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| OREGON DEPARTMENT OF EDUCATION  255 Capitol Street NE  Salem, Oregon 97310-0203 | Oregon State Seal | Office of Student Services |
| **IDEA Statement of Assurances**  **Annual Assurances under Parts B of the Individuals with Disabilities Education Act (IDEA)**  **Grantees/Contractors**  **Hospital Programs | Pediatric Nursing Facility (PNF)**  **Juvenile Detention Education Programs (JDEP) | Youth Corrections Education Programs (YCEP)**  **Regional Programs**  **Long Term Care and Treatment (LTCT)**  **Federal Fiscal Year 2019: July 1, 2019 - June 30, 2020**  **Statement of Assurances Due: June 30, 2019**   |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | |  |  |  |  |  |  | | *(4 Digit Institution ID)* | | | |  | *(Grantee/Contractor Name)* | | | |
| This Statement of Assurances must be completed and signed by an authorized representative from each grantee/contractor that holds a grant or contract with ODE to provide educational services to students enrolled in ODE designated Long Term Care and Treatment educational programs (LTCT), YCEP, JDEP, Hospital, Pediatric Nursing Facility (PNF) and Regional Programs that receives federal funds for special education. If the grantee/contractor represents more than one type of program, then grantee/contractor must submit a separate Statement of Assurances for each type of program (LTCT, JDEP, YCEP, Hospital, PNF or Regional Program), listing the programs on the signature page. Each grantee/contractor should carefully read and review the IDEA statute and regulations and state statutes and regulations related to this Statement of Assurances. | | |
| **The Program makes the following assurances:**  **1. Applicable only to LTCT, Hospital, Pediatric Nursing Facility and Regional Grantees/Contractors -** The LTCT, Hospital, Pediatric Nursing Facility or Regional Program Grantee/Contractor assures that throughout the period of this grant/contract award the program will operate consistent with all requirements of [IDEA](https://sites.ed.gov/idea/) (20 USC § 1400, *et seq.),* applicable IDEA Part B regulations ([34 CFR Part 300](https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title34/34cfr300_main_02.tpl)), the related State statutes (ORS) and rules (OARs), and with the applicable provisions of the related federal and state statutes and regulations listed below.  **2. Applicable only to JDEP and YCEP Grantees/Contractors** - In accordance with the current Interagency Agreement and the current grant/contract, the JDEP or YCEP grantee/contractor assures that throughout the period of this grant/contract award the program will operate consistent with all requirements of [IDEA](https://sites.ed.gov/idea/) (20 USC § 1400, *et seq.),* applicable IDEA Part B regulations ([34 CFR Part 300](https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title34/34cfr300_main_02.tpl)), the related State statutes (ORS) and rules (OARs), and with the applicable provisions of the related federal and state statutes and regulations listed below.  **Related federal laws and requirements**   * Elementary and Secondary Education Act ([ESEA](https://www.ed.gov/esea)) of 1965, as reauthorized by Every Student Succeeds Act (ESSA) 20 USC § 6301 *et* *seq.* * [McKinney-Vento Homeless Assistance Act](https://www2.ed.gov/policy/elsec/leg/esea02/pg116.html) (42 USC § 11431 *et seq.*) * Family Education Rights and Privacy Act ([FERPA](https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html)), 20 USC § 1232g, as incorporated in IDEA, 34 CFR §§ 600.610 – 300.627 * [Section 504](https://www2.ed.gov/about/offices/list/ocr/504faq.html) of the Rehabilitation Act of 1973 * Americans with Disabilities Act ([ADA](https://www.ada.gov/2010_regs.htm)), ADA Amendments Act of 2008 (Pub. L. No. 110-325, [ADAAA](https://www.govinfo.gov/content/pkg/PLAW-110publ325/pdf/PLAW-110publ325.pdf)) * General Education Provisions Act (GEPA), 20 USC § 1221 *et seq*. * Education Department’s General Administrative Regulations ([EDGAR](https://www2.ed.gov/policy/fund/reg/edgarReg/edgar.html)), part 76; [Uniform Grant Guidance](https://www2.ed.gov/policy/fund/guid/uniform-guidance/index.html), [2 CFR 200](https://www.ecfr.gov/cgi-bin/text-idx?SID=6214841a79953f26c5c230d72d6b70a1&tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl), Part 82, Part 225, and [OMB Circular 133](https://www.whitehouse.gov/omb/information-for-agencies/circulars/). | | |
| **ASSURANCES** | | |
