, and contracts to certain parties that are debarred, suspended, or otherwise excluded from receiving or participating in Federal awards.	• <u>2 CFR Part 180. OMB Guidelines to Agencies on Government-Wide Debarment and Suspension (Nonprocurement)</u> • <u>2 CFR 200.214. Suspension and debarment</u> • <u>Executive Orders 12549 and 12689. Debarment and suspension</u>

MR
Initials: 08/14/26
Date: _____

Trafficking Victims Protection	Related to bans on providing funds to organizations involved in human trafficking.	• <u>See Certifications</u> • <u>Trafficking Victims Protection Act (TVPA) of 2000, as amended. (22 USC 7104(g))</u> • <u>2 CFR Part 175. Award Term for Trafficking in Persons</u> • <u>See Certifications</u>
Violations of Federal Criminal Law and Civil Actions	Related to requirements to disclose certain violations of Federal criminal law.	• <u>False Claims Act (31 USC 3729-3733. False claims and 31 USC 3730. Civil actions for false claims)</u> • <u>Program Fraud and Civil Remedies Act (31 USC 3801 et seq)</u> • <u>2 CFR 200.113. Mandatory disclosures</u> • <u>See Certifications</u>
Wage Protections – Copeland Anti-Kickback Act	Related to protections that require contractors to follow construction, alteration, and renovation and weekly compliance statements on the wages paid to each employee in support of Federal awards.	• <u>Copeland Anti-Kickback Act (18 USC 874 and 40 USC 3145)</u> • <u>48 CFR 22.403. Copeland Act</u>

Formula NO. Attachment Revised
6/2026

Requirement	Description	Source
Wage Protections – Davis-Bacon Act	Related to protections that require using contractors that pay prevailing wages and benefits under awards that fund construction, alterations, or repairs.	• <u>The Davis-Bacon Act (40 USC 3141 et seq)</u>
Whistleblower Protections	Related to protecting employees from reprisal for disclosing information about violations.	• <u>Protection from Reprisal of Disclosure of Certain Information (41 USC 4712)</u> • <u>See Certifications</u>

MR
Initials: 08/14/26
Date: _____

Formula NOA Attachment Revised
6/2026

**SPECIFIC GRANT TERMS FOR
U.S. DEPARTMENT OF EDUCATION AWARDS**

ED TERMS AND CONDITIONS

- I. Enforcement Provisions
- II. Grant Terms and Conditions for Financial and Performance Reports
- III. Participation of Faith-Based Organizations
- IV. Written Notice of Beneficiary Protections

I. ENFORCEMENT PROVISIONS

Termination:

Per the Secretary's authority in 2 CFR 200.340, the Federal award may be terminated in part or its entirety at any point during the award's period of performance. The award may be terminated as follows:

1. By ED, if the recipient fails to comply with the terms and conditions of the award, including all conditions in this document;
2. By ED with the consent of the recipient, in which case the two parties must agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated;
3. By the recipient upon sending to the ED program contact written notification setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if ED determines in the case of partial termination that the reduced or modified portion of the award will not accomplish the purposes for which the award was made, ED may terminate the award in its entirety; or
4. By ED, to the extent authorized by law, if the award no longer effectuates the program goals or agency priorities.

MR
Initials: 08/14/26
Date: _____

When an award is terminated in part or its entirety, the recipient remains responsible for compliance with the closeout and post-closeout requirements in 2 CFR 200.344 and 2 CFR 200.345. ED will provide the necessary closeout instructions and instructions regarding an appeal of the termination consistent with applicable requirements.

For more information, see the Department Grant Discontinuation and Termination Processes page of the ED website.

II. GRANT TERMS AND CONDITIONS FOR FORMULA GRANT FINANCIAL AND PERFORMANCE REPORTS

Financial and performance reports required for grants awarded by ED, and described in this term and condition, can be accessed on the Grant Application and Other Forms page of the ED website. Government-wide reports can be accessed on the Post-Award Reporting Forms page of the Grants.gov website.

8

Formula NOA Attachment Revised
6/2026

PERFORMANCE REPORTS

FINAL REPORTS – ALL RECIPIENTS

ALL RECIPIENTS are required to submit a final performance report within 120 days after the expiration or termination of grant support in accordance with submission instructions provided in the Notice of Award (NOA), or through another notification provided by ED (2 CFR 200.329(c)).

ANNUAL, QUARTERLY, OR SEMIANNUAL REPORTS

Your ED program contact will provide you with information about your performance report submissions, including the due date, as a grant term or condition on the NOA, or through another notification provided by ED. The grant term or condition on the NOA, or another notification, may reflect any of the following:

1. That an annual performance report is required, and it shall provide the most current performance and financial expenditure information that is sufficient to meet the reporting requirements in the government-wide requirements located in 2 CFR Part 200. The terms reflected in this document are also consistent with:
 - 2 CFR 200.328, Financial reporting;
 - 2 CFR 200.329, Monitoring and reporting program performance;
 - 2 CFR 200.332, Requirements for pass-through entities; and
 - Applicable reporting requirements stipulated in program statutes or regulations.
2. That an interim performance report is required because of the nature of the award or because of statutory or regulatory provisions governing the program under which this award is made, and that the report is due more frequently than annually as indicated. For example, more frequent reports may be due quarterly and submitted within 30 days after the end of each quarter, or due semiannually and submitted within 30 days after the end of each 6-month period (2 CFR 200.329(c)(1)).
3. That other reports are required. For example, program-specific reports may be required in a program's statute, regulation, or specific conditions of the Federal award (2 CFR 200.208).

FINANCIAL REPORTS – SOME RECIPIENTS

If a financial report is required, your ED program contact will provide you with information about your financial report submission, including the due date, as a grant term or condition on

MR
Initials: 08/14/26
Date: _____

the NOA, or through another notification.

ED uses the government-wide Standard Form (SF) 425, also known as the Federal Financial Report (FFR), for final reporting. Government-wide reports can be accessed on the [Post-Award Reporting Forms](#) page of the [Grants.gov](#) website.

FINANCIAL REPORT OVERVIEW

A SF 425 FFR is required if:

9

Formula NOA Attachment Revised
6/2026

1. A grant involves cost sharing, and the ED 524B, which collects cost sharing information, is not submitted or a program-specific report approved by OMB does not collect cost sharing information;
2. Program income was earned;
3. Indirect cost information is to be reported, and the ED 524B was not used or a program-specific report approved by OMB does not collect indirect cost information;
4. Program regulations or statute require the submission of the FFR; or
5. Specific Award Conditions, or specific grant or subgrant conditions for designation of "high risk," were imposed in accordance with [2 CFR 200.208](#) and [2 CFR 3474.10](#) and required the submission of the FFR.

SUBMISSION TIMELINES

If the FFR is required, the notification may indicate one of the following reporting frequencies and timelines:

1. Quarterly - due within 30 days after each reporting period.
2. Semi-annual - due within 30 days after each reporting period.
3. Annual - due within 30 days after the reporting period.
4. Final - In coordination with the submission of a final performance reports, grantees must submit FFRs no later than 120 calendar days after the conclusion of the period of performance. A subgrantee must submit a final financial report to a pass-through entity no later than 90 calendar days after the conclusion of the period of performance ([2 CFR 200.328](#)).

SUBMISSION GUIDANCE

When completing an FFR for submission in accordance with the above referenced selection, the following must be noted:

1. *Multiple Grant Reporting Using SF 425A Not Required:*
 - While the FFR is a government-wide form that is designed for single grant and multiple grant award reporting, ED's policy is that multiple grant award reporting is not permitted for ED grants.
 - Grantees are instructed to not use the FFR attachment (SF 425A), which is available for reporting multiple grants, for reporting on ED grants.
2. *Completing an SF 425 for Each Grant*
 - ED grantees are required to submit an FFR in accordance with any of the above referenced selections.
 - Grantees must complete and submit one FFR for each of its grants.
 - FFR Form, Field 2: Grantees are instructed to disregard the note about using the SF 425A to report multiple grants.

MR
Initials: 08/14/26
Date: _____

- FFR Instructions, Report Submissions: With regard to item 1 of the note found in the FFR Instructions, a grantee must complete items 10(a) through 10(o) for each of its grants. The multiple grants and FFR attachment references found in item 2 of the Line Item Instructions for the FFR are not applicable to ED grants.

10

Formula NOA Attachment Revised
6/2026

3. Program Income

- Unless disallowed by statute or regulation, a grantee will complete item 10(m) or 10(n) in accordance with the options or combination of options as provided in 2 CFR 200.307.
- A grantee is permitted, in accordance with 2 CFR 200.307, to add program income to its Federal share to further eligible project or program objectives, use program income to finance the non-Federal share of the project or program, and deduct program income from the Federal share of the total project costs.

4. Indirect Costs

- A grantee will complete item 11(a) by listing the indirect cost rate type identified on its indirect cost rate agreement, as approved by its cognizant agency for indirect costs.
- An ED grantee that does not have an indirect cost rate agreement approved by its cognizant agency for indirect costs, and that is using ED approved (beyond the 90-day temporary period) temporary indirect cost rate of 10% of budgeted direct salaries and wages, or the de minimis rate of 15% of modified total direct cost (MTDC) must list its indirect cost rate in 11(a) as an ED Temporary Rate or De Minimis Rate.
 - The de minimis rate of 15% of MTDC consists of: All direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and subawards and contracts up to the first \$50,000 of each subaward.
 - MTDC excludes equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each subaward in excess of \$50,000.
 - Other items, including contract costs in excess of \$50,000, may be excluded when necessary to avoid a serious inequity in the distribution of indirect costs (2 CFR 200.1, Modified Total Direct Cost (MTDC)).
- A restricted program grantee must list its rate as a Restricted Indirect Cost Rate in 11(a).
 - A restricted program (i.e., programs with statutory supplement-not-supplant requirements) grantee must utilize a restricted indirect cost rate negotiated with its cognizant agency for indirect costs, or may elect to utilize a restricted indirect cost rate of 8% MTDC if their negotiated restricted indirect cost rate calculated under 2 CFR 76.564 - 76.569 is not less than 8% MTDC.
 - A State or local government² that is a restricted program grantee may not elect to utilize the 8% MTDC rate.
 - Additionally, restricted program grantees may not utilize the de minimis rate but may utilize the temporary rate until a restricted indirect cost rate is

² Note that a State-funded institution of higher education is not considered a "State government" for these purposes; and a Tribal college or university funded by a federally-recognized Tribe is not considered a Tribe for these purposes. ⁴ Note that a State-funded institution of higher education is not considered a "State government" for these purposes.

- negotiated.
- If a restricted program grantee elects to utilize the temporary rate, it must list its rate as an ED Temporary Rate in 11(a).
- Grantees with indirect cost rates prescribed in program statute or regulation must list their rate as a Rate Required in Program Statute or Regulation in 11(a).
- Grantees are required to follow program-specific statutory or regulatory requirements that mandate either indirect cost rate type or maximum administrative costs recovery.
- For detailed information including restrictions related to temporary, de minimis training, restricted, and program prescribed indirect cost rates see the training, restricted, and program prescribed indirect cost rates see the Indirect Cost Division webpage on the ED website.

5. *Supplemental Pages*

- If grantees need additional space to report financial information, beyond what is available within the FFR, they should provide supplemental pages.
- Additional pages must indicate the following information at the top of each page:
 - Federal Identifying Number (FAIN),
 - Recipient organization,
 - UEI,
 - Employer Identification Number (EIN), and
 - Period covered by the report.

IV. PARTICIPATION OF FAITH-BASED ORGANIZATIONS

1. A faith-based organization that participates in this program retains its independence from the Government and may continue to carry out its mission consistent with religious freedom and conscience protections in Federal law.
2. A faith-based organization may not use direct Federal financial assistance from ED to support or engage in any explicitly religious activities except when consistent with the Establishment Clause of the First Amendment and any other applicable requirements. Such an organization also may not, in providing services funded by ED, or in outreach activities related to such services, discriminate against a program beneficiary or prospective program beneficiary on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice.
3. If a grantee under a State-Administered Formula Grant program of ED has the authority under the grant or subgrant to select a private organization to provide services supported by direct Federal financial assistance under the program by subgrant, contract, or other agreement, the grantee must ensure compliance with applicable Federal requirements governing contracts, grants, and other agreements with faith-based organizations, including, as applicable, 34 CFR 76.52, 34 CFR 76.532, and 2 CFR 3474.15 (see 34 CFR 76.714).

V. WRITTEN NOTICE OF BENEFICIARY PROTECTIONS

In accordance with 34 CFR 76.712, all grantees and subgrantees providing social services

under an ED program supported by direct Federal financial assistance (e.g., programs that provide employment, independent living, education, or related services to individuals or groups of individuals) must give written notice to a beneficiary or prospective beneficiary of certain protections.

The written notice that an organization uses to notify beneficiaries or prospective beneficiaries of certain religious non-discrimination protections must include language substantially similar to that in Appendix C to 34 CFR Part 75 (See 34 CFR 76.712(d)). Grantees and subgrantees have discretion regarding how to provide the notice, which may include providing the notice directly to each beneficiary, posting it on the grantee's website, or other means. A grantee or subgrantee that participates in multiple ED programs may provide a single notice covering all applicable programs. Additionally, grantees must ensure that the notice is accessible to individuals with disabilities and limited English proficient individuals as required by law. Unless notified by the applicable program office, a grantee or subgrantee is not required to include in the notice the information in paragraph (5) of Appendix C to 34 CFR Part 75 (i.e., the opportunity of a beneficiary to receive information about other similar providers).



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF CAREER, TECHNICAL, AND ADULT EDUCATION

July 10, 2025

**Notification to Perkins and AEFLA Grantees and Subgrantees of Updated PRWORA
Interpretation of Federal Public Benefits**

Dear Perkins V and Adult Education and Family Literacy Act (AEFLA) Grantees and Subgrantees:

The U.S. Department of Education (Department) values the important role that its grantees and subgrantees play in promoting career, technical, and adult education so that students receive the skills necessary to succeed in postsecondary education. On February 19, 2025, the President issued Executive Order 14218, "Ending Taxpayer Subsidization of Open Borders," which is designed to promote the rule of law, ensure that Federal public benefit programs are only provided to U.S. citizens, residents, and certain eligible nonresidents, and prevent spending of American taxpayer dollars on Federal assistance for illegal aliens. The President's Executive Order reinforces the importance of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA, P.L. 104-193), which prohibits illegal aliens and other non-qualified aliens from receiving certain Federal public benefits, including "any... *postsecondary education*... or *any similar benefit* for which payments or assistance are provided to an individual, household, or family eligibility unit..." (emphasis added).

Tomorrow, the Department will publish a Notice of Interpretation regarding PRWORA. The interpretive rule discusses how the Department interprets PRWORA with respect to career and technical education (CTE) programs authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins V), as amended, and adult education programs authorized under Title II (AEFLA) of the Workforce Innovation and Opportunity Act (WIOA) of 2014. While the interpretive rule is not binding on grantees, subgrantees, or the Department, it represents the Department's current interpretation of the law and may be used when taking enforcement actions.

The Department of Education's Interpretation of Postsecondary Education and Other Similar Benefits as Subject to PRWORA

The Department has taken several recent actions to ensure that its interpretation of Federal postsecondary education programs, or those that provide a similar benefit to the

400 MARYLAND AVE., SW, WASHINGTON, DC 20202

www.ed.gov

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

enumerated Federal public benefits under 8 U.S.C. § 1611(c)(1), are compliant and aligned

MR
Initials: 08/14/26
Date: _____

with the purpose of PRWORA. On July 11, 2025, the Department will issue a Notice of Interpretation rescinding portions of a 1997 Dear Colleague Letter that incorrectly classified certain programs as outside the scope of PRWORA. The Notice of Interpretation clarifies that Federal programs administered by the Department that provide postsecondary education and other similar benefits to an “individual, household, or family eligibility unit,” including the vast majority of postsecondary education programs authorized under the Higher Education Act of 1965, as amended; CTE programs under Perkins V; and adult education programs authorized under AEFLA are Federal public benefits subject to the citizenship verification requirements of PRWORA.

Adult Education and CTE Grantee and Subgrantee Responsibilities under PRWORA, Including Citizenship Verification

As grantees and subgrantees engaged in administering Federal public benefits through CTE programs authorized under Perkins V or the adult education programs authorized under AEFLA, your organization may be responsible for ensuring that such programs are in compliance with the citizenship verification requirements of PRWORA. Under PRWORA, states and local government agencies are required to ensure that noneligible illegal aliens do not receive assistance or payments from federally funded programs.

As described within the Department’s Notice of Interpretation, this explicit prohibition includes funding to any postsecondary education or other similar benefits funded wholly or in-part, or directly or indirectly conferred by your program(s), including coursework or postsecondary or workforce credentials. If your organization is a grantee, your organization has an obligation to effectively monitor the activities of subgrantees to ensure that funds distributed to said subgrantees are in compliance with current law and that such services and programs are only provided to U.S. citizens and eligible nonresidents, as defined under PRWORA. 8 U.S.C. § 1641(b).

The Department notes that there are existing legal exemptions from verification requirements for nonprofit charitable organizations administering Federal public benefits. Nonprofit charitable organizations that administer Federal public benefits are not required to conduct eligibility verification under 8 U.S.C. § 1642(d). The exemption is narrowly crafted to nonprofit charitable organizations and does not include other entities administering Federal public benefits, including the compliance requirements of states and other grantees that may provide disbursements or subgrants to nonprofit charitable organizations.

The interpretive rule represents the Department’s current position on the issue and may be referenced when enforcing or monitoring grantee and subgrantee compliance with PRWORA. The Department may exercise its enforcement discretion to seek to ensure that this citizenship verification is in use across all postsecondary education and other similar

benefit programs covered under PRWORA, including programs funded under Perkins V and AEFLA. In general, the Department does not have any plans to take enforcement actions against any grantee or subgrantee under PRWORA prior to August 9, 2025.

