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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**  **EI/ECSE Area Contractors**  **Annual Assurances under Parts B and C of the Individuals with Disabilities Education Act (IDEA)**  **Federal Fiscal Year 2019: July 1, 2019 - June 30, 2020**  **Statement of Assurances Due: June 30, 2019**   |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | |  |  |  |  |  |  | | *(4 Digit Institution ID)* | | | |  | *(Contractor Name)* | | | |
| This Statement of Assurances must be completed and signed by an authorized representative of each EI/ECSE Area Contractor that receives federal funds for early intervention and early childhood special education under IDEA Parts B and C. Only **one** Statement of Assurances is required from **each** Area Contractor, listing subcontractors on the signature page. Each contractor and subcontractor should carefully read and review the IDEA statute and regulations and state statutes and regulations related to this Statement of Assurances. | | |
| **The EI/ECSE Contractor Makes the Following Assurances:**  The EI/ECSE Contractor assures that throughout the period of this grant award the EI/ECSE Contractor will operate consistent with all requirements of IDEA, 20 USC § 1400, et. seq., applicable regulations (34 CFR Part 300, 301 and 303), and related State statutes (ORS) and rules (OARs), along with the applicable provisions of related federal and state statutes and regulations listed below. When requested by ODE, the EI/ECSE program will make such changes to its policies and procedures as the State determines necessary to bring those policies and procedures into compliance with the requirements.  **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/).   **Safe Vehicle Transportation Statement**  The Contractor assures that throughout the period of this grant award the EI/ECSE Contractor has developed and will enforce a policy to provide safe vehicles and drivers for children with disabilities who are transported in private vehicles provided by the Contractor or caused to be provided by the Contractor. *(OAR 581-053-0002)* | | |
| **ASSURANCES** | | |
| **FISCAL**   1. The EI/ECSE 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 Contractor complies with all Part B and Part C reporting requirements related to other federal funds. 2. Amounts provided to the EI/ECSE 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 program(s) 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 program(s) management:   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.   1. Amounts provided to the EI/ECSE Contractor under Part C of the IDEA will be expended in accordance with 34 CFR §§ 303.510- 303.511 and (1) will only be used to pay the excess costs of providing special education and related services to children with disabilities; and (2) will be used to supplement, but not supplant, state, local and other federal funds. For Part C, the EI/ECSE Contractor ensures that the Federal funds made available under Part C to the EI/ECSE Contractor: 2. will not be commingled with State funds; and 3. will be used so as to supplement the level of State and local funds expended for infants and toddlers with disabilities and their families and in no case to supplant those state and local funds. *(20 USC § 1443)* 4. Equitable Services for Students Enrolled by Parents in Private Schools. See Policies and Procedures, Number 23. In collaboration with school districts, the EI/ECSE contractor complies with the requirements of 34 CFR §§ 300.130 through 300.144, relating to responsibilities for children placed in private non-profit schools by their parents. 5. The EI/ECSE Contractor will permit the ODE, the Oregon Secretary of State’s Audit Division, the Oregon Department of Justice and the Comptroller General of the United States through any authorized representative, access to and the right to examine and audit all records, books, papers or documents related to the awards or programs, to satisfy audit and program evaluation purposes and for all other lawful purposes; will establish a proper accounting system in accordance with generally accepted accounting standards and directives of the Federal awarding agencies; and will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, “Audits of States, Local Governments, and Non-Profit Organizations,” and in accordance with 34 CFR § 80.42. *(Part B and Part C)* | | |