| **FISCAL**   1. The Grantee/Contractor /Contractor uses fiscal control and accounting procedures that ensure proper disbursement of and accounting for federal funds. 34 CFR § 76.702 (Parts B and C). This includes maintaining separate documentation for IDEA Part B and IDEA Part C formula grants. The EI/ECSE Grantee/Contractor complies with all Part B and Part C reporting requirements related to other federal funds. 2. Amounts provided to the Grantee/Contractor under Part B of the IDEA will be expended in accordance with 34 CFR § 300.202 and (1) will only be used to pay the excess costs of providing special education and related services to children with disabilities; (2) will be used to supplement, but not supplant, state, local and other federal funds; and (3) will not be used to reduce the level of expenditures for the preceding fiscal year subject to exceptions permitted under 34 CFR § 300.204 and adjustments permitted under 34 CFR § 300.205. 3. Time and Effort Reporting. The Grantee/Contractor will use a substitute/alternate system to document Time and Effort Reporting during the period covered by this application, July 1, 2019 – June 30, 2020:   No.  Yes, the Grantee/Contractor:   1. Certifies that only eligible employees will participate in the substitute/alternate system and that the system used to document employee work schedules includes sufficient controls to ensure that the schedules are accurate. 2. Has attached a signed report documenting full disclosure of any known deficiencies with the system or known challenges with implementing the substitute/alternate system if there are any known deficiencies/challenges.   Yes, signed disclosure of deficiencies/challenges attached.  No**,** there are no known deficiencies/challenges  *Note: This certification and attached disclosure may be used by auditors and ODE oversight personnel when conducting audits and sub-recipient monitoring of the substitute/alternate time and effort system.*  For more information on the uses of Time and Effort reporting, including the use of a Substitute or Alternate System, see CC-H and CC-I on the [ESEA Federal Monitoring](https://www.oregon.gov/ode/schools-and-districts/grants/ESEA/Pages/ESEA-Monitoring.aspx) webpage. | | |
| **DATA COLLECTION, ANALYSIS, AND REPORTING**   1. The Grantee/Contractor develops and implements a practical method to determine which children with disabilities are currently receiving needed special education and related services, accurately collects these data, and reports these data to ODE in a timely and accurate manner. *(34 CFR §§ 300.601 - 300.602)* 2. The Grantee/Contractor provides and validates data as required by ODE for state and federal reporting within the timelines communicated by ODE. The Grantee/Contractor will report annually to the public on the performance of the program on targets in the SPP within timelines specified by ODE*. (34 CFR §§ 300.601 - 300.602)* 3. The Grantee/Contractor examines and reports its data through the Systems Performance Review & Improvement (SPR&I) process and other general supervision processes. *(34 CFR § 300.170)* | | |
| **PROGRAM POLICIES**   1. The Grantee/Contractor makes a free appropriate public education (FAPE) available to all children with disabilities for whom the Grantee/Contractor is responsible between the ages of 3 and the end of the school year in which a student turns 21 (unless the student graduates earlier with a regular diploma), including children with disabilities who have been suspended or expelled. *(34 CFR §§ 300.101- 300.108; ORS 339.252; ORS Chapters 338, 339; OAR 581-015-2040 - OAR 581-015-2050, OAR 581-015-2400, OAR 581-015-2440, and OAR 581-015-2605)* 2. The Grantee/Contractor ensures that children with disabilities within the jurisdiction of the program who are in need of special education and related services are located, identified, and evaluated, including children with disabilities who are homeless or are wards of the State, regardless of the severity of their disabilities. The program develops and implements a practical method to determine which children with disabilities are currently receiving needed special education and related services in accordance with 34 CFR § 300.111; ORS 343.157; OAR 581-015-2080, OAR 581-015-2085, OAR 581-015-2100. The program identifies the resident district under ORS 339. 3. The Grantee/Contractor assures that children with disabilities are evaluated and identified as children with disabilities in accordance with IDEA and state requirements for evaluation, re-evaluation, and eligibility determination. *(34 CFR §§ 300.300 through 300.311, ORS 343.146; ORS 343.157, ORS 343.164; OAR 581-015-2080 – OAR 581-015-2190)* 4. The Grantee/Contractor uses the Oregon Standard IEP or an ODE-approved alternate IEP. The Grantee/Contractor assures that an Individualized Education Program (IEP) is developed, reviewed, revised, and in effect at the beginning each school year, and that all teachers and service providers are informed of their implementation responsibilities. *(34 CFR §§ 300.300 through 300.325; ORS 343.157, ORS 343.164; OAR 581-015-2215 - OAR 581-015-2230)* 5. For purposes of Early Childhood Special Education (ECSE) services to children ages 3-5, the LTCT, Hospital, Pediatric Nursing Facility or Regional Program Grantee/Contractor recognizes that the Oregon Department of Education Individual Family Service Plan (IFSP) required for use with these age ranges, meets the content, review, and implementation requirements for IEPs under IDEA Part B and OAR 581-015-2810 through 581-015-2830. 