Next Steps

Moving forward, the Department will work with state and local grantees, as well as subgrantees, to ensure that Federal public benefit usage is limited to U.S. citizens,

MR
Initials: 08/14/26
Date: _____

residents, and certain eligible nonresidents.

While the Department is not requiring grantees to engage in specific verification processes or procedures under this non-binding interpretive rule, grantees that may have existing legal obligations under PRWORA may seek to verify citizenship eligibility using, among other things: (1) the Department of Homeland Security (DHS) Systematic Alien Verification for Entitlements (SAVE) program; (2) review of U.S. birth certificates; (3) review of REAL ID compliant identification cards (ineligible aliens are not able to obtain such IDs); (4) DHS-issued documentation verifying immigration status; or (5) other methods to verify eligibility. Grantees are reminded to inform subgrantees of existing legal obligations under PRWORA.

In the future, the Department may conduct a review of grant opportunities, grantees and subgrantees, and other relevant parties to ensure compliance with the citizenship and eligibility verifications of PRWORA and that limited Federal funding is not being improperly distributed to noneligible individuals or used to support programs and services that serve illegal aliens.

The Department notes that, unless it is required by Departmental regulations, grantees have no affirmative obligation to report on verification to the Department. As an interpretive rule, this guidance is not binding nor does it have an effective date; rather, it informs the public, in addition to relevant stakeholders, of the Department's interpretation of the law. The Department may, but is not required to, exercise its enforcement discretion to refrain from taking actions against grantees in certain circumstances.

The Department looks forward to working with all grantees, subgrantees, and stakeholders in implementing and ensuring compliance with PRWORA, the corresponding provisions of the Notice of Interpretation, and this letter. This effort is necessary to ensure that taxpayer funds are reserved for individuals who have entered our country through legal means and

uphold the rule of law. Perkins V and AEFLA grantees and subgrantees may submit questions related to the Notice of Interpretation to PRWORA@ed.gov. Thank you for your cooperation in this important matter.

Sincerely,

NICHOLAS
MOORE

Digitally signed by
NICHOLAS MOORE
Date: 2025.07.10
09:39:33 -04'00'

Nicholas J. Moore
Acting Assistant Secretary for Career,
Technical, and Adult Education

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Initials: 08/14/26
Date: _____



the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Streamlined Clearance Process for Discretionary Grants.

OMB Control Number: 1894-0001.

Type of Review: Extension without change of a currently approved ICR.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 1.

Total Estimated Number of Annual Burden Hours: 3.

Abstract: Section 3505(a)(2) of the PRA of 1995 provides the OMB Director authority to approve the streamlined clearance process proposed in this information collection request. This information collection request was originally approved by OMB in January of 1997. This information collection streamlines the clearance process for all discretionary grant information collections which do not fit the generic application process. The streamlined clearance process continues to reduce the clearance time for the U.S. Department of Education's (ED's) discretionary grant information collections by two months or 60 days. This is desirable for two major reasons: it would allow ED to provide better customer service to grant applicants and help meet ED's goal for timely awards of discretionary grants. § 3474.20(d) adds the requirement for grantees to develop a dissemination plan for copyrighted work under open licensing. Information contained in the narrative of an application will be captured in the Evidence of Effectiveness Form.

Ross Santy,
Chief Data Officer, Office of Planning,
Evaluation and Policy Development.
[FR Doc. 2025 13011 Filed 7-10-25; 8:45 am]
BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

Clarification of Federal Public Benefits Under the Personal Responsibility and Work Opportunity Reconciliation Act

AGENCY: Office of the Secretary, Department of Education.

ACTION: Interpretive rule.

SUMMARY: The U.S. Department of Education (Department) issues this interpretation to revise and clarify its

position on the classification of certain Department programs providing "Federal public benefits," as defined in Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Public Law 104-193. The Department concludes that the postsecondary education programs and "other similar benefit" programs described within this interpretive rule, including adult education programs authorized under Title II of the Workforce Innovation and Opportunity Act of 2014, postsecondary career and technical education programs under the Carl D. Perkins Career and Technical Education Act of 2006, and other programs when used to fund postsecondary learning opportunities, provide federally funded forms of assistance that constitute "Federal public benefits" subject to PRWORA's citizenship verification requirements. The interpretation also revokes and supersedes certain aspects of the Department's previously issued Dear Colleague Letter (DCL) of November 19, 1997, which mischaracterized these programs as not affected by PRWORA, for the reasons described further within this notice.

DATES: July 11, 2025.

FOR FURTHER INFORMATION CONTACT: Office of Career, Technical, and Adult Education, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202. Adam Flynn-Tabloff, Email: adam.flynn-tabloff@ed.gov.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

On February 19, 2025, President Trump issued Executive Order 14218 (Ending Taxpayer Subsidization of Open Borders), directing agencies, among other actions, to ensure that federally funded programs are operating in compliance with PRWORA. For the reasons described herein, the Department has concluded that Federal programs administered by the Department that provide postsecondary education and other similar benefits, including adult education and career and technical education programs, are "Federal public benefits" subject to the citizenship and immigration verification requirements of PRWORA, so long as such benefits are not protected under *Plyler v. Doe*, 457 U.S. 202 (1982) *Plyler* as part of a basic public education.

I. Background

Title IV of PRWORA, as enacted into law as Public Law 104-193 on August 22, 1996, and amended by the Balanced Budget Act of 1997 (Pub. L. 105-33), generally limits eligibility for "Federal public benefits" to U.S. citizens, U.S. non-citizen nationals, and certain categories of "qualified aliens." For programs that provide "Federal public benefit[s]," providers are required to verify eligibility in order to comply with PRWORA. PRWORA defines "qualified alien" to mean "an alien who, at the time the alien applies for, receives, or attempts to receive a Federal public benefit, is—

(1) an alien who is lawfully admitted for permanent residence under the Immigration and Nationality Act [8 U.S.C. 1101 *et seq.*];

(2) an alien who is granted asylum under section 208 of such Act [8 U.S.C. 1158];

(3) a refugee who is admitted to the United States under section 207 of such Act [8 U.S.C. 1157];

(4) an alien who is paroled into the United States under section 212(d)(5) of such Act [8 U.S.C. 1182(d)(5)] for a period of at least 1 year;

(5) an alien whose deportation is being withheld under section 243(h) of such Act [8 U.S.C. 1253];

(6) an alien who is granted conditional entry pursuant to section 203(a)(7) of such Act [8 U.S.C. 1153(a)(7)] as in effect prior to April 1, 1980;

(7) an alien who is a Cuban and Haitian entrant (as defined in section 501(e) of the Refugee Education Assistance Act of 1980); or

(8) an individual who lawfully resides in the United States in accordance with a Compact of Free Association." 8 U.S.C. 1641(b).

In other words, "qualified alien" status generally refers to those non-citizens that have a lawful immigration status allowing them to reside in the U.S. indefinitely, as well as immigrants holding specific humanitarian statuses identified by Congress. Under PRWORA, an alien who is not a "qualified alien" is ineligible for payment or assistance of any "Federal public benefit." 8 U.S.C. 1611. Federal public benefits, as defined in 8 U.S.C. 1611(c)(1)(A), include "any grant, contract, loan, professional license, or commercial license provided by an agency of the United States or by appropriated funds of the United States." PRWORA further defines Federal public benefits to include "any retirement, welfare, health, disability, public or assisted housing,

postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which

PRWORA, and therefore ultimately misconstrued its meaning. In crafting PRWORA, Congress created an

benefits suggest that Congress intended to capture an expansive array of Federal benefits, within the statutory limit that

payments or assistance are provided to an individual, household, or family eligibility unit by an agency of the United States or by appropriated funds of the United States" (emphasis added). 8 U.S.C. 1611(c)(1)(B).

II. Applicability of PRWORA to Department Programs That Provide "Postsecondary Education" and "Other Similar Benefit[s]"

The Department's programs are funded by appropriated funds of the United States and are subject to the restrictions of PRWORA, where such program provides "Federal public benefits" based on the applicable criteria of PRWORA. Specifically, PRWORA applies to "postsecondary education" benefits or "any other similar benefit" under Department programs "for which payments or assistance are provided to an individual, household, or family eligibility unit." Such benefits are "Federal public benefits" within the meaning of PRWORA, unless an exception applies.

On November 19, 1997, the Department issued a DCL interpreting PRWORA to, among other things, not cover benefits under Departmental programs provided at the preschool, elementary, and secondary education level. U.S. Dept. of Edu., PRWORA DCL, (Nov. 19, 1997). In general, the Department's interpretation in the DCL enabled all aliens, regardless of immigration status and including adults, to be eligible to receive educational benefits and assistance provided by the Department so long as such benefits were not provided at the "postsecondary education" level. The Department's 1997 DCL also reasoned that educational programs provided at the preschool, elementary, and secondary level are not "similar" to the programs that Congress enumerated in PRWORA, including "any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit[.]" (emphasis added). The Department specifically claimed that these programs are dissimilar from "postsecondary education" because those programs "are at a completely different level of education." The Department also asserted that these programs provide "a different form of assistance" than postsecondary education.

The Department finds that the reasoning in the 1997 DCL is flawed because it failed to fully analyze the context and full statutory text of

operative definition for "Federal public benefit" under 8 U.S.C. 1611(c), five substantive exceptions under 8 U.S.C. 1611(b)(1)(A)–(E), three rules of non-applicability under 8 U.S.C. 1611(c)(2)(A)–(C), and three rules of statutory construction under 8 U.S.C. 1643 (a)–(c). Each part of this statutory enactment contains interrelated parts, which may provide context when construing one of its parts that may otherwise appear to be ambiguous. See A. Scalia & B. Garner, Reading Law, 167 (2012) ("Context is the primary determinant of meaning. A legal instrument typically contains interrelated parts that make up the whole. The entirety of the document thus provides the context for each of its parts."); see also *United Savings Ass'n v. Timbers of Inwood Forest Associates*, 484 U.S. 365, 371 (1988) (a statutory "provision that may seem ambiguous in isolation is often clarified by the remainder of the statutory scheme—because the same terminology is used elsewhere in a context that makes its meaning clear, or because only one of the permissible meanings produces a substantive effect that is compatible with the rest of the law.")

In the first instance, the Department looks at the operative definition for "Federal public benefit" under 8 U.S.C. 1611(c). In defining the phrase, Congress included enumerated categories of benefits, including "any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, [or] unemployment benefit," (emphasis added) followed by a broader unenumerated category of benefits that encompasses any "similar benefit[s] for which payments or assistance are provided to an individual, household, or family eligibility unit." To ascertain the meaning of the phrase: "similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit," and whether an unenumerated benefit would fall under that definition, we must analyze the similarity of other benefits to the enumerated list of benefits already included within the definition of a "Federal public benefit."

Here, Congress included a broad and disparate group of benefits within the enumerated list of "Federal public benefits." For example, "food assistance" is a near-term benefit for human subsistence, while retirement benefits are quite different in that they provide for long-term financial stability in old age. The disparate nature of these

such benefits be provided through Federal funds, and to "an individual, household, or family eligibility unit."

In contrast, the Department's analysis in the 1997 DCL did not mention any of the enumerated examples in the statute, except "postsecondary education" when construing whether the benefits discussed in that DCL were "similar." In doing so, the Department ignored important statutory clues regarding the proper reading of the statute. Instead, the Department's previous analysis inappropriately manipulated the level of generality of the inquiry to focus on the narrow question of whether

"postsecondary education" is similar to education at the "preschool, elementary, and secondary level." This flawed framing led to a flawed result. The conclusion of the 1997 DCL that preschool, elementary, and secondary education are dissimilar from postsecondary education because those programs "are at a completely different level of education" ignores the context of the statute that makes it clear that Congress intended to cover a broader array of other Federal benefits. Indeed, preschool, elementary, and secondary education are similar to postsecondary education in that these benefits provide educational assistance to individuals.

The 1997 DCL also discusses the form in which the benefits are distributed. Specifically, the DCL states that "elementary and secondary 'benefits' are typically made available to public educational agencies through grants that help them supplement their educational programs . . . [while] [postsecondary] benefits typically involve financial assistance to individual students." Even if assumed to be true, it would be irrelevant.

The statute discusses the method of delivery required in order to be a "Federal public benefit" and provides that only those benefits "for which payments or assistance are provided to an individual, household, or family eligibility unit" may be construed as a "Federal public benefit." The statute provides for distinct methods of delivery of benefits to include a "payment" or "assistance." The word "payment" is derivative of the word "pay," which means "the act of paying or state of being paid." See *Payment*, Webster's II: New Riverside University Dictionary (1994); *Pay*, Webster's II: New Riverside University Dictionary (1994). In other words, for something to be a "payment," money must be exchanged.

The term "assistance" is defined as "the act of assisting", which is derivative of the word "assist" which means "to aid" or "to give aid or support" to someone or something. See *Assistance*, Webster's II: New Riverside University Dictionary (1994) and *Assist*, Webster's II: New Riverside University Dictionary (1994). The word "assistance" is indeed broader than "payment" and includes at least some actions that do not involve the direct exchange of money.

types of non-cash or in-kind benefits.¹ The exception under sub-clause (D) applies more specifically to in-kind benefits that are delivered "at the community level, including through public or private nonprofit agencies." It would not make sense for Congress to exclude these limited non-cash or in-kind benefits explicitly in 8 U.S.C. 1611(b)(1)(B) & (D) if at least some of those benefits were not already captured under the operative definition of "Federal public benefit" under 8

provision codifies the holding of that case into the statute. Therefore, when construing PRWORA, the Department's interpretation may not otherwise contravene *Plyler*.

Plyler's holding was expressly grounded in the Fourteenth Amendment, as applied to States, and the ability of States to impose unique restrictions on alien eligibility absent "some articulable federal policy[.]" There is nothing in *Plyler's* holding that addresses the ability of the Federal

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Initials: 08/14/26

Date: _____

exchange of money.

To further understand the meaning of the word "assistance" within the context of the statute, it is appropriate to consult other parts of the statutory framework. *K Mart Corp. v. Cartier, Inc.*, 486 U.S. 281, 291 (1988) ("In ascertaining the plain meaning of the statute, the court must look to the particular statutory language at issue, as well as the language and design of the statute as a whole."). In the list of five substantive exceptions under 8 U.S.C. 1611(b)(1)(A)–(E), we find clues in deciphering any ambiguities in the term "assistance" as applied in this context. In 8 U.S.C. 1611(b)(1)(B) & (D), Congress provided that the prohibition against providing non-qualified aliens with any federal public benefit "shall not apply with respect to the following Federal public benefits:"

"(B) Short-term, non-cash, in-kind emergency disaster relief [. . .]

"(D) Programs, services, or assistance (such as soup kitchens, crisis counseling and intervention, and short-term shelter) specified by the Attorney General, in the Attorney General's sole and unreviewable discretion after consultation with appropriate Federal agencies and departments, which (i) deliver in-kind services at the community level, including through public or private nonprofit agencies; (ii) do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources; and (iii) are necessary for the protection of life or safety."

As the excepted benefits that are enumerated within sub-clause (A) though (E) are specified as otherwise being "Federal public benefits", it is clear that Congress believed these benefits all would have otherwise met that definition. Therefore, in interpreting whether a program provides "other similar benefit(s)", it is instructive to look not just to the enumerated benefits within 8 U.S.C. 1611(c)(1), but also to the exempted Federal public benefits under 8 U.S.C. 1611(b)(1). Here, Congress specified under sub-clause (B) and (D) that there are exemptions from the general alien restrictions of 8 U.S.C. 1611 on certain

of Federal public benefit under 8 U.S.C. 1611(c). Congress would have no need to carve something out that would not otherwise be covered in the first instance under the "Federal public benefit" definition. As such, the general definition of "Federal public benefit" is best understood to include "assistance" similar to the "deliver[y] of in-kind services at the community level, including through public or private nonprofit agencies" where such benefits have not been specifically excluded by 8 U.S.C. 1611(b)(1).

The DCL essentially ignored Congress's decision to include Federal public benefits delivered through "assistance," narrowing its analysis not only to Federal public benefits as "payment," but even further still to whether that assistance was similar to "postsecondary [. . .] financial assistance to individual students." The rule against surplusage requires us "to avoid rendering superfluous any statutory language." *Hibbs v. Winn*, 542 U.S. 88, 101 (2004). Here, the DCL did not give independent meaning to the word "assistance," improperly rendering it superfluous. Instead, as demonstrated above, Congress clearly contemplated that Federal public benefits could cover assistance provided from entities to "individual[s], household, or family eligibility unit," even when that assistance is provided through an "in-kind" non-money benefit "at the community level, including through public or private nonprofit agencies."

Next, we consider one of the three rules of statutory construction that Congress included under 8 U.S.C. 1643(a)(2) which provides that nothing within [Title IV of the Act] may be construed as "addressing alien eligibility for a basic public education as determined by the Supreme Court of the United States under *Plyler v. Doe* (457 U.S. 202) (1982)." In effect, this

¹ In-kind is defined as "in the same manner or with something equivalent" Webster's II: New Riverside University Dictionary (1994). In the context of the statute, "in-kind" means some sort of non-cash benefit that provides goods or services directly, rather than providing cash to procure those goods or services.

addresses the ability of the Federal government to deny benefits (be they educational or other) based on alienage, and expressly noted that "[i]n light of our disposition of the Fourteenth Amendment issue, we have no occasion to reach this claim [of pre-emption by federal law and policy]." The inclusion of 8 U.S.C. 1643(a)(2)'s limitation that PRWORA was not intended to "address[s] alien eligibility for a basic public education" is thus best understood as instructive toward the other provisions of PRWORA that speak to "State authority to make determinations concerning the eligibility of qualified aliens for public benefits", 8 U.S.C. 1601(7), and the provision of "State or local public benefits" 8 U.S.C. 1621–1625.