| **DATA COLLECTION, ANALYSIS, AND REPORTING**   1. The EI/ECSE 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 EI/ECSE Contractor provides and validates data as required by ODE for state and federal reporting within the timelines communicated by ODE. The EI/ECSE Contractor will report annually to the public on the performance of the EI/ECSE program on targets in the SPP within timelines specified by ODE*. (34 CFR §§ 300.601 - 300.602)* 3. The EI/ECSE 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 EI/ECSE Contractor makes a free appropriate public education available to all resident children with disabilities between the ages of 3 and eligibility for kindergarten (age 5 by September 1) in accordance with 34 CFR §§ 300.101-300.108, ORS 343.475, and OAR 581-015-2040 - 581-015-2070 and OAR 581-015-2850 - 581-015-2860, and 581-015-2885 & 581-015-2890. (Part B) 2. The EI/ECSE Contractor makes free early intervention services available within its service area, in accordance with 20 USC § 1434 (2006); ORS 343.035 (6), (14), and (17), and OAR 581-015-2700 - 581-015-2712. (Part C) 3. The EI/ECSE Contractor, in collaboration with school districts, identifies, locates, and evaluates all children with disabilities (birth to the age of eligibility for kindergarten), regardless of the severity of their disabilities, who are in need of early intervention, special education and related services. This includes children with disabilities attending private schools located within the EI/ECSE Contractor’s service area, Indian infants and children with disabilities and their families residing on a reservation geographically located in the contracting service area, infants and toddlers with disabilities who are homeless children and their families, infants and toddlers in foster care, and infants and toddlers with disabilities who are wards of the State. *(34 CFR § 300.111; OAR 581-015-2080 and 2085; (Part B) and 34 CFR § 303.115 and 303.302 (Part C))* 4. The EI/ECSE Contractor has a public awareness program focusing on early identification of infants and toddlers with disabilities, including the preparation and dissemination by the EI/ECSE Contractor designated or established under 20 USC § 1435(a)(10) to all primary referral sources, especially hospitals and physicians, of information to be given to parents, especially to inform parents with premature infants, or infants with other physical risk factors associated with learning or developmental complications, on the availability of early intervention services under this part and of services under 34 CFR § 303.116 and 34 CFR § 303.301. (Part C) 5. The EI/ECSE Contractor has a system for making referrals to service providers for Part C that includes timelines and provides for participation by primary referral sources and that ensures rigorous standards for appropriately identifying infants and toddlers with disabilities for services. *(20 USC § 1435(a)(5); OAR 581-015-2774) (Part C)* 6. The EI/ECSE Contractor has policies and procedures that require the referral for early intervention services for a child under the age of 3 who: (A) is involved in a substantiated case of abuse or neglect; or (B) is identified as affected by illegal substance abuse, or withdrawal symptoms resulting from prenatal drug exposure. *(34 CFR § 303.303; OAR 581-015-2774) (Part C)* 7. The EI/ECSE Contractor assures that children with disabilities are evaluated in accordance with 34 CFR §§ 300.300-311 (Part B) and 34 CFR § 303.321 (Part C), OAR 581-015-2775 - 581-015-2795. The EI/ECSE Contractor has in effect a timely, comprehensive, multidisciplinary evaluation of the functioning of each infant or toddler with a disability, and a family-directed assessment of the resources, priorities, and concerns of the family and the identification of the supports and services needed by each family to assist appropriately in the child’s development. 8. The EI/ECSE Contractor prevents the inappropriate over identification or disproportionate representation by race and ethnicity of children as children with disabilities (in total and by specific eligibility categories) *34 CFR § 300.173. (Part B)* 9. The EI/ECSE Contractor ensures meaningful involvement of underserved groups, including minority, low-income, homeless, and rural families and children with disabilities who are wards of the State 34 CFR 303.302. 10. The EI/ECSE Contractor has in effect a comprehensive, coordinated, multidisciplinary, interagency system to provide early intervention services, for infants and toddlers with disabilities and their families, that meet the requirements of 20 USC § 1401 and 1431-1443. The EI/ECSE Contractor promotes collaboration among Early Head Start programs under section 645A of the Head Start Act, early education and child care programs, and services under Part C. 11. For Parts B and C, the EI/ECSE Contractor assures that an individualized family service plan (IFSP) is developed, reviewed, and revised for each child with a disability, including service coordination services as part of the service plan. (20 USC § 1435(a)(4), 20 USC § 1436, 34 CFR §§ 303.340-345) The EI/ECSE Contractor uses the IFSP forms provided by ODE. *(OAR 581-015-2810 - 581-015-2830) (Part B and Part C)* 12. The EI/ECSE