6. The Grantee/Contractor assures that, to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. (34 CFR §§ 300.114-120; OAR 581-015-2240 - 581-015-2255) 7. The Grantee/Contractor assures that it makes a continuum of alternative placements is available to meet the needs of children with disabilities. The continuum includes regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions. The continuum does not include sheltered workshops. (34 CFR § 300.115; OAR 581-015-2000(33), OAR 407-025-0010(16), OAR 581-015-2245) and Executive Orders (13-04, 15-01) 8. For children receiving special education services or children receiving EI/ECSE services, the Grantee/Contractor has policies and procedures in effect to ensure that the district complies with State and Federal laws relating to the confidentiality of any personally identifiable data, information and records and protects the confidentiality of personally identifiable information, including at collection, storage, disclosure, and destruction stages. *(34 CFR §§ 300.610-300.626; OAR 581-015-2300, and 34 CFR §§ 99.1 to 99.38)* 9. The Grantee/Contractor cooperates in the efforts under Section 1308 of the Elementary and Secondary Education Act of 1965 (ESEA, as reauthorized by ESSA) to ensure the linkage of records pertaining to migratory children with a disability for the purpose of electronically exchanging, among the States, health and educational information regarding such children. *(34 CFR § 300.213)* 10. The Grantee/Contractor maintains records related to the location, identification, evaluation, placement of students with disabilities and the development and implementation of IEPs for periods required by the Education Department General Administrative Regulations (EDGAR), relocated to Uniform Grant Guidance, the Individuals with Disabilities Education Act, Oregon Archive rules, and the IDEA, incorporating FERPA. The Grantee/Contractor informs parents when personally identifiable information collected, maintained, or used under Part B is no longer needed to provide educational services to the child. If federal funds are involved, ORS 192.105 requires the federal records retention requirements to be observed. The Grantee/Contractor collects, stores, maintains, uses, and destroys personally identifiable information and education records of students with disabilities only in accordance with IDEA, incorporating FERPA. *(34 CFR §§300.610 – 300.627; 2 CFR, Part 200.33-34 , and 34 CFR § 76.301-731)* 11. The Grantee/Contractor retains program and fiscal records, for a minimum of five years after completion of the activities for which the IDEA or other federal funds were received, unless a longer time period is required by OAR 166-400-0060 or 34 CFR § 80.42. If any records request, litigation, claim, negotiation, audit or other action involving the records has been started before the expiration of the time period, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the specified time period, whichever is later. *(34 CFR §§300.610 – 300.627; 2 CFR, Part 200.33-34 , and 34 CFR § 76.301-731)* 12. The Grantee/Contractor makes available programmatic and fiscal information records to authorized representatives of ODE for the purpose of compliance verification. *(34 CFR § 99)* 13. The Grantee/Contractor assures that all district personnel, including sign language interpreters necessary to carry out Part B of the IDEA, are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities. The District takes measurable steps to hire appropriately trained personnel. *(34 CFR §§ 300.156-300.207 and Section 1212 of the ESEA (as reauthorized by ESSA*) 14. The Grantee/Contractor includes all public school children with disabilities in all state and district wide assessment programs, including assessments described under Section 1111 of the ESEA (as reauthorized by ESSA), with appropriate accommodations where necessary and as indicated in their respective individualized education programs. *(34 CFR § 300.320(a)(6))* 15. The Grantee/Contractor prohibits its personnel, including other agency personnel or contractors, from requiring a child to obtain a prescription for a substance covered by the Controlled Substances Act, 21 USC 812(c), as a condition of attending school, receiving an evaluation or receiving service. *(34 CFR § 300.174, 34 CFR §§ 300.300-300.311, and ORS 339.873)* 16. The Grantee/Contractor assures education equity and prevents the inappropriate