A harmonious reading of *Plyler*, 8 U.S.C. 1643(a)(2), and the ability of Congress to regulate the provision of "Federal public benefits" is thus readily apparent. Scalia & Garner, *supra*, at 180 ("The imperative of harmony among provisions is more categorical than most other canons of construction because it is invariably true that intelligent drafters do not contradict themselves.") Indeed, such a harmonious reading is necessary as the text itself of *Plyler*, incorporating its antecedents, specifically noted that "it is the business of the political branches of the Federal Government, rather than that of either the States or the Federal Judiciary, to regulate the conditions of entry and residence of aliens." *Mathews v. Diaz*, 426 U.S. 67, 84 (1976).

Furthermore, *Plyler* focused on the unique position of children who have "little control" over their immigration status. In *Plyler*, the Court noted that "it is thus difficult to conceive of a rational justification for penalizing these children for their presence within the United States." The Court's rationale for protecting the ability of minors to attend school stands in contrast to adults who do have the ability to control their actions and movement. Indeed, the Court noted that the "undocumented status" of adults is not "an absolutely immutable characteristic since it is the product of conscious, indeed unlawful, action." As such, the Department does

not interpret the holding in *Plyler* as conferring any rights to adults. Nor does the holding in *Plyler* reach the question as to whether a minor has the right to postsecondary education (such as a 17-year-old individual who may wish to enroll in postsecondary programs, like dual enrollment) or adult training programs that are not included within a "basic public education".

Therefore, the Department interprets and finds that "Federal public benefits" under 8 U.S.C. 1611(c)(1) includes all educational benefits that are provided to individuals, households, or family eligibility units, regardless of age, and including when benefits are provided as in-kind services at the community level, such as through public or private nonprofit agencies, except those benefits that are basic public education benefits under PRWORA for and identifying the

section 401 because the benefit is not provided to an individual household or family eligibility unit." ² Use of legislative committee reports like this is disfavored because these reports do not go through the ordinary legislative process of bicameralism and presentment. In other words, Congress did not vote on the conference report, nor should we assume Members of Congress actually read the report. See, e.g., *Blanchard v. Bergeron*, 489 U.S. 87, 98–99 (1989) (Scalia, J., concurring) ("As anyone familiar with modern-day drafting of congressional committee reports is well aware, the references to the cases [in the committee report] were inserted, at best by a committee staff member on his or her own initiative, and at worst by a committee staff member at the suggestion of a lawyer—

individual, household, or family eligibility unit[.]")

Under WIOA, the Department administers Title II Adult Education and Literacy Activities, which provides grants to States to support adult education and literacy activities. 29 U.S.C. 3291, 3303. State agencies, in turn, may award grants or enter into contracts with eligible providers who provide adult education and literacy services to eligible individuals. An "eligible individual" is an individual who

(A) who has attained 16 years of age;

(B) who is not enrolled or required to be enrolled in secondary school under State law; and

(C) who—

(i) is basic skills deficient;

(ii) does not have a secondary school diploma or its recognized equivalent

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Initials: 08/14/26

Date:

under *Plyler*. In codifying the exceptions under *Plyler*, Congress made clear the term "Federal public benefits" does not cover basic public education benefits that are received by children. At the same time, "Federal education benefits" does include postsecondary education benefits provided regardless of age, as *Plyler* did not address postsecondary benefits and PRWORA explicitly calls for such benefits to be included. 8 U.S.C. 1611(c)(1)(B).

In other words, non-qualified alien adults are not permitted to receive education benefits (postsecondary education benefits or otherwise) and non-qualified alien children are not eligible to receive postsecondary education benefits and certain other education benefits, so long as such benefits are not basic public education benefits. Postsecondary education benefits include dual enrollment and other similar early college programs that provide opportunities to earn college level credits while participating in a secondary education program, because those programs provide individualized payments or assistance beyond that of a basic public education. This interpretation does not apply to specific later in time statutory exceptions, including under 20 U.S.C. 1070e. In sum, this reading of the statute respects the statutory command to adhere to the holding in *Plyler*, while appropriately capturing the statutory directive to include "other similar benefits" within the meaning of a "Federal public benefit" under PRWORA.

Of note, the 1997 DCL cited the Congressional conference report to PRWORA. The DCL claimed that with respect to section 401 of PRWORA, the conference report said that "the intent of the conferees is that Title I, part A of the Elementary and Secondary Education Act would not be affected by

lobbyist . . . What a heady feeling it must be for a young staffer, to know that his or her citation of obscure district court cases can transform them into the law of the land . . ."). As such, the Department declines to consider the non-authoritative conference report from PRWORA when interpreting the statute, as it is unreliable in ascertaining the meaning of the text.

III. Applicability of PRWORA to Specific Department Programs

As it relates to additional programs under the Department's administration, we interpret PRWORA to apply to benefits provided to individuals under programs authorized under Title II of the Workforce Innovation and Opportunity Act of 2014 (WIOA) and career and technical education (CTE) programs authorized under the Carl D. Perkins Career and Technical Education Act of 2006, as amended (Perkins V), as well as benefits provided through postsecondary education programs.

First, it is clear that these programs are all provided through "appropriated funds of the United States" because the Department receives these funds under appropriations laws passed by Congress. See e.g., FY 2025 Full-Year Continuing Appropriations and Extensions Act, Public Law 119-4, § 1101(a)(8) 139 Stat. 9, 11. Second, whether as an enumerated benefit or "other similar benefit," these programs provide "payments or assistance" to "an

² The Department does not have specific concerns about how the Congressional conference report is referencing Title I of the Elementary and Secondary Education Act, as such programs generally provide support for states in delivering a basic public education, as protected under *Plyler*. Rather, the Department declines to consider the conference report because it is unreliable in general, and specifically here in how it interprets PRWORA as it relates to the phrase "payments or assistance" under 8 U.S.C. 1611(c)(1)(B).

adult or its recognized equivalent, and has not achieved an equivalent level of education; or

(iii) is an English language learner.

The Department interprets Title II WIOA programs to provide "Federal public benefits" because these educational programs: (1) are "similar benefits," within the meaning of 8 U.S.C. 1611(c)(1)(B), because the programs provide educational services to adults and children who lack certain skills or abilities (as discussed in further detail above); (2) are provided on a non-cash and in-kind basis to individuals, and therefore are a form of "assistance [. . .] to an individual" eligibility unit as defined under 8 U.S.C. 1611(c)(1)(B); and (3) are not specifically exempted under PRWORA. As discussed above, the Department interprets PRWORA to apply to adults receiving any form of educational benefits and children receiving educational benefits other than a "basic public education."

The Department interprets Title II WIOA benefits to be distinct from the provision of a "basic public education" by State and local governments under *Plyler* because, among other distinctions, these benefits are provided to individuals in addition to the basic public education already provided by States to minors of compulsory attendance age. Under Title II of WIOA, any minor who had aged out of compulsory secondary school attendance would further have to drop out of the basic public education offered by their State in order to be eligible for Title II WIOA benefits. *Plyler*, in addition to highlighting the compulsory nature of basic public education, did not confer illegal immigrant children aging out of basic public education with the right to drop out of secondary school in favor of alternative educational programs, such as those designed for

adults under WIOA. As such, the Title II WIOA programs provide "Federal public benefits" that are distinct from and are not included within a basic public education under *Plyler*.

Under Perkins V, the Department administers the Basic Grants to States program which is a formula grant for career and technical education to States to support the development and implementation of programs for individuals who are in need of such career and technical education. Congress provided that the purpose of Perkins V, among other things, is to "to develop more fully the academic knowledge and technical and employability skills of secondary education students and postsecondary education students who elect to enroll in career and technical education programs and programs of study." 20 U.S.C. 2301. Although Perkins V does not explicitly create a test for eligibility, it is clear the educational benefits that flow from these programs are designed to benefit students who are *individuals*. Indeed, the very definition of "career and technical education" under Perkins V highlights that CTE is always an *individual good* as it is provided

and in-kind basis to individuals, and therefore are a form of "assistance" as defined under 8 U.S.C. 1611(c)(1)(B); and (3) are not specifically exempted under PRWORA, except that Perkins V programs that support minors in the secondary school setting are basic public education benefits and are not "Federal public benefits." 8 U.S.C. 1643.³

IV. Verification

Grantees that may have existing legal obligations under PRWORA may seek to verify eligibility using, among other things: (1) the Department of Homeland Security (DHS) Systematic Alien Verification for Entitlements (SAVE) program;⁴ (2) review of U.S. birth certificates; (3) review of REAL ID compliant identification cards (ineligible aliens are not able to obtain such IDs); (4) DHS issued documentation verifying immigration status; or (5) other methods to verify eligibility.

In addition, the Department notes that there are existing legal exemptions from verification requirements for nonprofit charitable organizations administering

can be reasonably documented toward each grant award.

Unless required by Departmental regulations, grantees have no affirmative obligation to report on verification to the Department. Because this interpretative rule is not legislative, the Department lacks the ability to require affirmative reporting.

Interpretive rules cannot have effective dates. Rather, this interpretive rule informs the public of the Department's interpretation of the law. See *Guedes v. Bureau of Alcohol, Tobacco, Firearms & Explosives*, 920 F.3d 1, 20 (D.C. Cir. 2019) (holding that an interpretive rule cannot have an effective date and is instead an interpretation of how the law should be interpreted, past and present). The Department may, but is not required to, exercise its enforcement discretion to refrain from taking actions against grantees in certain circumstances.

V. Conclusion

This interpretive rule finds that Federal programs administered by the Department that provide postsecondary education and other similar benefits, including adult education and CTE

individual good as it is provided through "a sequence of courses," "competency-based, workbased, or other applied learning" or "career exploration" that can only be received or experienced by an individual for their personal development. 20 U.S.C. 2302(5). Perkins V benefits flow from the Federal government to states, and then to local recipients, who provide educational assistance to individual students in a non-cash in-kind manner.

Perkins V funds programs for individuals both at the secondary and postsecondary levels. 20 U.S.C. 2301. Students may receive Perkins V benefits while enrolled in secondary school. In contrast to Title II WIOA benefits, Perkins V benefits do not require students to drop out or have aged out of secondary school compulsory attendance in order to receive such benefits and are thus provided as part of a "basic public education" in those limited circumstances. As such, these benefits, when provided to minors in the secondary school setting, are basic public education benefits that are protected under *Plyler*.

Therefore, the Department interprets Perkins V programs to provide "Federal public benefits" because these educational programs: (1) are "similar benefits," within the meaning of 8 U.S.C. 1611(c)(1)(B), because the programs provide career and technical educational services to adults and children who lack certain skills or abilities; (2) are provided on a non-cash

"Federal public benefits". Nonprofit charitable organizations that administer "Federal public benefits" are not required to conduct eligibility verification under 8 U.S.C. 1642(d). The exemption in 8 U.S.C. 1642(d) is narrowly crafted and does not include other entities administering "Federal public benefits". Accordingly, the Department does not interpret 8 U.S.C. 1642(d) to relieve states or other governmental entities involved in the administration of "Federal public benefits" from the requirements to ensure that all relevant programs are in compliance with PRWORA (even when some or all educational services are ultimately provided by a nonprofit charitable organization). Grantees may, consistent with 2 CFR 200.413(b)-(c) and 2 CFR 200.405(d), charge direct administrative costs associated with verification as an allocable benefit that

³ In this interpretive rule, the Department announces how it interprets PRWORA with respect to certain Department programs; however, just because a program is not specifically mentioned herein does not mean the program does not have obligations under PRWORA. The Department may, but is not required to, exercise its enforcement discretion to refrain from taking actions against grantees in certain circumstances, such as for programs not mentioned in this interpretive rule.

⁴ Effective April 1, 2025, the Department of Homeland Security has eliminated the transaction charge for using SAVE for all state, local, tribal, and territorial government agencies. See U.S. Dep't of Homeland Sec., Save Transaction Charges (last accessed June 25, 2025), <https://www.uscis.gov/save/about-save/transaction-charges>.

programs, are "Federal public benefits" subject to the citizenship and immigration verification requirements of PRWORA, so long as such benefits are not protected under *Plyler* as part of a basic public education. This interpretation of adult education and covered CTE programs as providing "Federal public benefits" also includes programs that provide dual enrollment and other similar early college programs that go beyond providing a basic public education to prepare students for credit accumulation, degree attainment, or to enter the workforce. Therefore, entities administering these programs may consider this interpretation when taking action to comply with PRWORA. This interpretation represents the Department's current position on the issue and may be referenced when enforcing or monitoring grantee and subgrantee compliance with PRWORA.

Accessible Format: On request to the program contact listed under FOR FURTHER INFORMATION CONTACT, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requester with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

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Signing Authority

This document of the U.S. Department of Education was signed on July 8, 2025, by Linda E. McMahon, Secretary of Education. That document with the original signature and date is maintained by the U.S. Department of Education. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned has been authorized to sign the document in electronic format for publication, as an official document of the U.S. Department of Education. This administrative process in no way alters the legal effect of this document upon publication in the Federal Register.

Sharon Cooke,

by electronic mail to Electricity.Exports@hq.doe.gov.

FOR FURTHER INFORMATION CONTACT: Janessa Zucchetto, (240) 474-8226, Electricity.Exports@hq.doe.gov.

SUPPLEMENTARY INFORMATION: The United States Department of Energy (DOE) regulates electricity exports from the United States to foreign countries in accordance with section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)) and regulations thereunder (10 CFR 205.300 *et seq.*). Sections 301(b) and 402(f) of the DOE Organization Act (42 U.S.C. 7151(b) and 7172(f)) transferred this regulatory authority, previously exercised by the now-defunct Federal Power Commission, to DOE.

Section 202(e) of the FPA provides that an entity which seeks to export electricity must obtain an order from DOE authorizing that export (16 U.S.C. 824a(e)). On April 10, 2023, the authority to issue such orders was delegated to the DOE's Grid Deployment Office (GDO) under Redesignation Order No. S3-DEL-CD1-2023.

On May 6, 2025, DRW Energy filed an application (Application or App.) for authorization to transmit electric energy from the United States to Canada for a term of ten years. App. at 1.

According to the Application, DRW Energy is a power marketer with its principal place of business in Houston, Texas. *Id.* at 1. The Applicant states that it is "the wholly owned subsidiary of DRW Holdings LLC." *Id.* DRW Energy

deliver its power exports." *Id.* The Applicant states that the electricity it plans to export "will be transmitted under arrangements with utilities that own and operate existing transmission facilities, consistent with the export limitations and other terms and conditions contained in existing Presidential Permits and electricity export authorizations associated with these transmission facilities." *Id.* The Applicant further states it will schedule transactions in compliance with reliability standards and guidelines established by the North American Reliability Corporation. *Id.*

The existing international transmission facilities to be utilized by the Applicant have been previously authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties. See App. at Exhibit C.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the Application at Electricity.Exports@hq.doe.gov. Protests should be filed in accordance with Rule 211 of FERC's Rules of Practice and Procedure (18 CFR 385.211). Any person desiring to become a party to this proceeding should file a motion to intervene at Electricity.Exports@hq.doe.gov in accordance with FERC Rule 214 (18 CFR 385.214).

Comments and other filings

MR

Initials: 08/14/26

Date: _____

DEPARTMENT OF ENERGY

[GDO Docket No. EA-524]

Application for Authorization To
Export Electric Energy; DRW Energy
Trading LLC

AGENCY: Grid Deployment Office, U.S.
Department of Energy.

ACTION: Notice of application.

SUMMARY: DRW Energy Trading LLC (the
Applicant or DRW Energy) has applied
for authorization to transmit electric
energy from the United States to Canada
pursuant to the Federal Power Act.

DATES: Comments, protests, or motions
to intervene must be submitted on or
before August 11, 2025.

ADDRESSES: Comments, protests,
motions to intervene, or requests for
more information should be addressed

DRW Holdings, LLC. *Id.* DRW Energy
represents that "The Federal Energy
Regulatory Commission (FERC) has
granted [it] authority to sell wholesale
power at market-based rates under a
market-based rate tariff." *Id.* at 1-2 &
Exhibit G.

DRW Energy represents that it will
purchase "power to be exported from a
variety of sources, including but not
limited to, power marketers,
independent power producers, or U.S.
electric utilities and federal power
marketing entities." App. at 2. The
Applicant thus asserts that because this
power is surplus to the system of the
generator, its proposed exports "will not
impair the sufficiency of the electric
power supply within the United States." *Id.*

DRW Energy further asserts that its
proposed exports will not impair or
tend to impede the sufficiency of
electric supplies in the U.S. or the
regional coordination of electric utility
planning or operations. App. at 3. The
Applicant states that it "will make all
necessary commercial arrangements and
will obtain any other required
regulatory approvals to schedule and

Comments and other filings
concerning DRW Energy's Application
should be clearly marked with GDO
Docket No. EA-524. Additional copies
are to be provided directly to Michael J.
Lowell, Esq., Reed Smith LLP, 1301 K
Street, NW, Suite 1000—East Tower,
Washington, DC 20005, mjlowell@reedsmith.com; Jon Hoff, DRW Energy
Trading LLC, 1500 Post Oak Blvd., Suite
1625, Houston, TX 77056, jhoff@drwholdings.com.

A final decision will be made on the
requested authorization after the
environmental impacts have been
evaluated pursuant to DOE's National
Environmental Policy Act Implementing
Procedures (10 CFR part 1021) and after
DOE evaluates whether the proposed
action will have an adverse impact on
the sufficiency of supply or reliability of
the United States electric power supply
system.

Copies of this Application will be
made available, upon request, by
accessing the program website at
<https://www.energy.gov/gdo/pending-applications-0> or by emailing
Electricity.Exports@hq.doe.gov.

MR
Initials: 08/14/26
Date: _____



UNITED STATES DEPARTMENT OF EDUCATION

THE UNDER SECRETARY

September 29, 2025

SUBJECT: Reminder Regarding Prohibited Use of Federal Grants Funds for Lobbying and Allowable Membership Costs.

SUMMARY: This document provides guidance clarifying the longstanding statutory and regulatory prohibitions on the use of federal grant funds for lobbying, including membership dues that support lobbying activity, and reminds grantees of their responsibilities under applicable law and regulations.

