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Temporary

OREGON DEPARTMENT OF EDUCATION YOUTH DEVELOPMENT DIVISION

DIVISION 9

FUNDING

423-009-0005 Use of Grant Funds

(1) Consistent with the purpose and restrictions of each grant, all budget allocations must comply with applicable State and Federal statute or rule.

(2) County or Tribe Indirect Cost Assessment: Counties and Tribes may assess indirect charges from a grant allocation at an assessment no higher than 10 percent of the total annual allocation from the Division less funding streams expressly disallowed by State or Federal statute or rule.

(3) County or Tribe Direct Cost: All funds allocated to Counties and Tribes, not including the 10 percent maximum indirect assessment of the total annual allocation from the Division, are to be used for direct services to children, youth, and families in communities.

(4) Limitation on Usage:

(a) Consistent with the terms and conditions in the Intergovernmental Agreement, all budget allocations will be directly related to the purpose and restrictions of each program area and grant stream, and have measurable outcomes.

(b) Service provider contracts: Counties and Tribes may allocate funds to providers for the cost of services or activities to children and families.

(c) Services and programs funded by another Federal or State funding source cannot be funded with Youth Development Council funds when blending of those funds are not allowed by Federal or State agreements or when duplication will occur.

(5) Division Approval: Budget allocations effectuated pursuant to the Intergovernmental Agreement and amendments will be subject to Division review and approval.

Stat. Auth.: Section 4, chapter 623, Oregon Laws 2013 (Enrolled House Bill 3231)

Stat. Implemented: Chapter 623, Oregon Laws 2013 (Enrolled House Bill 3231)

423-009-0010 Budgetary Allocations

(1) Release of Funds: The Division may disburse funds to Counties and Tribes in conjunction with the beginning of each biennium or periodically throughout the year pursuant to an Intergovernmental Agreement that has been fully executed by the Council and the County or Tribe. A County or Tribe will request funds on a form prescribed by the Division. The Division may withhold funds from a County or Tribe that is not in compliance with the requirements specified in these rules or the terms of the Intergovernmental Agreement including any amendments thereto. Any funds disbursed to a County or Tribe under an approved Intergovernmental Agreement will be used only for those services and purposes set forth in the Intergovernmental Agreement and these Administrative Rules.

(2) All applicable federal, state, and local laws including, but not limited to, OMB A-87 Cost Principles for State, Local, and Indian Tribal Governments, Single Audit Act of 1996, OMB A-133 Audits of State, Local Governments and Non-Profit Organizations, Title VI of the Civil Rights Act of 1964, and Title II of the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, and the Pro-Child Act of 1995 must be followed. Budget allocations and Intergovernmental agreements will be approved and monitored by the Division.

(3) The County or Tribe will sign an Intergovernmental Agreement document with the Division. The County or Tribe will not use the funds to reimburse any person or entity for expenditures made, or to pay for any expenses incurred, prior to the effective date of the Intergovernmental Agreement.

(4) Budget Amendments: A County or Tribe will notify the Division of any change in a budget previously approved by the Division by submitting a Budget Distribution in a format prescribed by the Division. The Budget Distribution will be approved in writing by the Division, the County or Tribe, and the Board of County Commissioners and Tribal Council before funds can be expended pursuant to the Intergovernmental Agreement.

(5) Reverting Funds: Any Grant funds, State or Federal, disbursed to a County or Tribe that are not obligated or expended in accordance with the Intergovernmental Agreement by the end of the 2014 fiscal year, must be returned to the Division unless the Division permits such funds to be carried over or extended as follows:

(a) The County or Tribe has submitted to the Division a Budget Distribution, and request for a carryover or extension in a format set by the Division, describing the proposed use of those monies; and

(b) The proposed use provides that the funds will be expended within the first 90 days of the 2015 fiscal year.