over identification or disproportionate representation by race and ethnicity of children with disabilities in special education and in disciplinary removals, including suspension and expulsion, in total and by specific disability categories). *(34 CFR 300.173; §§ 300.300 through 300.311, 34 CFR 300.646 – 300.647, ORS 343.146, ORS 343.157, and ORS 343.164; OAR 581-015-2080 – OAR 581-015-2190)* 17. The Grantee/Contractor complies in a timely manner with any corrective actions required by ODE under its general supervision authority, including but not limited to due process orders issued by the Office of Administrative Hearings, state complaint resolution processes, and Systems Performance Review & Improvement (SPR&I). The district ensures that identified noncompliance with IDEA is corrected as soon as possible, and not later than one year after the State’s identification of the noncompliance. *(34 CFR § 300.600; OAR 581-015-2030; 581-015- 2340 – 581-015-2375)* 18. The Grantee/Contractor’s programs and activities for students with disabilities under the IDEA meet the requirements of Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973. 19. The Grantee/Contractor adopts the National Instructional Materials Accessibility Standard (NIMAS) for the purposes of providing instructional materials to blind persons or other persons with print disabilities in a timely manner in accordance. The district separately assures that all instructional materials are provided in a timely manner to blind persons or others with print disabilities. *(34 CFR § 300.172, OAR 581-015-2060; OAR 581-022-1640)*   **REQUIRED ACTION:**  OPTION 1:  As part of any print instructional materials adoption process, procurement Grant, or other practice or instrument used for purchase of print instructional materials, the Grantee/Contractor enters into a written Grant with the publisher of the print instructional materials to:   * require the publisher to prepare and, on or before delivery of the print instructional materials, provide to the NIMAC, electronic files containing the contents of the print instructional materials using the National Instructional Materials Accessibility Standard; or * purchase instructional materials from the publisher that are produced in, or may be rendered in, specialized formats.   OPTION 2:  The Grantee/Contractor has chosen not to enter into a written Grant with the publisher that requires the publisher to provide electronic files of print instructional materials to the National Instructional Materials Access Center (NIMAC), but assures that it will provide instructional materials to blind persons or other persons with print disabilities in a timely manner. | | |

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| |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | | **Grantee/Contractor Name:** | |  | |  | **Inst. ID:** | |  | | |  | Subgrantee/Contractor Name: | |  |  |  | Inst. ID: | |  | |  | Subgrantee/Contractor Name: | |  |  |  | Inst. ID: | |  | |  | Subgrantee/Contractor Name: | |  |  |  | Inst. ID: | |  | |  | Subgrantee/Contractor Name: | |  |  |  | Inst. ID: | |  | |  | Subgrantee/Contractor Name: | |  |  |  | Inst. ID: | |  | |  | Subgrantee/Contractor Name: | |  |  |  | Inst. ID: | |  | |  | Subgrantee/Contractor Name: | |  |  |  | Inst. ID: | |  | |  | Subgrantee/Contractor Name: | |  |  |  | Inst. ID: | |  | |  | Subgrantee/Contractor Name: | |  |  |  | Inst. ID: | |  | |  | Subgrantee/Contractor Name: | |  |  |  | Inst. ID: | |  |   **Statement:**  By signing this Statement of Assurances, the Grantee/Contractor assures that the above programs will operate in accordance with all the requirements of IDEA and related federal and state laws and regulations throughout the period of the grant award. Each Grantee/Contractor should carefully read and review the IDEA statute and regulations, and the state statutes, regulations and Executive Orders (13-04, 15-01) related to this Statement of Assurances.  I, the undersigned authorized official of the above agency, am designated to submit this application for FFY 2019 funds under Part B of the Individuals with Disabilities Education Act (IDEA).  **REQUIRED ACTION** | | | | | | | |
| **Signature Required:** |  | |  |  | | |  |
| *(Name of Authorized Representative)* | | *(Title of Authorized Representative)* | | |
|  | |  | | |
| *(Signature of Authorized Representative)* | | *(Date)* | | |
| **EMAIL or MAIL completed and signed Application to:**  Email (preferred): [ODE.IDEAAssurances@ode.state.or.us](mailto:ODE.IDEAAssurances@ode.state.or.us) | | Or:  Mary Aichlmayr  Office of Student Services Oregon Department of Education  255 Capitol Street NE  Salem, Oregon 97310-0203 | | | **ODE Use Only** | | |
| Date certified: |  | |
|  |  | |
| Certified by: |  | |
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