Dear Colleague:

We are writing to remind you of the legal restrictions on using federal grant funds for lobbying activities. Although grantees may belong to professional or trade organizations, including national associations that support students and institutions participating in federal grant programs, the use of federal grant dollars to engage in or subsidize lobbying remains strictly prohibited.

Statutory and Regulatory Background

Section 1352 of Title 31 of the United States Code prohibits recipients of federal grants, loans, or cooperative agreements from using federally appropriated funds to pay any person for influencing or attempting to influence any officer or employee of an agency, a Member of Congress, or congressional staff in connection with the awarding, extension, continuation, renewal, amendment, or modification of a federal grant. This prohibition applies to both direct lobbying by the recipient and indirect support through payments to third parties.

In addition, under the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (commonly referred to as the Uniform Guidance), lobbying costs are unallowable charges to a federal award. Specifically, 2 C.F.R. § 200.450 prohibits the use of grant funds for lobbying activities, including influencing activities associated with obtaining grants or attempting to influence, either directly or indirectly, an employee or officer of the executive branch of the Federal Government to give consideration or to act regarding a Federal award or a regulatory matter.

Further, 2 C.F.R. § 200.450(c) applies additional restrictions to nonprofit organizations and institutions of higher education (IHEs). Those additional restrictions include prohibiting any costs associated with attempting to influence federal or state legislation, establishing, administering, contributing to any organization to influence the outcomes of elections in the United States, or engaging in legislative liaison activities.

400 MARYLAND AVE. SW, WASHINGTON,
DC 20202
www.ed.gov

MR
Initials: 08/14/26
Date: _____

Although 2 C.F.R. § 200.454(a) allows the use of federal funds for membership in business, technical, and professional organizations, that allowance does not extend to organizations whose primary purpose is lobbying (*see* § 200.454(e)). Nor does it allow payment of dues to any organization that fails to segregate lobbying from non-lobbying costs. It is the responsibility of the grantee to ensure that any membership fee funds are not used for lobbying, even when the membership organization's primary purpose is not lobbying. As with all costs, including membership costs in business, technical, and professional organizations, those costs must be reasonable and necessary to the performance of the grant (*see* the cost principles in 2 C.F.R. Part 200 Subpart E).

Grantee Responsibilities

As grantees, you are responsible for ensuring that your use of federal funds complies with applicable federal statutes and regulations. This includes:

- Ensuring no federal grant dollars are used directly or indirectly to pay for lobbying efforts;
- A presumption that membership fee amounts tied to a percentage of a federal grant are unallowable;
- Maintaining adequate documentation to demonstrate compliance to ensure that membership fees are not used on lobbying and are reasonable and necessary; and
- Avoiding payment of dues to organizations that cannot or do not report the proportion of their activities that are dedicated to lobbying.

Although membership in certain organizations may be allowable in limited circumstances, federal grant funds may not be used to subsidize any portion of dues that support legislative advocacy or lobbying. Grantees are responsible for requesting appropriate breakdowns of dues and ensuring compliance with 31 U.S.C. § 1352, 2 C.F.R. §§ 200.454 and 200.450, and all other applicable law related to lobbying.

Consequences for Noncompliance

Failure to comply with these provisions may result in disallowed costs, audit findings, program reviews, and additional oversight or enforcement actions by the Department up to the termination of your grant. Additionally, violations may lead to civil penalties, including fines and the potential suspension or debarment of grantees or individuals. Grantees should consult with their legal and compliance teams to review current expenditures and ensure they align with these existing federal requirements.

Disclaimer

As with any "Dear Colleague" letter and guidance document, the contents of this document do not have the force and effect of law and are not meant to bind the public or the Department. This document is intended only to provide clarity to the public regarding existing requirements under the law and regulations.

400 MARYLAND AVE. SW, WASHINGTON,
DC 20202
www.ed.gov

Sincerely,



Nicholas Kent

MR
Initials: 08/14/26
Date: _____

Under Secretary

400 MARYLAND AVE. SW, WASHINGTON, DC 20202
www.ea.gov

MR
Initials: 08/14/26
Date: _____



EXHIBIT D

New Hampshire Department of
Education School Year 2026-2027

GRANT PROGRAM ASSURANCES DOCUMENT

The following are the 2026-2027 school year (SY) New Hampshire Department of Education (NHED) **Program Assurances** for the following federal formula/competition grants:

- Title I, Part A (and if applicable, Title I, Part A- 1003)
- Title II, Part A
- Title III, Part A
- Title IV, Part A
- Title IV, Part B
- Title V, Part B, Subparts 1 & 2
- IDEA, Part B
- Perkins V

Subrecipients must submit a signed copy of the Program Assurances to the NHED prior to receiving federal funds for grants awarded under the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA), Individuals with Disabilities Education Act (IDEA) and Carl D. Perkins Strengthening Career and Technical Education for the 21st Century Act (Perkins V). By signing the Program Assurances, the subrecipient assures that it will accept and administer the funds in accordance with all applicable Federal and State statutes and regulations. Program Assurances shall be provided as part of the 2026-2027 ESEA, IDEA, and Perkins Consolidated Applications within the Grants Management System (GMS) by uploading this fully executed document to the LEA Homepage in GMS. Failure to upload a fully executed copy of this document will result in an incomplete application. Incomplete applications will be returned for revision but must be received **no later than July 1, 2026**, for a subrecipient to receive a subaward.

Attached is **Appendix A** which outlines the items removed from prior years "Grant Program Assurances Document". Please note that while these items were removed because they do not require the subrecipient to provide assurance, they are still requirements per legislation that the subrecipient must adhere to.

Additionally, section **Title VIII, Part C and bullet point A-9** have been added this year for those subrecipients participating in any of the Title Programs and/or receiving school improvement funding. While these are new to the document, they are not new to statute. Please review to ensure compliance.

Lastly, the language within this document has been updated to reflect a broad array of subrecipients. Subrecipients are defined by statute and may be, but not limited to, local educational agencies, community based organizations, nonprofit organizations, adult education centers, etc. The subrecipients authorized official is the top executive in the organization that makes decisions on spending, staffing, and policies.

Superintendent/Charter School Administrator Contact Information:

Subrecipient Name:	Mark Rubinstein
Subrecipient Authorized Official Name:	Mark Rubinstein
Subrecipient Authorized Official Title:	Chancellor
Subrecipient Authorized Official Phone:	603.230.3501
Subrecipient Authorized Official Email:	mrubinstein@ccsnh.edu

The Subrecipient Authorized Official must review and sign each section. There is a signature field for Title III, Part A certification and one signature block at the end of the Program Assurances that must be signed. Once the document is fully executed it needs to be uploaded to the GMS LEA Homepage as part of the ESEA, IDEA, and/or Perkins Consolidated Applications no later than July 1, 2026. The NHED will review and subsequently approve/return these assurances if not fully executed. **Subawards will not be awarded until the subrecipient has a fully executed and approved Consolidated Application document on file with NHED (inclusive of these Assurances).**

At the end of this document, are the General Education Provisions Act (GEPA) Section 427 which requires each subrecipient applying for federal funds to include a description of the steps the subrecipient proposes to ensure equitable access to and participation in its federally assisted programs for students, teachers, and other program beneficiaries with special needs. The statute highlights six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, or age. Determine needs based on whether these or other barriers may prevent students, teachers, or other staff from such access to, or participation in, the federally funded projects or activities.

Each subrecipient accepting federal grants must provide a description of how it will ensure equitable access for students and teachers to participate in federally assisted programs. Please provide a clear and succinct description of how the subrecipient plans to address the barriers that are applicable to the subrecipients needs.

Program Assurances are reviewed and signed by the Subrecipient Authorized Official, indicating agreement with the laws and regulations specific to a grant type. The assurances below are not all-inclusive as to the entire scope of requirements for the subrecipient. Subrecipient Authorized Officials are responsible for understanding all requirements of the grants.

Process

Each subrecipient must fully execute these assurances by;

1. The Subrecipient Authorized Official reviews the assurances for each federal program in which the subrecipient is participating and consults with the School Board/Board of Trustees/Directors about the assurances.
2. The Subrecipient Authorized Official signs and dates the Title III, Part A certification (page 8), if applicable.
3. The Subrecipient Authorized Official signs and dates the bottom of the Program Assurance document.
4. **All** Subrecipient Authorized Official's must complete the GEPA section.
5. **Local Educational Agency (LEA) subrecipients:** upload the document in its entirety to the LEA 2026-2027 homepage in the Grants Management System (GMS).
6. **Reporting Authority (RA) subrecipients:** if in GMS, upload the document in its entirety to the RA 2026-2027 homepage in GMS.
7. **Other subrecipients (not in GMS):** return this document to the appropriate Federal Program Manager.

Section A: Assurances for ESEA - Title I, Part A

All Sections cited are from the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act through P.L. 114-95, unless otherwise noted.

The subrecipient hereby assures the New Hampshire Department of Education (NHED) that pursuant to the requirements in ESEA, Title I, Part A the subrecipient will:

A-1 ENSURE QUALIFIED AND EFFECTIVE EDUCATORS IN ALL LEA SCHOOLS

Ensure, through incentives for voluntary transfers, the provision of professional development, recruitment programs, or other effective strategies, that students from low-income families and minority students are not taught at higher rates than other students by unqualified, out-of-field, or beginning educators. *Section 1111(g)(1)(B).*

Ensure that all teachers and paraprofessionals working in a program supported with Title I, Part A funds meet applicable state certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification. *Section 1111(g)(2)(J).*

At the beginning of each school year, the local educational agency (LEA) receiving funds under this Part shall notify the parent(s) of each student attending any school receiving funds under this Part that the parents may request, and the LEA will provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers, including at a minimum, the following: (I) Whether the students' teacher (I) has met State qualifications and licensing criteria for the grade levels and subject areas in which the teacher provides instruction; (II) is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived; and, (III) is teaching in the field of discipline of the certification of the teacher. *Section 1112(e)(1).*

A-2 ALIGN EARLY CHILDHOOD SERVICES WITH HEAD START STANDARDS

In the case of an 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 USC §9836a(a)). *Section 1112(c)(7).*

A-3 PROVIDE EQUITABLE SERVICES FOR ELIGIBLE STUDENTS IN PRIVATE SCHOOLS

Provide, after timely and meaningful consultation with private school officials, equitable services to eligible students attending private elementary and secondary schools in accordance with *Section 1117*.

The LEA must consult with each non-public school about the Title I, Part A grant. The LEA must maintain a written record of the consultation in its records by executing the *2026-2027 Equitable Services Affirmation for Non-Public Schools Related to ESEA*

Programs and upload as part of the ESEA Consolidated Application via the online Grants Management System by July 1, 2026.

A-4 IMPLEMENT THE STATEWIDE ASSESSMENT PROGRAM AND USE ASSESSMENT RESULTS TO REVIEW AND ASSESS PROGRESS

Comply with the statewide assessment program requirements under *Section 1111 (b)(2)* or Innovative Assessment and Accountability Demonstration Authority under *Section 1204(b)(1)*, (i.e. Performance Assessment for Competency Education). Use the results of the statewide assessment and other measures or indicators available to the LEA, to review annually the progress of each school served by the LEA and receiving funds under this Part. In addition, make widely available through public means (includes posting in a clear and easily accessible manner on the LEA's website and, where practicable, on the website of each school served by the LEA for each grade level served, information on each assessment required by the State to comply with *Section 1111*, other assessments required by the State, and where such information is available and feasible to report, assessments required by the LEA, including: (i) subject matter assessed; (ii) the purpose for which the assessment is designed and used; (iii) the source of the requirement for the assessment; and (iv) where such information is available: (I) the amount of time students will spend taking the assessment and the schedule for the assessment; and (II) the time and format for disseminating results.

A-5 PARTICIPATE IN THE NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS (NAEP), GRADES 4 and 8, READING AND MATHEMATICS

Participate, if selected, in NAEP for reading and mathematics in grades 4 and 8 carried out under *Section 303(b)(3)* of the NAEP Authorization Act (20 USC SEC 9622(b)(3)).

A-6 COORDINATE WITH OTHER EDUCATIONAL SERVICES

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 the Native Hawaiian children, and homeless children and youths, in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program.

In compliance with *Section 1112*, coordinate and integrate services with other programs under this Act (including Title I, Part C, Title II, Part A, Title III, Part A etc.), the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973, the Carl D. Perkins Career and Technical Education Act of 2006, the Workforce Innovation and Opportunity Act, the McKinney-Vento Homeless Assistance Act, the Head Start Act, the Adult Education and Family Literacy Act, and other Acts, as appropriate. Equity of services will be met for disadvantaged students, to include:

- Selecting migratory children who are eligible to receive services on the same basis as other children who are selected to receive services;
- Conducting outreach to identify homeless children and youth and working in

consultation with shelters and other community agencies to identify and remove barriers to enrollment;

- Assuring space is available in Title I, Part A programs for students in foster care, homeless children and youth, and that homeless students are eligible for Title I, Part A services by virtue of their homelessness;
- Complying with the requirements of Immigrant Data Collection Survey located in the NHED Education Statistics System on an annual basis to ensure appropriate services are provided to English language learners; and
- If the LEA uses Title I, Part A or Title III, Part A funds to provide a language instruction educational program as determined under Title III, Part A, the LEA must comply and coordinate parent services for English learners as outlined in *Section 1112(3)(A-D)*.

A-7 ENSURE THE EDUCATIONAL STABILITY OF STUDENTS IN FOSTER CARE

Enroll foster youth or allow the foster youth to remain in their school of origin, unless a determination is made that it is not in the child's best interest to attend that school. Best interest factors include, but are not limited to, appropriateness of the current educational setting and proximity to the school in which the child is enrolled at the time of placement. *Section 1111(g)(1)(E)(i)*.

Ensure that if a determination is made that it is not in the child's best interest to remain in the school of origin, the child will be immediately enrolled in a new school, even if the child is unable to produce records normally required for enrollment. *Section 1111(g)(1)(E)(ii)*.

LEAs will immediately contact the school of origin to obtain relevant academic and other records. *Section 1111(g)(1)(E)(iii)*.

Develop and implement clear written procedures governing transportation for students in foster care in their school of origin when in their best interest. The procedure will be provided, arranged, and funded for the duration of their time in foster care, and ensure that students promptly receive that transportation. The transportation procedure must describe how this requirement will be met in the event of a dispute regarding which agency or agencies (LEA, multiple LEAs or child welfare agency) will pay any additional costs incurred in providing transportation and must describe which agency or agencies will initially pay the additional costs so that transportation is provided promptly during the pendency of the dispute. *Section 1112(c)(5); 34 Code of Federal Regulations §299.13(c)(1)(ii)*.

Designate a point of contact (POC) if the corresponding child welfare agency notifies the LEA in writing that it has designated an employee to serve as a POC for the LEA. *Section 1111(g)(1)(E)(iv)*.

A-8 EDUCATION FOR HOMELESS CHILDREN AND YOUTHS

Reserve Title I, Part A funds as necessary to provide comparable services to homeless children and youth that assist them to effectively take advantage of

educational opportunities as provided to children in schools funded under Title I, Part A. These comparable services shall be provided to homeless children and youth in public schools, shelters and other locations where children may live (institutions for neglected children and, where appropriate, local institutions such as local community day school programs). This reservation requirement is not formula driven. The method of determination of such funds shall be determined as follows:

- Based on the total allocation received by the LEA; and,
- Prior to any allowable expenditure or transfers by the LEA. *Section 1113(c)(3)(A).*

If applicable , the following assurance must also be made for those subawarded funds under Title I, Part A, Section 1003 for School Improvement:

A-9 SUBMIT AN APPLICATION TO THE STATE EDUCATIONAL AGENCY, WHICH MUST INCLUDE;

An assurance that each school the local educational agency proposes to serve will receive all of the State and local funds it would have received in the absence of funds received under this section. ESEA Section 1003(e)(2).

Section B: Assurances for ESEA - Title II, Part A

All Sections cited are from the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act through P.L. 114-95, unless otherwise noted.

The subrecipient hereby assures the New Hampshire Department of Education (NHED) that pursuant to the requirements in ESEA, Title II, Part A the subrecipient will:

B-1 ENSURE PRIVATE SCHOOL PARTICIPATION

Comply with *Section 8501* regarding equitable participation by private school teachers in professional development activities. Provide for the equitable participation of private school teachers, and other educational personnel in private schools, and engage in meaningful consultation, in a timely manner, with private school officials during the design and development of their Title II, Part A program. *Section 2102(b)(2)(E)*.

The LEA must consult with each non-public school about the Title II, Part A grant. The LEA must maintain a written record of the consultation in its records by executing the *2026-2027 Equitable Services Affirmation for Non-Public Schools Related to ESEA Programs* and upload as part of the ESEA Consolidated Application via the online Grants Management System by July 1, 2026 .

B-2 PROVIDE PROFESSIONAL DEVELOPMENT ACTIVITIES

Ensure that all professional development activities provided are evidenced-based and intended to improve the subject matter knowledge and the teaching and leadership skills of teachers, principals, and administrators and, in appropriate cases, paraprofessionals, and coordinated with professional development activities authorized under this Part with professional development activities provided through other Federal, State, and local programs. *Section 2102(b)(2)(F)*.

Section C: Assurances for ESEA - Title III, Part A

All Sections cited are from the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act through P.L. 114-95, unless otherwise noted.