Contractor has policies and procedures to ensure that, consistent with 20 USC § 1436(d)(5): (a) to the maximum extent appropriate to the needs of the child, ECSE services are provided in the least restrictive environment as defined in OAR 581-015-2240, including home and community settings in which children without disabilities participate (34 CFR §§ 300.114-120 and OAR 581-015-2845) (Part B); (b) to the maximum extent appropriate, to the needs of the child and family, EI services are provided in natural environments, including the home and community settings in which children without disabilities participate. EI services are provided in a setting other than a natural environment only when EI services cannot be achieved satisfactorily for the child in a natural environment, as determined by the parent and the IFSP team. *(34 CFR §§ 303.26, 303.126, 303.344 and OAR 581-015-2835) (Part C)* 13. In accordance with 34 CFR §300.124, 34 CFR §303.209, OAR 581-015-2805 - 581-015-2815, and OAR 581-015-2830, the EI/ECSE Contractor has policies and procedures to ensure a smooth transition for toddlers receiving early intervention services to ECSE services (preschool, school, other appropriate services), or exiting the program, including a description of how:     1. The provider will notify the ECSE Contractor, Subcontractor or other service provider, if different from the child’s EI Contractor or Subcontractor, that the child will shortly reach the age of eligibility for ECSE services under Part B, as determined in accordance with State law;     2. In the case of a child who may be eligible for ECSE services, with the approval of the family of the child, convene a conference with the family and the provider not less than 90 days (and at the discretion of all such parties, not more than 9 months) before the child is eligible for the ECSE services, to discuss any such services that the child may receive;     3. By the third birthday of such a child, an individualized family service plan, that meets Part B requirements, is developed and implemented for the child; and     4. In the case of a child who may not be eligible for ECSE services, with the approval of the family, make reasonable efforts to convene a conference among the provider, the family, and providers of other appropriate services for children who are not eligible for ECSE services under Part B, to discuss the appropriate services that the child may receive. (Part B) 14. Under Part B, the EI/ECSE Contractor has policies and procedures to ensure a smooth transition for children receiving ECSE services to school-age special education services according to OAR 581-015-2805: 15. The school district and the EI/ECSE Contractor or Subcontractor must hold a meeting during the year before the child is eligible to enter public school to: (a) Determine steps to support the child’s transition from ECSE to public schooling or other education setting; (b) For a child eligible for school age special education services, to develop an IEP that is in effect at the beginning of the school year. 16. Under Part C, the EI/ECSE Contractor has in effect a policy that ensures that appropriate early intervention services based on scientifically based research, to the extent practicable, are available to all infants and toddlers with disabilities and their families, including Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the service area and infants and toddlers with disabilities who are homeless children and their families in accordance with 34 CFR § 303.112. 17. The EI/ECSE Contractor assures that all personnel necessary to carry out Part B and Part C of the IDEA, including sign language interpreters under OAR 581-015-2035, are appropriately and adequately prepared and trained, and that those personnel have the content knowledge and skills to serve children with disabilities in accordance with 34 CFR §§ 300.156 and 300.207, section 612, (Part B) and 34 CFR § 303.119 and OAR 581-015-2900. (Part C) 18. The EI/ECSE Contractor has a comprehensive system of personnel development, including the training of educational assistants and paraprofessionals, in accordance with OAR 581-037-005 - 581-015-0025, as revised, and OAR 581-015-2900 - 581-015-2910 and the training of primary referral sources with respect to the basic components of early intervention and early childhood special education services available in the State that includes     * 1. implementing innovative strategies and activities for the recruitment and retention of early education service providers;       2. promoting the preparation of early education service providers who are fully and appropriately qualified to provide EI and ECSE services; and       3. training personnel to coordinate transition services for infants and children to another appropriate program, which may include:     * training