The subrecipient hereby assures the New Hampshire Department (NHED) of Education that pursuant to the requirements in ESEA, Title III, Part A the subrecipient will:

C-1 CONSULT WITH OTHERS ON PLAN DEVELOPMENT

Assure consultation has occurred with teachers, researchers, school administrators, parents and family members, community members, public or private entities, and institutions of higher education, in developing and implementing the Title III, Part A plan. *Section 3116(b)(4)(C).*

C-2 BE IN COMPLIANCE WITH STATE LAWS

Assure, by signing in this section, that the LEA is not in violation of any State law, including State constitutional law, regarding the education of English learners (EL), consistent with Sections 3125 and 3126. *Section 3116(b)(4)(B).*

C-3 COMPLY WITH PARENT REQUESTS FOR INFORMATION ABOUT STAFF EDUCATING THEIR CHILDREN

Ensure that each LEA that is included in the eligible entity is complying with Section 1112(e) prior to, and throughout, each school year. *Section 3116(b)(4)(A).*

C-4 COORDINATE WITH HEAD START AND EARLY HEAD START

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. *Section 3116(b)(4)(D).*

Title III, Part A LEA CERTIFICATION ON TEACHERS' FLUENCY IN ENGLISH	
I certify that all teachers in any language instruction educational program for English learners that is, or will be, funded under Title III, Part A are fluent in English and any other language used for instruction, including having written and oral communication skills. <i>Section 3116(c).</i>	
Mark Rubinstein	08/14/26
Subrecipient Authorized Official Signature	Date

Section D: Assurances for ESEA - Title IV, Part A

All Sections cited are from the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act through P.L. 114-95, unless otherwise noted.

The subrecipient hereby assures the New Hampshire Department of Education (NHED) that pursuant to the requirements in ESEA, Title IV, Part A the subrecipient shall:

D-1 PRIORITIZE THE DISTRIBUTION OF FUNDS TO MOST IN NEED SCHOOLS OR STUDENT POPULATIONS [ESSA SECTION 4106 (e)(2)(A)]

The LEA, or consortium of LEAs, will prioritize the distribution of funds to schools served by the LEA, or consortium of LEAs, that—

1. are among the schools with the greatest needs, as determined by such local educational agency, or consortium;
2. have the highest percentages or numbers of children counted under section 1124(c);
3. are identified for comprehensive support and improvement under section 1111(c)(4)(D)(i);
4. are implementing targeted support and improvement plans as described in section 1111(d)(2); or
5. are identified as a persistently dangerous public elementary school or secondary school under section 8532;

D-2 PROVIDE EQUITABLE SERVICES FOR ELIGIBLE STUDENTS IN PRIVATE SCHOOLS [ESSA SECTION 4106 (e)(2)(B)]

The LEA will provide, after timely, meaningful, and continued consultation with private, nonprofit (ESSA Section 8101) school officials, equitable services to eligible students attending private, non-profit elementary and secondary schools in accordance with Section 8501. The LEA must maintain a written record of the consultation in its records by executing the *2026-2027 Equitable Services Affirmation for Non-Public Schools Related to ESEA Programs* and upload as part of the ESEA Consolidated Application via the online Grants Management System by July 1, 2026.

D-3 USE TITLE IV, PART A FUNDS FOR STUDENT SUPPORT AND ACADEMIC ENRICHMENT [ESSA SECTION 4106 (e)(2)]

The LEA will assure that one of these conditions shall apply:

- (1) If the LEA, or consortium of LEAs, receives a Title IV, Part A allocation in an amount less than \$30,000, shall be required to develop activities that support at least one of the three Title IV, Part A Program areas. [ESSA Section 4106 (f)]
- (2) If the LEA, or consortium of LEAs, receives a Title IV, Part A allocation greater than \$30,000, the LEA shall be required to develop activities that support at least one of the three Title IV, Part A Program areas, in the following proportion:
 - use not less than 20 percent of funds received under Title IV, Part A to support one or more of the activities authorized under section 4107; activities to support well-rounded educational opportunities. [ESSA Section 4106 (e)(2)(C)]

- use not less than 20 percent of funds received under Title IV, Part A to support one or more of the activities authorized under section 4108; activities to support safe and healthy students. [ESSA Section 4106 (e)(2)(D)]
- use a portion of funds received under Title IV, Part A to support one or more activities authorized under section 4109(a), but will not use more than 15% of funds in this program area to purchase technology infrastructure to support the effective use of technology, according to section 4109(b). [ESSA Section 4106 (e)(2)(E)]

D-4 ANNUAL REPORTING TO THE STATE [ESSA SECTION 4104]

The LEA, or consortium of LEAs, annually report to the State for inclusion in the report described in section 4104(a)(2) how funds are being used under this subpart to meet the requirements of subparagraphs (C) through (E), including the degree to which the local educational agencies have made progress toward meeting the objectives and outcomes described in section 4106(e)(1)(E).

Section E: Assurances for ESEA - Title IV, Part B

All Sections cited are from the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act through P.L. 114-95, unless otherwise noted.

The subrecipient hereby assures the New Hampshire Department of Education (NHED) that pursuant to the requirements in ESEA, Title IV, Part B the subrecipient will:

E-1 USE OF FUNDS TO EXPAND OR ENHANCE CURRENT ACTIVITIES

Use Title IV, Part B funds to increase the level of state, local and/or other nonfederal funds that would, in the absence of funds under this part, be made available for programs and activities authorized under this part, and in no case supplant federal, state, local or non-federal funds. *Section 4204(b)(2)(G).*

E-2 USE OF SAFE AND EASILY ACCESSIBLE FACILITY

The Title IV, Part B program will take place in a safe and easily accessible facility. *Section 4204(b)(2)(A)(i).*

E-3 PROGRAM WAS DEVELOPED AND CARRIED OUT IN COLLABORTATION

The program will be developed in active collaboration with the schools that participating students attend, including through the sharing of relevant data among the schools. All participants of the eligible entity and any partnership entities have has a written MOU stating how pertinent student data will be shared from the school district to the Title IV, Part B program and how these groups will share information about the needs and performance of students in alignment with the challenging State academic standards and any local academic standards. *Section 4204(b)(2)(D).*

E-4 TARGET ELIGIBLE POPULATION

The Title IV, Part B program will target students who primarily attend schools eligible for schoolwide programs under section 1114 and the families of such students. *Section, 4204(b)(2)(F).*

E-5 PROVIDE NOTICE TO COMMUNITY

The program shall provide notice to the community of its intent to submit an application, and any waiver request will be available for public review after submission of the application. *Section 4204(b)(2)(L).*

Section F: Assurances for ESEA - Title V, Part B, Subpart 1 and Subpart 2

All Sections cited are from the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act through P.L. 114-95, unless otherwise noted.

The subrecipient hereby assures the New Hampshire Department of Education (NHED) that pursuant to the requirements in ESEA, Title V, Part B, Subpart 1 and Subpart 2 the subrecipient will:

F-1 USE OF APPLICABLE FUNDING

Use Title V, Part B, Subpart 1 funds only for the following:

1. Activities authorized under part A of Title I.
2. Activities authorized under part A of Title II.
3. Activities authorized under part A of Title III.
4. Activities authorized under Part A or B of Title IV. *Section 5211.*

F-2 NOTIFY THE NHED OF INTENT TO USE FUNDING

An eligible LEA shall notify the NHED of the LEA's intention to use the applicable Title V, Part B, Subpart 1 funding by a date that is established by NHED for the notification. *Section 5211.*

F-3 USE FEDERAL FUNDS FOR AUTHORIZED ACTIVITIES

Use Title V, Part B, Subpart 2 funds only for the following:

1. Activities authorized under part A of Title I.
2. Activities authorized under part A of Title II.
3. Activities authorized under part A of Title III.
4. Activities authorized under part A of Title IV.
5. Parental involvement activities. *Section 5222.*

F-4 USE FEDERAL FUNDS ONLY TO SUPPLEMENT, NOT SUPPLANT, OTHER RESOURCES

Use Title V, Part B, Subpart 2 funds only to supplement, not supplant, non-Federal funds that would otherwise be used for Title V, Part B, Subpart 2 activities. *Section 5232.*

Section G: Assurances for ESEA – Uniform Requirements

All Sections cited are from the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act through P.L. 114-95, unless otherwise noted.

The subrecipient hereby assures the New Hampshire Department of Education (NHED) that pursuant to the requirements in ESEA, Title VIII, Part C – Coordination of Programs; Consolidated State and Local Plans and Applications, the subrecipient will:

G-1 ADMINISTRATION

Each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications.

G-2 CONTROL OF FUNDS

(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 eligible private agency, institution, organization, or Indian tribe, if the law authorizing the program provides for assistance to those entities; and

(B) the public agency, eligible private agency, institution, or organization, or Indian tribe will administer the funds and property to the extent required by the authorizing statutes.

G-3 PROPER METHODS OF ADMINISTRATION

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.

G-4 EVALUATION

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.

G-5 FISCAL CONTROL AND FUND ACCOUNTING PROCEDURES

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.

G-6 REPORTING AND RECORDS

The applicant will— (A) submit such reports to the State educational agency (which shall make the reports available to the Governor) and the Secretary as the State educational agency and Secretary may require to enable the State educational agency 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;

G-7 PUBLIC COMMENT

Before the application was submitted, the applicant afforded a reasonable opportunity for public comment on the application and considered such comment.

Section H: Assurances for IDEA, Part B

All Sections cited are from the Individuals with Disabilities Education Act (IDEA) as amended by P.L. 108-446, and the IDEA Regulations (34 CFR §300.201 through §300.213) unless otherwise noted.

The subrecipient hereby assures the New Hampshire Department of Education (NHED) that pursuant to the requirements in IDEA, Part B the subrecipient will:

H-1 Assure that the subrecipient meets each of the conditions in 34 CFR §300.201 through §300.213, including:

§300.201 Consistency with State policies.

The local educational agency (LEA), in providing for the education of children with disabilities within its jurisdiction, must have in effect policies, procedures, and programs that are consistent with the State policies and procedures established under §300.101 through 300.163, and §300.165 through 300.174. *(Approved by the Office of Management and Budget under control number 1820-0600) (Authority: 20 U.S.C. 1413(a)(1))*

§300.202 Use of amounts.

(a) *General.* Amounts provided to the LEA under Part B of the Act--

- (1) Must be expended in accordance with the applicable provisions of this part;
- (2) Must be used only to pay the excess costs of providing special education and related services to children with disabilities, consistent with paragraph (b) of this section; and
- (3) Must be used to supplement State, local, and other Federal funds and not to supplant those funds.

(b) *Excess cost requirement--*

(1) *General.*

(i) The excess cost requirement prevents an LEA from using funds provided under Part B of the Act to pay for all of the costs directly attributable to the education of a child with a disability, subject to paragraph (b)(1)(ii) of this section.

(ii) The excess cost requirement does not prevent an LEA from using Part B funds to pay for all of the costs directly attributable to the education of a child with a disability in any of the ages 3, 4, 5, 18, 19, 20, or 21, if no local or State funds are available for nondisabled children of these ages. However, the LEA must comply with the nonsupplanting and other requirements of this part in providing the education and services for these children.

(2)

(i) An LEA meets the excess cost requirement if it has spent at least a minimum average amount for the education of its children with disabilities before funds under Part B of the Act are used.

(ii) The amount described in paragraph (b)(2)(i) of this section is determined in accordance with the definition of excess costs in §300.16. That amount may not include capital outlay or debt service.

(3) If two or more LEAs jointly establish eligibility in accordance with §300.223, the minimum average amount is the average of the combined minimum average amounts determined in accordance with the definition of excess costs in §300.16

in those agencies for elementary or secondary school students, as the case may be.
(Approved by the Office of Management and Budget under control number 1820-0600) (Authority: 20 U.S.C. 1413(a)(2)(A))

§300.203 Maintenance of effort.

(a) Eligibility standard.

(1) For purposes of establishing the LEA's eligibility for an award for a fiscal year, the SEA must determine that the LEA budgets, for the education of children with disabilities, at least the same amount, from at least one of the following sources, as the LEA spent for that purpose from the same source for the most recent fiscal year for which information is available:

- (i) Local funds only;
- (ii) The combination of State and local funds;
- (iii) Local funds only on a per capita basis; or
- (iv) The combination of State and local funds on a per capita basis.

(2) When determining the amount of funds that the LEA must budget to meet the requirement in paragraph (a)(1) of this section, the LEA may take into consideration, to the extent the information is available, the exceptions and adjustments provided in §300.204 and §300.205 that the LEA:

- (i) Took in the intervening year or years between the most recent fiscal year for which information is available and the fiscal year for which the LEA is budgeting; and
 - (ii) Reasonably expects to take in the fiscal year for which the LEA is budgeting.
- (3) Expenditures made from funds provided by the Federal government for which the SEA is required to account to the Federal government or for which the LEA is required to account to the Federal government directly or through the SEA may not be considered in determining whether an LEA meets the standard in paragraph (a)(1) of this section.

(b) Compliance standard.

(1) Except as provided in §300.204 and §300.205, funds provided to an LEA under Part B of the Act must not be used to reduce the level of expenditures for the education of children with disabilities made by the LEA from local funds below the level of those expenditures for the preceding fiscal year.

(2) An LEA meets this standard if it does not reduce the level of expenditures for the education of children with disabilities made by the LEA from at least one of the following sources below the level of those expenditures from the same source for the preceding fiscal year, except as provided in §300.204 and §300.205:

- (i) Local funds only;
- (ii) The combination of State and local funds;
- (iii) Local funds only on a per capita basis; or
- (iv) The combination of State and local funds on a per capita basis.

(3) Expenditures made from funds provided by the Federal government for which the SEA is required to account to the Federal government or for which the LEA is required to account to the Federal government directly or through the SEA may not be considered in determining whether an LEA meets the standard in paragraphs (b)(1) and (2) of this section.

(c) *Subsequent years.*

(1) If, in the fiscal year beginning on July 1, 2013 or July 1, 2014, an LEA fails to meet the requirements of §300.203 in effect at that time, the level of expenditures required of the LEA for the fiscal year subsequent to the year of the failure is the amount that would have been required in the absence of that failure, not the LEA's reduced level of expenditures.

(2) If, in any fiscal year beginning on or after July 1, 2015, an LEA fails to meet the requirement of paragraph (b)(2)(i) or (iii) of this section and the LEA is relying on local funds only, or local funds only on a per capita basis, to meet the requirements of paragraph (a) or (b) of this section, the level of expenditures required of the LEA for the fiscal year subsequent to the year of the failure is the amount that would have been required under paragraph (b)(2)(i) or (iii) in the absence of that failure, not the LEA's reduced level of expenditures.

If, in any fiscal year beginning on or after July 1, 2015, an LEA fails to meet the requirement of paragraph (b)(2)(ii) or (iv) of this section and the LEA is relying on the combination of State and local funds, or the combination of State and local funds on a per capita basis, to meet the requirements of paragraph (a) or (b) of this section, the level of expenditures required of the LEA for the fiscal year subsequent to the year of the failure is the amount that would have been required under paragraph (b)(2)(ii) or (iv) in the absence of that failure, not the LEA's reduced level of expenditures.

(d) *Consequence of failure to maintain effort.* If an LEA fails to maintain its level of expenditures for the education of children with disabilities in accordance with paragraph (b) of this section, the SEA is liable in a recovery action under section 452 of the General Education Provisions Act (20 U.S.C. 1234a) to return to the Department, using non-Federal funds, an amount equal to the amount by which the LEA failed to maintain its level of expenditures in accordance with paragraph (b) of this section in that fiscal year, or the amount of the LEA's Part B subgrant in that fiscal year, whichever is lower. (*Approved by the Office of Management and Budget under control number 1820-0600*) (*Authority: 20 U.S.C. 1413(a)(2)(A), Pub. L. 113-76, 128 Stat. 5, 394 (2014), Pub. L. 113-235, 128 Stat. 2130, 2499 (2014)*)

§ 300.204 Exception to maintenance of effort.

Notwithstanding the restriction in §300.203(b), an LEA may reduce the level of expenditures by the LEA under Part B of the Act below the level of those expenditures for the preceding fiscal year if the reduction is attributable to any of the following:

- (a) The voluntary departure, by retirement or otherwise, or departure for just cause, of special education or related services personnel.
- (b) A decrease in the enrollment of children with disabilities.
- (c) The termination of the obligation of the agency, consistent with this part, to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by the SEA, because the child--
 - (1) Has left the jurisdiction of the agency;
 - (2) Has reached the age at which the obligation of the agency to provide FAPE to the child has terminated; or
 - (3) No longer needs the program of special education.
- (d) The termination of costly expenditures for long-term purchases, such as the

acquisition of equipment or the construction of school facilities.

(e) The assumption of cost by the high cost fund operated by the SEA under §300.704(c).

(Approved by the Office of Management and Budget under control number 1820-0600) (Authority: 20 U.S.C. 1413(a)(2)(B))

§300.205 Adjustment to local fiscal efforts in certain fiscal years.

(a) *Amounts in excess.* Notwithstanding §300.202(a)(2) and (b) and §300.203(b), and except as provided in paragraph (d) of this section and §300.230(e)(2), for any fiscal year for which the allocation received by an LEA under §300.705 exceeds the amount the LEA received for the previous fiscal year, the LEA may reduce the level of expenditures otherwise required by §300.203(b) by not more than 50 percent of the amount of that excess.

(b) *Use of amounts to carry out activities under ESEA.* If an LEA exercises the authority under paragraph (a) of this section, the LEA must use an amount of local funds equal to the reduction in expenditures under paragraph (a) of this section to carry out activities that could be supported with funds under the ESEA regardless of whether the LEA is using funds under the ESEA for those activities.

(c) *State prohibition.* Notwithstanding paragraph (a) of this section, if an SEA determines that an LEA is unable to establish and maintain programs of FAPE that meet the requirements of section 613(a) of the Act and this part or the SEA has taken action against the LEA under section 616 of the Act and subpart F of these regulations, the SEA must prohibit the LEA from reducing the level of expenditures under paragraph (a) of this section for that fiscal year.

(d) *Special rule.* The amount of funds expended by an LEA for early intervening services under §300.226 shall count toward the maximum amount of expenditures that the LEA may reduce under paragraph (a) of this section. *(Approved by the Office of Management and Budget under control number 1820-0600) (Authority: 20 U.S.C. 1413(a)(2)(C))*

§300.206 Schoolwide programs under Title I of the ESEA.