personnel to work in rural and inner-city areas; and     * training personnel in the emotional and social development of young children. *(20 USC § 1435(a)(8)(A) and (B) and 34 CFR § 303.118) (Part B and Part C)* 19. The EI/ECSE 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 preschool or an EI/ECSE program, receiving an evaluation under 34 CFR §§ 300.300-311, or receiving services under the IDEA in accordance with 34 CFR § 300.174 and ORS 339.873. (Part B) 20. The EI/ECSE Contractor ensures parents of children with disabilities are afforded the procedural safeguards required by 34 CFR §§ 300.500-536, in accordance with 34 CFR § 300.121 and OAR 581-015-2315 (Part B) and 34 CFR §§ 303.123, 421 and OAR 581-015-2745 and the current *Notice of Procedural Safeguards* specified by ODE. (Part C) 21. The EI/ECSE Contractor has policies and procedures in effect to ensure that the EI/ECSE Contractor and Subcontractor comply with 34 CFR §§ 300.610-626 (Part B) and 34 CFR § 303.401-402 (Part C) relating to the confidentiality of records and information (OAR 581-015-2770). The EI/ECSE Contractor maintains records related to the location, assessment and placement of students with disabilities and the development and implementation of IFSPs. 22. The EI/ECSE Contractor makes available programmatic and fiscal information records to authorized representatives of ODE for the purpose of compliance verification. The EI/ECSE Contractor retains records for a minimum of five years after completion of the activities for which these federal funds were received unless a longer time period is required by OAR 166-400-0060 or 34 CFR § 80.42 If any 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 §§ 76.301. 76.731, 34 CFR § 80.42. (Part B and Part C)* 23. The EI/ECSE Contractor works with school districts in its area to make provisions for the participation of children receiving early childhood special education and related services in private schools in accordance with the requirements in 34 CFR §§ 300.130-144, OAR 581-015-2450 - 581-015-2510. (Part B) 24. The EI/ECSE Contractor or Subcontractor conducts a consultation meeting pursuant to 34 CFR § 300.134 and OAR 581-015-2480, with appropriate representatives of private school children within the geographic boundaries of the contractor or subcontractor service area during the design and development of special education and related services the EI/ECSE Contractor or subcontractor regarding how, where, and by whom special education and related services will be provided. 25. When timely and meaningful consultation has occurred, the EI/ECSE Contractor or Subcontractor obtains a written affirmation signed by the representatives of participating private schools. 26. If the EI/ECSE Contractor or Subcontractor and the private school officials disagree on the provision of services or the types of services, the EI/ECSE Contractor or Subcontractor will provide a written explanation to the private schools. 27. The EI/ECSE Contractor or Subcontractor submits private school participation and affirmation data to ODE. If a letter of affirmation is not received from each private school participating in the consultation process, the EI/ECSE Contractor or Subcontractor will submit documentation of its consultation process to ODE upon request. 28. The EI/ECSE Contractor or Subcontractor with the school district conducts child find activities for parentally enrolled private school children including, as needed individual evaluations, in a comparable timeframe as district child find activities. On December 1 of each year the Contractor counts the number of parentally placed private school children eligible for special education and related services, including non-resident children and children not receiving services, and uses this number to calculate the proportionate share of IDEA funds in the subsequent fiscal year. (OAR 581-015-2085 and OAR 581-015-2475) 29. The EI/ECSE Contractor complies in a timely manner with any corrective actions required by ODE under its general supervision authority, including complaint resolution processes, due process orders, and Systems Performance Review & Improvement. The EI/ECSE Contractor ensures that identified noncompliance with IDEA for Parts B and C is corrected as soon as possible, and in no case later than one year after the State’s identification of the noncompliance, in accordance with 34 CFR § 300.600 (Part B) and 34 CFR § 303.120. (Part C) 30. The EI/ECSE Contractor’s programs and activities for EI and ECSE children 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. | | |

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| **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: |  | |
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| Certified by: |  | |
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