(a) *General.* Notwithstanding the provisions of §300.202 and §300.203 or any other provision of Part B of the Act, an LEA may use funds received under Part B of the Act for any fiscal year to carry out a schoolwide program under section 1114 of the ESEA, except that the amount used in any schoolwide program may not exceed--

(1) (i) The amount received by the LEA under Part B of the Act for that fiscal year; divided by

(ii) The number of children with disabilities in the jurisdiction of the LEA; and multiplied by

(2) The number of children with disabilities participating in the schoolwide program.

(b) *Funding conditions.* The funds described in paragraph (a) of this section are subject to the following conditions:

(1) The funds must be considered as Federal Part B funds for purposes of the calculations required by §300.202(a)(2) and (a)(3).

(2) The funds may be used without regard to the requirements of §300.202(a)(1).

(c) *Meeting other Part B requirements.* Except as provided in paragraph (b) of this section, all other requirements of Part B of the Act must be met by an LEA using Part B funds in accordance with paragraph (a) of this section, including ensuring that children with disabilities in schoolwide program schools--

(1) Receive services in accordance with a properly developed IEP; and

(2) Are afforded all of the rights and services guaranteed to children with disabilities under the Act. *(Approved by the Office of Management and Budget under control number 1820-0600) (Authority: 20 U.S.C. 1413(a)(2)(D))*

§300.207 Personnel development.

The LEA must ensure that all personnel necessary to carry out Part B of the Act are appropriately and adequately prepared, subject to the requirements of §300.156 (related to personnel qualifications) and section 2102(b) of the ESEA. *(Approved by the Office of Management and Budget under control number 1820-0600) (Authority: 20 U.S.C. 1413(a)(3))*

§300.208 Permissive use of funds.

(a) *Uses.* Notwithstanding §300.202, §300.203(b), and §300.162(b), funds provided to an LEA under Part B of the Act may be used for the following activities:

(1) *Services and aids that also benefit nondisabled children.* For the costs of special education and related services, and supplementary aids and services, provided in a regular class or other education-related setting to a child with a disability in accordance with the IEP of the child, even if one or more nondisabled children benefit from these services.

(2) *Early intervening services.* To develop and implement coordinated, early intervening educational services in accordance with §300.226.

(3) *High cost special education and related services.* To establish and implement cost or risk sharing funds, consortia, or cooperatives for the LEA itself, or for LEAs working in a consortium of which the LEA is a part, to pay for high cost special education and related services.

(b) *Administrative case management.* An LEA may use funds received under Part B of the Act to purchase appropriate technology for recordkeeping, data collection, and related case management activities of teachers and related services personnel providing services described in the IEP of children with disabilities, that is needed for the implementation of those case management activities. *(Approved by the Office of Management and Budget under control number 1820-0600) (Authority: 20 U.S.C. 1413(a)(4))*

§300.209 Treatment of charter schools and their students.

(a) *Rights of children with disabilities.* Children with disabilities who attend public charter schools and their parents retain all rights under this part.

(b) *Charter schools that are public schools of the LEA.*

(1) In carrying out Part B of the Act and these regulations with respect to charter schools that are public schools of the LEA, the LEA must--

(i) Serve children with disabilities attending those charter schools in the same manner as the LEA serves children with disabilities in its other schools, including

providing supplementary and related services on site at the charter school to the same extent to which the LEA has a policy or practice of providing such services on the site to its other public schools; and

(ii) Provide funds under Part B of the Act to those charter schools--

(A) On the same basis as the LEA provides funds to the LEA's other public schools, including proportional distribution based on relative enrollment of children with disabilities; and

(B) At the same time as the LEA distributes other Federal funds to the LEA's other public schools, consistent with the State's charter school law.

(2) If the public charter school is a school of an LEA that receives funding under §300.705 and includes other public schools--

(i) The LEA is responsible for ensuring that the requirements of this part are met, unless State law assigns that responsibility to some other entity; and

(ii) The LEA must meet the requirements of paragraph (b)(1) of this section.

(Approved by the Office of Management and Budget under control number 1820-0600) (Authority: 20 U.S.C. 1413(a)(5))

§300.210 Purchase of instructional materials.

(a) *General.* Not later than December 3, 2006, an LEA that chooses to coordinate with the National Instructional Materials Access Center (NIMAC), when purchasing print instructional materials, must acquire those instructional materials in the same manner, and subject to the same conditions as an SEA under §300.172.

(b) *Rights of LEA.*

(1) Nothing in this section shall be construed to require an LEA to coordinate with the NIMAC.

(2) If an LEA chooses not to coordinate with the NIMAC, the LEA must provide an assurance to the SEA that the LEA will provide instructional materials to blind persons or other persons with print disabilities in a timely manner.

(3) Nothing in this section relieves an LEA of its responsibility to ensure that children with disabilities who need instructional materials in accessible formats but are not included under the definition of blind or other persons with print disabilities in §300.172(e)(1)(i) or who need materials that cannot be produced from NIMAS files, receive those instructional materials in a timely manner.

(Approved by the Office of Management and Budget under control number 1820-0600) (Authority: 20 U.S.C. 1413(a)(6))

§300.211 Information for SEA.

The LEA must provide the SEA with information necessary to enable the SEA to carry out its duties under Part B of the Act, including, with respect to §300.157 and §300.160, information relating to the performance of children with disabilities participating in programs carried out under Part B of the Act. *(Authority: 20 U.S.C. 1413(a)(7))*

§300.212 Public information.

The LEA must make available to parents of children with disabilities and to the general public all documents relating to the eligibility of the agency under Part B of the Act. *(Authority: 20 U.S.C. 1413(a)(8))*

§300.213 Records regarding migratory children with disabilities.

The LEA must cooperate in the Secretary's efforts under section 1308 of the ESEA as amended by ESSA to ensure the linkage of records pertaining to migratory children with disabilities for the purpose of electronically exchanging, among the States, health and educational information regarding those children. *(Authority: 20 U.S.C. 1413(a)(9))*

H-2 PRIVATE SCHOOL PARTICIPATION

Provide for services on behalf of students with disabilities enrolled in private schools as required by IDEA. *(Authority: 20 U.S.C. 1412(a)(10))*.

H-3 IEP SERVICES CONSISTENT WITH LAW

Provide all services specified in eligible students accepted individualized education programs (IEPs) consistent with the requirements of state and federal special education law and regulations. *(Authority: 20 U.S.C. 1414(d); NH PART Ed1109)*.

Section I: Assurances for the Strengthening Career and Technical Education for 21st Century Act (Perkins V)

All Sections cited are from the Carl D. Perkins Career and Technical Education Act of 2006, as amended by the Strengthening Career and Technical Education for the 21st Century Act P.L. 115-224, unless otherwise noted.

The subrecipient hereby assures the New Hampshire Department of Education (NHED) that pursuant to the requirements in the Strengthening Career and Technical Education for 21st Century Act (Perkins V), the subrecipient will:

- I-1** Administer each program, service or activity covered by the LEA local application in accordance with all applicable statutes and regulations governing the Strengthening Career and Technical Education for 21st Century Act and in accordance with *Section 135 Local Uses of Funds*.
- I-2** Use Perkins V funds to develop, coordinate, implement, or improve CTE programs that are of sufficient size, scope, and quality, addressing the required use categories in Section 135(b) as noted below:
 - 1. Provide career exploration and career development activities through an organized, systematic framework designed to aid students, including in the middle grades, before enrolling and while participating in a career and technical education program, in making informed plans and decisions about future education and career opportunities and programs of study. Provide professional development for teachers, faculty, school leaders, administrators, specialized instructional support personnel, career guidance and academic counselors, or paraprofessionals.
 - 2. Provide within career and technical education the skills necessary to pursue careers in high-skill, high-wage, or in-demand industry sectors or occupations.
 - 3. Support integration of academic skills into career and technical education programs and programs of study to support—
 - CTE participants at the secondary school level in meeting the challenging State academic standards adopted under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 by the State in which the eligible recipient is located; and
 - CTE participants at the postsecondary level in achieving academic skills.
 - 4. Plan and carry out elements that support the implementation of career and technical education programs and programs of study and that result in increasing student achievement of the local levels of performance established under section 113.
 - 5. Develop and implement evaluations of the activities carried out with funds under this part, including evaluations necessary to complete the comprehensive needs assessment required under section 134(c) and the local report required under section 113(b)(4)(B).
- I-3** Fully cooperate with all monitoring, evaluation and reporting requirements established by the NHED and/or authorized representatives. The subrecipient

agrees to participate in all statewide evaluation activities (e.g., cooperate with site visits, cooperate with the quality improvement evaluation process, respond to data requests, submit accurate and on time data). (Section 123 (b)(1-3))

- I-4** Be in compliance with *Title VI of the Civil rights Act of 1964, as amended; Title IX Regulations; Section 504 of the Rehabilitation Act of 1973, as amended; Appendix B to Part 100, Title 34;* and any other federal or state laws, regulations and policies which apply to the operation of the programs.
- I-5** Comply with the requirement of the Act and the provisions of the State plan, including the provision of a financial audit of funds received under the Act which may be included as part of an audit of other Federal or State programs. (*Section 122(d)(13)(A)*).
- I-6** Not to expend funds under the Act to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any employee of the acquiring entity, or any organization affiliated with such an employee. (*Section 122 (d)(13)(B)*).
- I-7** Utilize funds made available under this Act for career and technical education activities to supplement, and not supplant, non-Federal funds expended to carry out career and technical education activities (Section 211 (a)).
- I-8** Use not more than 5 percent of Perkins V funds for costs associated with the administration of Perkins V activities (Section 135 (d)). Reimbursement of indirect costs for Perkins V funds is subject to this administrative restriction as noted in 34 CFR 75.564(a).

General Education Provisions Act (GEPA) Section 427 Requirements

Please summarize your answers carefully and completely. Use additional pages as needed.

Contact information for the person responsible for fulfilling the GEPA requirement below:

Name and Title:	Mark Rubinstein
Phone Number:	603.230.3501
Email Address:	mrubinstein@ccsnh.edu

GEPA 427 General Educational Provisions Act Requirement

Section 427 of the General Education Provisions Act (GEPA) (20 U.S.C. 1228a) applies to applicants for grant awards under the formula programs within these Program Assurances. All applicants must include answers to the following four (4) sections.

1. Describe how your entity's existing mission, policies, or commitments ensure equitable access to, and equitable participation in, the proposed project or activity.

Our purpose is to provide residents with affordable, accessible, high-quality education and training that aligns with the needs of NH's businesses and communities, delivered through an innovative, efficient and collaborative system of colleges. CCSNH is dedicated to the educational, professional and personal success of its students; a skilled workforce for our state's businesses; and a strong NH economy. The system is committed to access and inclusion. The CCSNH Non-Discrimination statement includes: The CCSNH does not discriminate in the administration of its admissions and educational programs, activities, or employment practices on the basis of race, creed, color, religion, ancestry, or national origin, age, sex, sexual orientation, gender identity and expression, physical or mental disability, genetic information or law enforcement, military, veteran or marital status.

2. Based on your proposed project or activity, what barriers may impede equitable access and participation of students, educators, or other beneficiaries?

The CCSNH colleges are committed to providing affordable, accessible and high-quality education focused on student success. The CCSNH works to ensure that students have barrier free access to meaningful learning opportunities that align with their personal and professional aspirations and the needs of NH's workforce today and tomorrow.

3. Based on the barriers identified, what steps will you take to address such barriers to equitable access and participation in the proposed project or activity?

The CCSNH colleges prioritize access and innovation as a system of coordinated colleges. The CCSNH uses data to inform decision-making, improve the student experience and guide the development of academic and workforce CTE program. The CCSNH embraces the importance of partnering with internal and external stakeholders and is committed to fostering an inclusive environment for our community where individuals of any background and ability can thrive.

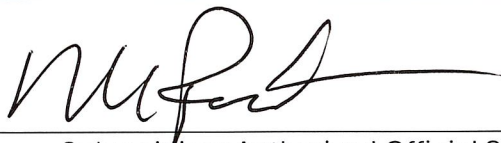
4. What is your timeline, including targeted milestones, for addressing these identified barriers?

CCSNH is committed to ongoing, continuous improvement and uses data to guide decision-making. Perkins V CAR data as well as other assessment data is used as part of that process. Academic and process adjustments are made on an ongoing basis as barriers are identified.

SIGNATURE PAGE

By signing this document, I attest I have read and understand the obligations of all the assurance statements above (Section A through I) and will ensure that the subrecipient complies with the assurances for the federal program(s) in which the subrecipient is accepting federal funds for the 2026-2027 SY. I further attest that I have provided a copy of all the assurances for the program the subrecipient will participate to the School Board/Board of Trustees/Directors and have consulted with them, including explaining the obligations of the subrecipient under these assurances. I will ensure that the subrecipient will upload this signed document to the LEA Homepage in GMS or provide a copy to the appropriate Program Manager and a copy will be kept on file at the subrecipients location.

Furthermore, I have completed GEPA section 427 to the best of my abilities and assure the necessary steps will be taken to ensure equitable access of federal funding and programming for all students, families, teachers, etc.



Subrecipient Authorized Official Signature

08/14/26

Date

Appendix A

The following sections have been removed from this year's assurance document as they do not require assurance from the subrecipient. However, the subrecipient must comply with the requirements as they are in law.

Title I, Part A

- **USE FEDERAL FUNDS ONLY TO SUPPLEMENT, NOT SUPPLANT, OTHER RESOURCES**

Use federal funds received under this part only to supplement the funds that would, in the absence of such federal funds, be made available from non-federal sources for the education of students participating in programs assisted under Title I, and not to supplant such funds. *Section 1118(b).*

Under ESEA, LEAs must demonstrate that the methodology they use to allocate state and local funds to schools provides each Title I school with all of the state and local money it would receive if it did not participate in the Title I program. This should expand Title I's spending options. Title I costs must still be allowable and must still support eligible students among other requirements.

- **MEET COMPARABILITY OF SERVICES REQUIREMENTS**

Ensure compliance with all comparability requirements, including establishing and implementing on a grade-span by grade-span basis or a school-by-school basis: (a) a local educational agency- wide salary schedule; (b) a policy to ensure equivalence among schools in teachers, administrators, and other staff; and (c) a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies. *Section 1118(c).*

- **INFORM SCHOOLS ABOUT SCHOOLWIDE PROGRAM OPTIONS AND PROVIDE TECHNICAL ASSISTANCE TO SCHOOLWIDE PROGRAMS**

Inform eligible schools (40% poverty and above) and parents of schoolwide program authority and the ability of such schools to consolidate funds from federal, state, and local sources under *Section 1114*.

Provide technical assistance and support to schoolwide programs, including a one-year planning period (exceptions provided in *Section 1114 (b)(1)*), in consultation with stakeholders described in *Section 1114(b)(2)* resulting in a written plan that addresses the required components pursuant to *Section 1114*.

- **PROVIDE SERVICES TO ELIGIBLE STUDENTS IN TARGETED ASSISTANCE SCHOOLS**

Provide supplementary services to educationally disadvantaged students in Title I schools. Eligible students are children identified by the school as failing, or most at risk of failing, to meet

the state's challenging student academic achievement standards on the basis of multiple, educationally related, objective criteria, pursuant to *Section 1115*.

- **PROVIDE ASSISTANCE TO SCHOOLS TO CLOSE THE ACHIEVEMENT GAP**

Ensure that all children receive a high-quality education and close the achievement gap between children meeting the challenging State academic standards and those children who are not meeting such standards. *Section 1112(b)*.

- **USE INTERVENTIONS THAT IMPROVE OUTCOMES FOR STUDENTS**

Take into account the strength of the evidence when selecting curricula and relevant interventions, identifying supports, services, and interventions that are likely to be effective for improving student outcomes. Title I, Section 1003 requires the use of evidence-based interventions that meet higher levels of evidence for schools identified for Comprehensive or Targeted Support and Improvement. *Section 1003 (b)(1)(B)* and *Section 8101(21)(A)*.

- **ASSIST SCHOOLS TO INCREASE PARENT AND FAMILY ENGAGEMENT**

Develop and maintain a written policy on parent and family engagement and work in consultation with schools as they develop and implement their plans for activities under *Section 1116*. Parents shall be notified of this policy in an understandable and uniform format and to the extent practicable, provided in a language the parents can understand. Such policy shall be made available to the local community and updated periodically to meet the changing needs of parents and the school. *Section 1116(b)(1)*.

Conduct outreach to all parents and family members and implement programs, activities, and procedures for the involvement of parents and family members in programs assisted under this Part consistent with this Section. Such programs, activities, and procedures shall be planned and implemented with meaningful consultation with parents of participating children. Each LEA shall develop jointly with, agree on with, and distribute to, parents and family members of participating children a written parent and family engagement policy. The policy shall establish the LEA's expectations and objectives for meaningful parent and family involvement. *Section 1116(a)(1-2)*.

- **PROVIDE TIMELY STUDENT REPORTS TO PARENTS AND TEACHERS**

Ensure that the results from the statewide academic assessments required under *Section 1111(b)(2)* and *Section 1204(b)(1)* will be provided to parents and teachers as soon as practicable after the assessment is taken, in an understandable and uniform format and, to the extent feasible, in a language that the parents can understand.

- **PUBLICLY DISSEMINATE ANNUAL LEA AND SCHOOL REPORT CARDS**

Disseminate LEA and school report cards containing, at a minimum, information on teacher quality, assessment, and school and LEA accountability to all schools in the LEA and to all

parents of students attending those schools in an understandable and uniform format and, to the extent practicable, in a language that the parents can understand, and make the information available through public means. *Section 1111(h)(2)*.

- **COORDINATION REQUIREMENTS:**

Coordinate activities described under Section 1119 (b) with Head Start agencies and, if feasible, other entities carrying out early childhood development programs. Each LEA shall develop agreements with such Head Start agencies and other entities to carry out such activities, i.e., systematic procedures for receiving records of preschool children, communication, parent and family engagement, teachers and Head Start to discuss needs of children, joint transition-related training and linking LEA educational services with Head Start agencies. *Section 1119*.

Title II, Part A

- **ENGAGE IN CONSULTATION AND USE DATA**

Use data (*Section 2102(b)(2)(D)*) and ongoing consultation described in *Section 2102(b)(3)* to continually update and improve activities supported under this Part.

- **TARGET FUNDS TO NEEDIEST SCHOOLS**

Target funds to schools within the jurisdiction of the LEA that are implementing comprehensive support and improvement activities under Section 1111(d) and have the highest percentage of low income children counted under *Section 1124(c)*. *Section 2102(c)*

- **SUPPLEMENT, NOT SUPPLANT**

Ensure that Title II, Part A funds shall only be used to supplement, and not supplant, non-federal State and local funds that would otherwise be used for activities authorized under Title II, Part A. *Section 2301*.

Title III, Part A

- **ASSESS ENGLISH PROFICIENCY ANNUALLY**

Assess annually the English proficiency of all English learners participating in a program funded under Title III, consistent with *Section 1111(b)(2)(B)* and *(G)*. *Section 3113(b)(3)(A)* and *(B)*.

- **USE EFFECTIVE APPROACHES AND METHODOLOGIES**

Use effective approaches and methodologies for teaching English learners and immigrant children and youth to: 1) develop and implement new language instruction educational

programs and academic content instructional programs for English learners and immigrant children and youth, including early childhood education programs, elementary school programs, and secondary school programs, 2) carry out highly focused, innovative, locally designed activities to expand or enhance existing language instruction educational programs and academic content instructional programs for English learners and immigrant children and youth, 3) implement, within an individual school, school-wide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for English learner and immigrant children and youth, 4) implement, within the entire jurisdiction of a local educational agency, agency-wide programs for restructuring, reforming, and upgrading all relevant program, activities, and operations relating to language instruction educational programs and academic content instruction for English learners and immigrant children and youth. *Section 3115(a)(1-4).*

- **COMPLY WITH PRIVATE SCHOOL PARTICIPATION REQUIREMENTS**

After timely and meaningful consultation with appropriate private school officials, provide to children who are enrolled in private elementary and secondary schools in areas served by such agency, consortium, or entity and to their teachers or other educational personnel, on an equitable basis, educational services or other benefits that address their needs under Title III the program. *Section 8501.*

The LEA must consult with each non-public school about the Title III, Part A grant. The LEA must maintain a written record of the consultation in its records and provide a copy to the SEA by emailing ESAffirmation@doe.nh.gov and posting the fully executed document on the LEA homepage in the online Grants Management System (GMS).

- **ASSESS ENGLISH LEARNERS IN ENGLISH**

Comply with the requirement in Section 1111(b)(2)(B)(ix) regarding assessment of English learners in English. *Section 3113(b)(3)(A).*

- **USE TITLE III FUNDS TO ONLY SUPPLEMENT, NOT SUPPLANT, OTHER RESOURCES**

Use Title III funds in order to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for English learner and Immigrant children and youth, and in no way supplant such Federal, State, and local public funds. *Section 3115(g).*

- **USE OF FUNDS**

Use Title III funds to increase the English language proficiency of English learners, provide effective professional development, and implement effective parent, family, and community engagement activities and strategies that enhance or supplement language instruction educational programs for ELs. *Section 3115(c).*

- **SELECT METHODS OF EFFECTIVE INSTRUCTION**

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. *Section 3115(f)(1)*

- **USE OF IMMIGRANT SET-ASIDE FUNDS**

Understand that by accepting Title III Immigrant Set-Aside funds, if applicable, to use these funds to support activities that provide enhanced instructional opportunities for immigrant children and youth and agree to comply with all associated program requirements. *Section 3115(e)*.

- **REPORT ON A BIENNIAL BASIS**

Ensure that at the conclusion of every second fiscal year during which the subgrant is received, the LEA provides the New Hampshire Department of Education (NHED) with a report in the form prescribed by the NHED, on the activities conducted and children served as described in *Section 3121*. ESSA, Title III, *Section 3121(a)*.

Title IV, Part A

- **UNDERSTAND THE PURPOSE OF THE TITLE IV, PART A PROGRAM [ESSA SECTION 4101]**

The purpose of the Title IV-A Program is to improve students' academic achievement by increasing the capacity of the LEA schools, and local communities to:

- (1) provide all students with access to a well-rounded education;
- (2) improve school conditions for student learning; and
- (3) improve the use of technology in order to improve the academic achievement and digital literacy of all students.

- **DEVELOP AN APPLICATION THROUGH CONSULTATION WITH A TITLE IV-A STAKEHOLDER TEAM [ESSA SECTION 4106 (c)]**

An LEA, or consortium of LEAs, shall develop its application through consultation with a Title IV-A Stakeholder Team that includes representatives from a variety of stakeholder groups. The Stakeholder Team should include, but not be limited to, parents, teachers, principals, other school leaders, specialized instructional support personnel, students, community-based organizations, local government representatives, private school leaders who participate in equitable services, other school leaders, and others with relevant and demonstrated expertise in programs and activities designed to meet the purpose of Title IV-A.

- **PRIORITIZE ACTIVITIES IN THE APPLICATION ON NEED AND CONDUCT A COMPREHENSIVE**

NEEDS ASSESSMENT, IF NECESSARY [ESSA SECTION 4106 (d)]

The Stakeholder Team of an LEA, or consortium of LEAs, shall prioritize the needs based on an assessment of for improvement of—

- (a) access to, and opportunities for, a well-rounded education for all students;
- (b) school conditions for student learning in order to create a healthy and safe school environment; and
- (c) access to personalized learning experiences supported by technology and professional development for the effective use of data and technology.

Exception: A local educational agency receiving an allocation under section 4105(a) in amount that is less than \$30,000 shall not be required to conduct a comprehensive needs assessment.

Frequency of Needs Assessment: Each LEA, or consortium of LEAs, shall conduct a needs assessment described above at least once every 3 years.

- The LEA must consult with each non-public school about the Title IV, Part A grant, and include representation on their Stakeholder Team. The LEA must maintain a written records of consultation and participation in its records and provide a copy of the initial consultation to the SEA by emailing ESAffirmation@doe.nh.gov and posting the fully executed document on the LEA homepage in the online Grants Management System (GMS).
- **USE FEDERAL FUNDS ONLY TO SUPPLEMENT, NOT SUPPLANT, OTHER RESOURCES [ESSA SECTION 4110)**

The LEA will use Title IV, Part A funds only to supplement, not supplant, non-Federal funds that would otherwise be used for activities that are authorized under Title IV, Part A, but are either state/locally required or have been previously funded through state or local budgets.

Title IV, Part B

- Operate all Nita M. Lowey 21st Century Community Learning Centers (21stCCLC) programs in a manner that will maximize the program's impact on the academic performance of the participating students. Programs will provide a breadth of activities and services that offer opportunities for students to learn new skills, develop creative ways to approach challenges and achieve academic success (ESEA Section 4204(b)(2)(J)).

All academic services will be aligned with the curriculum in the core subject areas of each of the schools attended by the participating students. Lesson and/or unit plans for academic enrichment activities will be required. Each student in the program must be offered the full breadth of programming each week (ESEA Section 4204(b)(2)(B), ESEA Section 4205(a) and ESEA Section 4204(a)(2)).

Services and benefits provided must be secular, neutral and non-ideological. No funds provided pursuant to this program shall be expended to support religious practices, such as religious instruction, worship or prayer. Faith-based organizations (FBOs) may offer such practices, but not as part of the program receiving federal assistance and FBOs

should comply with generally applicable cost accounting requirements to ensure that funds are not used to support these activities. (2 CFR 3474.15).

- Programs must also coordinate Federal, State, and local programs to make the most effective use of resources (ESEA Section 4204(b)(2)(C)). Programs are prohibited from using 21st CCLC funds to pay for existing levels of service; rather, grant funds must supplement, not supplant, existing services. Funds may be used to expand or enhance current activities, or to establish programs in non-participating schools within a local education agency (LEA)/ community-based organization (CBO) that has a 21st CCLC grant.
- Will provide program facility(ies) that are as available and accessible to participants as the students' local school. The facility(ies) has/have sufficient resources to provide all proposed and required activities, such as a computer lab, library, eating facility, safe recreational area and study area. The program will maintain equipment, security, resources and a clear strategy for the safe transportation of students to and from the center and home (ESEA Section 4204(b)(2)(A)(ii)).
- Implement activities based on evidence-based research. The authorizing statute provides measures of effectiveness to guide applicants in successfully identifying and implementing programs and activities that can directly enhance student learning, one of which includes activities based on evidence-based research. The programs or activities must be based in research that shows that the students will meet challenging State academic standards (ESEA Section 4204(b)(2)(E)).
- Will provide nutritious snacks and/or meals that meet the requirements of the United States Department of Agriculture (USDA) guidelines for afterschool snacks and summer meal supplements. Depending on when the 21st CCLC program operates, a supplemental snack and/or meal must be offered to each student, each day. Students shall not be charged for costs associated with supplemental snacks/meals. Documentation of meeting supplemental snack/meal requirements is required and may be subject to monitoring. (7 CFR 210.10 and 7 CFR 210.9(c)(1-8)).
- Offer children with special needs the same opportunities as children in the general population in accordance with state and federal laws. Students with special needs include those who may be identified as English language learners (ELLs); homeless; migrant; or with physical, developmental, psychological, sensory or learning disabilities that result in significant difficulties in communication, self-care, attention or behavior, and are in need of more structured, intense supervision. Children with special needs shall not be excluded from the 21st CCLC program, regardless of the level or severity of need, provided that they can be safely accommodated.

Description of services to students with special needs shall be documented and may be subject to monitoring (GEPA 427 General Educational Provisions Act).

- In accordance with ESEA SEC 4201(a)(3), 21st CCLC programs are required to offer families of students served by community learning centers opportunities for active and meaningful

engagement in their children's education, including opportunities for literacy and related educational development. For purposes of this program, the term family includes parents, caregivers, guardians or others such as grandparents, who act in the stead of parents. A minimum of three (3) meaningful family engagement activities will occur throughout the year.

Programming will be designed to provide adult family members with the tools necessary to support their student's academic achievement goals.

- Have a professional development plan that is responsive to the needs of its staff and identifies the professional development activities for staff delivering program activities. Conferences and trainings will be linked to the 21st CCLC funding purpose. 21st CCLC orientation/professional development and evidence of staff training shall be documented, uploaded to Cayen systems and may be subject to monitoring (ESEA Section 4203(a)(6)). In accordance with ESEA Section 4204(b)(2)(M), if the program plans to use volunteers in activities carried out through the community learning center, a description is needed of how the eligible entity will encourage and use appropriately qualified persons to serve as the volunteers.
- Have partners to help coordinate the use of resources and implement components of programming that are not paid for with 21st CCLC funds. Partnerships through public and private community agencies will be developed to help carry out the activities identified in the needs assessment and in the development of a well-rounded community learning center that offers diversity in programming. In accordance with ESEA Section 4204(b)(2)(H) a description of the partnership between a local educational agency, a community-based organization, and another public entity or private entity needs to be established prior to entering into a relationship with any entity. Funded 21st CCLC programs will complete a memorandum of understanding (MOU) as a formal agreement between all relationships with a partner/contractor, as described in 2 CFR Part 200.331 and maintain documentation to support that the partnership is completed prior to engaging the outside entity.
- In accordance with ESEA Sec. 4204(b)(2)(K), have at least a preliminary plan for how the 21st CCLC program will continue after funding ends. Program will plan to sustain their 21st CCLC program by building partnerships and collaborating with other school and community agencies to build support for resources needed to sustain the program. Must demonstrate how the proposed program will coordinate federal, state and local programs and make the most effective use of public resources. Establish a written plan to be disseminated through community outreach and engagement strategy that communicates the benefits of the program and persuades community leaders and entities to provide in-kind and/or financial support to sustain and expand access to community learning centers to low-income students (ESEA Section 4204 (b)(2)(C)).
- Establish a local 21st CCLC Advisory Board comprised of students, teachers, parents and members of community agencies and businesses. The agency will collect and maintain documentation of board meetings, such as minutes and attendance lists. The Advisory Board will consider such topics as program needs and concerns, operations and sustainability. The Advisory Board will include **at least one parent and one student (if the**

program is serving middle or high school students) and take place a minimum of three (3) times per school year. Documentation supporting 21st CCLC advisory board meetings are required to be uploaded to Cayen systems and may be subject to monitoring.

- Manage property acquired (e.g., computers, classroom desks, tables) under the 21st CCLC program in accordance with Federal regulations. Equipment and supplies will remain within the appropriate facility for continued use in the 21st CCLC program after the funding period has expired. If the 21st CCLC program at the facility(ies) is not maintained after federal funding expires, all equipment and supplies will be used and/or distributed in accordance 2 CFR 200.313 and 2 CFR 200.314.
- Fully cooperate with all monitoring, auditing, evaluation and reporting requirements established by the NHED and/or authorized representatives. The subrecipient agrees to participate in all statewide evaluation activities (e.g., cooperate with site visits, cooperate with the quality improvement evaluation process, responding to data requests, submitting accurate and on time data). The subrecipient will submit all required data and reports, as required and/or requested, to the NHED and the US Department of Education (USED) (ESEA Section 4203(A)(14)).
- Ensure that all procedures and regulations for health, fire, safety, pick-ups, parental/guardian consents, transportation, field trips, food, medical and other emergency procedures, etc. will be clearly listed and widely disseminated, and that they will conform to applicable local and state practices/standards (ESEA Section 4204(b)(2)(iii)).
- Provide a timely and meaningful consultation with private school officials, providing equitable services to eligible students attending private elementary and secondary schools. The subrecipient must consult with each non-public school about the 21st CCLC grant. Consultation to private schools must be completed on an annual basis with the required Equitable Services Affirmation document by emailing ESAffirmation@doe.nh.gov and posting the fully executed document on the LEA homepage in the online Grants Management System (GMS) by June 30th prior to the start of each fiscal year, throughout the five (5) year grant cycle, in order for the grant to be approved to expend funds in the upcoming fiscal year. The applicant shall give the appropriate representatives a genuine opportunity to express their views regarding each matter subject to the consultation requirements in this section. (Title IX, Part E Uniform Provisions, Subpart 1, Section 9501).
- Agree that the NHED 21st CCLC Program Office shall periodically review the progress made on the activities and deliverables listed. If the subrecipient fails to meet and comply with the activities/deliverables (example: daily attendance numbers, amount of days and time of operation, required reporting, required submission of information, proposed activities and/or proposed goals/objectives) or to make appropriate progress on the activities and/or towards the development of the program, and they are not resolved within four (4) weeks of notification, the 21st CCLC Program Office will (1) approve a reduced payment, (2) request the applicant redo the work and/or (3) terminate the project (2 CFR 200.339).

Perkins V

- Administer each program, service or activity covered by the local application in accordance with all applicable statutes and regulations governing the Strengthening Career and Technical Education for 21st Century Act and in accordance with *Section 135 Local Uses of Funds*.
- Comply with *Executive Order 12246; Title VI of the Civil rights Act of 1964, as amended; Title IX Regulations; Section 504 of the Rehabilitation Act of 1973, as amended; Individuals with Disabilities Education Act* and any other federal or state laws, regulations and policies which apply to the operation of the programs.
- Comply with the requirement of the Act and the provisions of the State plan, including the provision of a financial audit of funds received under the Act which may be included as part of an audit of other Federal or State programs. (*Section 122(d)(13)(A)*).
- Not to expend funds under the Act to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any employee of the acquiring entity, or any organization affiliated with such an employee. (*Section 122 (d)(13)(B)*).
- Comply with all reporting requirements in a timely manner and ensure that the information reported is valid, reliable, and accurate.
- Not discriminate on the basis of sex, race, color, national origin or handicap in the educational programs, services or activities being provided. (*Section 122(b)(9)(B)*).

EXHIBIT E

New Hampshire Department of Education

2026-2027

GENERAL ASSURANCES, REQUIREMENTS AND DEFINITIONS FOR PARTICIPATION IN FEDERAL PROGRAMS Community College System of New Hampshire Career and Technical Education Programs

A. Definitions (2 CFR 200.1)

- 1) **Audit finding** – Deficiencies which the auditor is required by 2 CFR 200.516 (a) to report in the schedule of findings and questioned costs.
- 2) **Community based organization** – The term “community-based organization” means a public or private nonprofit organization of demonstrated effectiveness that— (A) is representative of a community or significant segments of a community; and (B) provides educational or related services to individuals in the community.
- 3) **Local educational agency** – A public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for a combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary schools or secondary schools.
- 4) **Management decision** – The Federal awarding agency’s or pass-through entity’s written determination, provided to the auditee, of the adequacy of the auditee’s proposed corrective actions to address the findings, based on its evaluation of the audit findings and proposed corrective actions.
- 5) **Pass-through entity** – A recipient or subrecipient that provides a subaward to a subrecipient (including lower tier subrecipients) to carry out of a Federal program. The authority of the pass-through entity under this part flows through the subaward agreement between the pass-through entity and subrecipient.
- 6) **Period of performance** – The total estimate time interval between the start of an initial Federal award and the planned end date, which may include one or more funded portions, or budget periods. Identification of the Period of Performance in the Federal award per 2 CFR

200.211(b)(5) does not commit the awarding agency to fund the award beyond the currently approved budget period.

- 7) **Reporting authority** – An eligible entity for a subaward that does not meet the definition of local educational agency. Such as; public academies, non-public schools, child care centers, adult education centers, etc.
- 8) **Subaward** – An award provided by a pass-through entity to a subrecipient for the subrecipient to contribute to the goals and objectives of the project by carrying out part of a Federal award received by the pass-through entity. It does not include payments to a contractor, beneficiary, or participant. A subaward may be provided through any form of legal agreement consistent with criteria in with 2 CFR 200.331, including an agreement the pass-through entity considers a contract.
- 9) **Subrecipient** – An entity that receives a subaward from a pass-through entity to carry out part of a federal award.
- 10) **Senior Official** – The top executive in an organization who makes the key decisions on spending, staffing, and other education policies.

B. General Assurances

Assurance is hereby given by the subrecipient that, to the extent applicable:

- 1) The subrecipient has the legal authority to apply for the federal assistance, and the institutional, 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 all applications submitted.
- 2) The subrecipient will give the awarding agency, the NHED, the Comptroller General of the United States and, if appropriate, other State Agencies, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- 3) The subrecipient will comply with the requirements regarding construction and real property within 34 CFR Part 75.600-75.684. The non-Federal entity is required to comply with any reporting requirements on the status of real property in which the Federal Government retains an interest pursuant to 2 CFR 200.330.
- 4) The subrecipient will establish safeguards to prohibit employees from using their positions for purposes that constitute or appear to present a personal or organizational conflict of interest, or for personal gain.

- 5) The subrecipient will initiate and complete the work within the applicable time frame after receiving approval from the awarding agency.
- 6) The subrecipient will comply with all Federal statutes, administrative rules and executive orders including provisions protecting free speech, religious liberty, public welfare, the environment, and those prohibiting discrimination. These include, but are not limited to:
 - a) 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;
 - b) 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.
 - c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps;
 - d) The Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age;
 - e) The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse;
 - f) The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
 - g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
 - h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing;
 - i) Any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made;
 - j) The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) and the Protection of Pupil Rights Amendment (PPRA) (20 U.S.C. § 1232h; 34 CFR Part 98); and
 - k) The requirements of any other statute(s), administrative rule, executive order, dear colleague letter, or non-regulatory guidance which may apply to the application.
- 7) The subrecipient will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchases.
- 8) The subrecipient will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with federal funds. The subrecipient further assures that no federally appropriated funds have been paid or will be paid by or on behalf of the subrecipient 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.

- 9) The subrecipient will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported in whole or in part with federal funds.
- 10) The subrecipient will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported in whole or in part with federal funds.
- 11) The subrecipient will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
- 12) The subrecipient will comply with all applicable requirements of all other federal laws, executive orders, regulations, dear colleague letter, non-regulatory guidance and policies governing all program(s).
- 13) The subrecipient will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and 2 CFR 200.501, Subpart F, "Audit Requirements," as applicable.
- 14) The subrecipient will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.
- 15) The control of funds provided to a subrecipient that is a local educational agency, 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.
- 16) Personnel funded by federal grants and their subcontractors will adhere to the prohibition from text messaging while driving an organization-owned vehicle, or while driving their own privately owned vehicle during official Grant business, or from using organization-supplied electronic equipment to text message or email while driving. Subrecipients must comply with these conditions under Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," October 1, 2009 (pursuant to provisions attached to federal grants funded by the US Department of Education).

- 17) The subrecipient assures that it will adhere to the Pro-Children Act of 2001, which states that no person shall permit smoking within any indoor facility owned or leased or contracted and utilized for the provision of routine or regular kindergarten, elementary, or secondary education or library services to children (P.L. 107-110, section 4303(a)). In addition, no person shall permit smoking within any indoor facility (or portion of such a facility) owned or leased or contracted and utilized for the provision of regular or routine health care or day care or early childhood development (Head Start) services (P.L. 107-110, Section 4303(b)(1)). Any failure to comply with a prohibition in this Act shall be considered to be a violation of this Act and any person subject to such prohibition who commits such violation may be liable to the United States for a civil penalty, as determined by the Secretary of Education (P.L. 107-110, section 4303(e)(1)).
- 18) The subrecipient will comply with the Stevens Amendment.
- 19) The subrecipient will comply with the Buy America Preference for Infrastructure Projects as required by 2 CFR Part 184.
- 20) The subrecipient will submit such reports to the NHED and to U.S. governmental agencies as may reasonably be required to enable the NHED and U.S. governmental agencies to perform their duties. The subrecipient will maintain such fiscal and programmatic records, including those required under 20 U.S.C. 1234(f), and will provide access to those records, as necessary, for those Departments/agencies to perform their duties.
- 21) The subrecipient will ensure compliance with 2 CFR 200.415(a) and (b).
- 22) If an LEA, the subrecipient 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.
- 23) If an LEA, the subrecipient 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.
- 24) If an LEA, the subrecipient 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.
- 25) The subrecipient will comply with the requirements of the Gun-Free Schools Act of 1994.
- 26) The subrecipient will submit a fully executed and accurate FY26 Single-Audit Certification (required) and the Federal Expenditures Worksheet (if applicable) to the NHED no later than

December 31, 2026. The worksheet will be provided to each subrecipient by the NHED via email and is posted on the NHED website.

- 27) The subrecipient will comply with the requirements in 2 CFR Part 180, Government-wide Debarment and Suspension (non-procurement).
- 28) The subrecipient certifies that it will maintain a drug-free workplace and will comply with the requirements of the Drug-Free Workplace Act of 1988 and 34 CFR 84.200.
- 29) The subrecipient will adhere to the requirements of Title 20 USC 7197 relative to the Transfer of Disciplinary Records.
- 30) The subrecipient will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
- 31) The subrecipient will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally assisted construction sub-agreements.
- 32) The subrecipient will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
- 33) The subrecipient will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
- 34) The subrecipient will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
- 35) The subrecipient will assist the awarding agency in assuring compliance with Section 106 of the

National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).

- 36) As appropriate and to the extent consistent with law, the subrecipient should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award (2 CFR 200.322).
- 37) The subrecipient will comply with the Prohibition on Certain Telecommunications and Video Surveillance Equipment requirement per 2 CFR 200.216.
- 38) The subrecipient will comply with the Protection for Whistleblowers (41 U.S.C. §4712).

C. Explanation of Grants Management Requirements

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

1. Financial Management Systems

Financial management systems, including records documenting compliance with federal statutes, regulations, and the terms and conditions of the federal award, must be sufficient to permit the preparation of reports required by general and program-specific terms and conditions, and to trace funds to establish that such funds have been used in accordance with Federal statutes, regulations, and the terms and conditions of the Federal award.

Specifically, the financial management system must be able to:

- a) Identify, in its accounts, all federal awards received and expended and the federal programs under which they were received. Federal program and federal award identification must include, as applicable, the CFDA title and number, federal award identification number and year, name of the federal agency, and name of the pass-through entity, if any.
- b) Provide accurate, current, and complete disclosure of the financial results of each federal award or program.
- c) Produce records that identify adequately the source and application of funds for federally funded activities.
- d) Maintain effective control over, and accountability for, all funds, property, and other assets. The subrecipient must adequately safeguard all assets and assure that they are used solely for authorized purposes.
- e) Generate comparisons of expenditures with budget amounts for each federal award.

2. Written Policies and Procedures

The subrecipient must have written policies and procedures for (this list is not all inclusive):

Policy/Procedure Name	In Accordance With	Policy	Procedure
Drug-Free Workplace Policy	34 CFR 84.200 and the Drug-Free Workplace Act of 1988	☒	N/A
Procurement Policy & Procedure	2 CFR 200.317-327	☒	☒
Conflict of Interest/Standard of Conduct Policy	2 CFR 318(c)(1)	☒	N/A
Inventory Management Policy & Procedure	2 CFR 200.313(d)	☒	☒
Travel Policy	2 CFR 200.475(b)	☒	N/A
Subrecipient Monitoring Policy & Procedure (if applicable)	2 CFR 200.332(d)	☒	☒
Time and Effort Policy & Procedure	2 CFR 200.430	☒	☒
Records Retention Policy & Procedure	2 CFR 200.334	☒	☒
Prohibiting the Aiding and Abetting of Sexual Abuse Policy	ESEA Section 8546	☒	N/A
Allowable Cost Determination Policy	2 CFR 200.302(b)(7)	☒	N/A
Gun Free School Act	Gun Free School Act of 1994	☒	N/A
Cash Management	2 CFR 200.302(b)(6) and 200.305	☒	☒
Nonsmoking Policy for Children's Services	ESEA Section 8573	☒	N/A

3. Internal Controls

The subrecipient must:

- a) Establish, maintain, and document effective internal controls over the federal award that provides reasonable assurance that the non-federal entity is managing the federal award in compliance with federal statutes, regulations, and the terms and conditions of the federal award. These internal controls should comply with the guidance outlined in "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States or the "Internal Control Integrated Framework" issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
- b) Comply with the U.S. Constitution, federal statutes, regulations, applicable executive order, and non-regulatory guidance, as applicable, and the terms and conditions of the federal awards.

- c) Take prompt action when instances of noncompliance are identified, including noncompliance identified in audit findings.
- d) Take reasonable cybersecurity and other measures to safeguard information including protected personally identifiable information (PII) and other types of information. This also includes information the Federal agency or pass-through entity designates as sensitive or other information the recipient or subrecipient considers sensitive and is consistent with applicable Federal, State, local and tribal laws regarding privacy and responsibility over confidentiality.
- e) Retain all Federal award records and other supporting documentation in accordance with 2 CFR 200.334.

4. Allowable Costs

In accounting for and expending project/grant funds, the subrecipient 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 subrecipient.

5. Audits

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

- a) In the event that the subrecipient expends \$1,000,000 or more in federal awards in its fiscal year, the subrecipient 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 subrecipient shall consider all sources of federal awards, including federal resources received from the NHED. The determination of amounts of federal awards expended should be in accordance with the guidelines established by 2 CFR 200, Subpart F.
- b) In connection with the audit requirements, the subrecipient shall also fulfill the requirements relative to auditee responsibilities as provided in 2 CFR 200.508.
- c) If the subrecipient expends less than \$1,000,000 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 subrecipient expends less than \$1,000,000 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 subrecipient resources obtained from non-federal entities).

The subrecipient assures it will implement the following audit responsibilities:

- a) Procure or otherwise arrange for the audit required by this part in accordance with auditor selection regulations (2 CFR 200.509) and ensure it is properly performed and submitted no later than nine months after the close of the fiscal year in accordance with report submission regulations (2 CFR 200.512).
- b) Provide the auditor access to personnel, accounts, books, records, supporting documentation, and other information as needed so that the auditor may perform the audit required by this part.
- c) Prepare appropriate financial statements, including the schedule of expenditures of federal awards, in accordance with financial statements regulations (2 CFR 200.510).
- d) Promptly follow up and take corrective action on audit findings, including preparation of a summary schedule of prior audit findings and a corrective action plan, in accordance with audit findings follow-up regulations (2 CFR 200.511(b-c)).
- e) If an audit reveals the basis for a finding related to a federally funded program, upon request of the NHED, promptly submit a corrective action plan using the NHED template provided for audit findings related to the federally funded programs.
- f) For repeat findings not resolved or only partially resolved, the subrecipient must provide an explanation for findings not resolved or only partially resolved to NHED for findings related to all federally funded programs. NHED will review the subrecipient's submission and issue an appropriate management decision adhering to the same framework as set forth in 2 CFR 200.521.

6. Reports to be Submitted

Audits/Management Decisions

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:

- a) 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: The Federal Audit Clearinghouse

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

- a) **New Hampshire Department of Education**
Bureau of Federal Compliance
25 Hall Street
Concord, NH 03301 Or via email to: federalcompliance@doe.nh.gov
- b) 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 decision letters, or other information required to be submitted to the NHED pursuant to this agreement shall be submitted in a timely manner.

Single Audit Certifications and Federal Expenditures Worksheet

A fully executed and accurate FY25 Single-Audit Certification (required) and Federal Expenditures Worksheet (if applicable) shall be submitted to the NHED no later than **December 31, 2026**. A copy of the forms will be provided to each subrecipient by the NHED via email.

7. 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 subrecipients and contractors are not suspended, debarred, or disqualified.

The subrecipient certifies that it and its principals:

- a) Are not presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from covered transactions by any federal Department or agency.
- b) 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.
- c) 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.

- d) 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 subrecipient is unable to certify to any of the statements in this certification, they shall attach an explanation to this document.

8. Drug-Free Workplace (Grantees Other Than Individual)

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

- a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance (34 CFR 84.610) is prohibited in the subrecipient's workplace and specifying the actions that will be taken against employees for violation of such prohibition.
- b) 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; and
 - The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- c) Requiring that each employee engaged in the performance of the project is given a copy of this statement.
- d) 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; and
 - 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.
- e) Notifying the agency in writing within 5 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).

- f) 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.
 - o 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; or
 - o 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.
- g) Making a good-faith effort to maintain a drug-free workplace through implementation of the requirements stated above.

9. 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 subrecipient assures that it shall comply with the provisions of RSA 193:13, IV.

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. Nothing in this section shall be construed to prevent the local school district or chartered public school that expelled the student from providing educational services to such student in an alternative setting.

The subrecipient assures that it shall timely file the report required by Ed 317.07.

The subrecipient assures that it has established policies on school discipline as required by RSA 193:13, XI and XII and Ed 317.03.

10. 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:

- a) No federally appropriated funds have been paid or will be paid by or on behalf of the

subrecipient 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.

- b) 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 federal grants or cooperative agreements, the subrecipient shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- c) The subrecipient 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 federal awards, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

11. Subrecipient Monitoring

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

12. More Restrictive Conditions

Subrecipients 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 NHED.

13. Obligations by Subrecipients

Obligations will be considered to have been incurred by subrecipients 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, services performed by public utilities, travel, or the rental of facilities shall be considered to have been obligated at the time such services were rendered, such travel occurred, and/or when facilities were used (see 34 CFR 76.707).

14. 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 subrecipient and approved by a responsible official(s) of the subrecipient.

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:

- a) Reflect an after-the-fact distribution of the actual activity of each employee;
- b) Account for the total activity for which each employee is compensated;
- c) Prepared at least monthly and must coincide with one or more pay period; and
- d) Signed and dated by the employee.

15. Protected Prayer in Public Elementary and Secondary Schools

The subrecipient certifies that the LEA has no policy that prevents or otherwise denies participation in constitutionally protected prayer in public elementary and secondary schools. (Section 8524(a) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act and codified at 20 U.S.C. § 7904).

16. Purchasing/Procurement

The non-Federal entity must have and use documented procurement procedures, consistent with the standards of this section and 2 CFR 200.317 - 2 CFR 200.327 for any of the following methods of procurement used for the acquisition of property or services required under a Federal award or sub-award.

- 1. Informal procurement methods
 - a. Micro-purchases
 - b. Simplified Acquisition
- 2. Formal procurement methods
 - a. Sealed bids
 - b. Proposals
- 3. Noncompetitive procurement

17. Retention and Access to Records

The subrecipient certifies that it will comply with all federal regulations, including but not limited to, 2 CFR 200.334 – 2 CRF 200.338.

18. 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.

19. Transfer of Disciplinary Records

Title 20 USC 7197 requires that the State have a procedure (RSA 193-D:8) 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.

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

- a) **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.
- b) **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.

20. Compliance with FERPA and PPRA

The subrecipient certifies that it complies with Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) and the Protection of Pupil Rights Amendment (PPRA) (20 U.S.C. § 1232h; 34 CFR Part 98) by ensuring the following:

- a) The subrecipient has established and implemented effective internal processes to ensure that student's complete education records are maintained;
- b) The subrecipient has established and implemented effective internal processes to ensure that parents are provided with the opportunity to review their student's education records;
- c) The subrecipient has established policies and procedures that permit disclosure of personally identifiable information from a student's education records in order to address safety issues in a manner that complies with FERPA;
- d) The subrecipient provides parents and eligible students annual notification of their rights under FERPA consistent with 34 CFR § 99.7; and
- e) The subrecipient, if applicable, has established procedures to provide military recruiters the same access to secondary students as provided to postsecondary institutions or to prospective employers and require that schools provide student information to military recruiters, when requested, unless the parent has opted out of providing such information (schools are required to provide to military recruiters include student names, addresses, electronic mailing addresses, and telephone listings. See Section 8528 of the ESEA, as amended, 20 U.S.C. § 7908 and 10 U.S.C. § 503(c)).

CERTIFICATION

Instructions: The Senior Official **must** consult with the Board (School Board, Board of Trustees, Board of Directors, etc.) of the subrecipient by informing said Board about the subrecipients participation in Federal Programs and the terms and conditions of the General Assurances, Requirements and Definitions for Participation in Federal Programs. The Senior Official **must** sign this certification page (and initial all other pages) as described below and return it to the NHED. **No subawards will be made by the NHED without a fully executed copy of this General Assurances, Requirements and Definitions for Participation in Federal Programs on file.**

Senior Official Certification:

We the undersigned acknowledge that a person is guilty of a violation of R.S.A. § 641:3 if: (a) He or she makes a written or electronic false statement which he or she does not believe to be true, on or pursuant to a form bearing a notification authorized by law to the effect that false statements made therein are punishable; or (b) With a purpose to deceive a public servant in the performance of his or her official function, he or she: (1) Makes any written or electronic false statement which he or she does not believe to be true; or (2) Knowingly creates a false impression in a written application for any pecuniary or other benefit by omitting information necessary to prevent statements therein from being misleading; or (3) Submits or invites reliance on any writing which he or she knows to be lacking in authenticity; or (4) Submits or invites reliance on any sample, specimen, map, boundary mark, or other object which he or she knows to be false.

Accordingly, I, the undersigned official legally authorized to bind the named subrecipient hereby apply for participation in federally funded education programs on behalf of the subrecipient named below. I certify, to the best of my knowledge, that the below subrecipient will adhere to and comply with these General Assurances, Requirements and Definitions for Participation in Federal Programs (pages 1 through 18 inclusive). I further certify, that I have informed the members of the Board of the federal funds the subrecipient will be receiving and of these General Assurances, Requirements and Definitions for the Participation in Federal Programs for the subrecipients participation in said programs.

Mark Rubinstein

Subrecipient Name (must match applicant name): _____

Mark Rubinstein

Mark Rubinstein

08/14/26

Typed Name of Senior Official

Signature

Date