(c) The Division may deny a request for carryover or extension from a County or Tribe if the Division finds any of the following concerning the 2014 fiscal year activities or the proposed use(s):

(A) The County or Tribe is found to be using funds, or proposes to use the funds, for purposes other than those authorized pursuant to the Intergovernmental Agreement;

(B) The County or Tribe failed to submit timely, accurate, or complete fiscal reports or activity reports; or failed to make timely corrections that remedied report deficiencies upon review and notice from the Division;

(C) The County or Tribe's operations failed to comply with federal or state statute, administrative rule or the Intergovernmental Agreement between itself and the Division;

(D) The County or Tribe's request for carryover or extension is in excess of 1/16 of the 2014 fiscal year funding allocation for that entity.

(d) Before submission to the Division, the Budget Distribution and request for carryover or extension must be approved and certified by the County or Tribe administrator and the Board of County Commissioners or Tribal Council.

(e) Funds not expended within the first 90 days of the 2015 fiscal year will be returned to the State. Federal funds will be re-allocated at a statewide level. General funds will revert to the State treasury.

(6) Contractual Agreements: For funds allocated to the County or Tribe by the Division, a County or Tribe will enter into a formal contractual agreement with any other Division, entity or person for expenditure of those funds. The contract for allocations should specify measurable outcomes that will measure success in achieving outcomes.

(7) Fiscal Reports and Activity Reports:

(a) For funds allocated to the County or Tribe by the Division, all public and private agencies and persons receiving funding allocations will file reports on the provider's fiscal and activity information as evidence of meeting the County or Tribe's contractual agreement. Reports will be submitted as required in the Intergovernmental Agreement.

(b) A request for a waiver, for the current reporting period, must be submitted in writing to the Division. The County or Tribe must remit a letter to include:

(A) Stating the hardship reason for the waiver (e.g. staff turnover, serious illness);

(B) Specifying the date reports will be sent to the Division; and

(C) Assurance the next reports will be in by the next reporting period due date. The Division must receive the request for waiver before the reporting due date. No funds will be released until all reports are received. Counties and Tribes that are unable to meet the due dates in at least three out of four consecutive reporting periods will receive funds on a reimbursement basis.

(c) The County or Tribe will send to the Division a fiscal and activity report on a form prescribed by the Division. The reports will be certified by the Board of County Commissioners or Tribal Council.

(d) The County or Tribe will file with the Division a final fiscal report for all funds received from the Division on a form prescribed by the Division. The final fiscal report must be certified by the Board of County Commissioners or Tribal Council.

(8) Records Management: All public and private agencies and persons receiving funding allocations from the Division will retain all fiscal and program monitoring records of a funded program for a period not less than specified in OAR chapter 166, divisions 40 and 100. Records will be available for Division, county and state audit upon request. A County or Tribe may be required to retain records for longer than specified in rule if an audit is in progress or discrepancies found in a previous audit have not been resolved. Such records will be subject to any applicable County or Tribe regulations concerning retention of records and auditing procedures.

(9) Withholding of funds: The Division may withhold funds from a County or Tribe that is not in compliance with the Federal, State, or local law or the Intergovernmental Agreement. Under the following conditions, the Division may withhold funds from Counties and Tribes:

(A) The County or Tribe is found to be using funds for purposes other than those authorized pursuant to the Intergovernmental Agreement;

(B) The County or Tribe failed to submit timely, accurate, or complete fiscal reports or activity reports;

(C) The County or Tribe's operations failed to comply with federal or state statute, administrative rule, or the Intergovernmental Agreement; or

(D) The County or Tribe activities have not achieved outcomes directly related to parameters of the grant stream.

Stat. Auth.: Section 4, chapter 623, Oregon Laws 2013 (Enrolled House Bill 3231)

Stat. Implemented: Chapter 623, Oregon Laws 2013 (Enrolled House Bill 3231)

423-009-0020 Prohibition against Replacement of County Funds

Funds received by a County or Tribe from the Division will not be used to replace County or Tribal general funds or used to replace other State funding currently being used by the County or Tribe for existing programs for children, youth or families.

Stat. Auth.: Section 4, chapter 623, Oregon Laws 2013 (Enrolled House Bill 3231)

Stat. Implemented: Chapter 623, Oregon Laws 2013 (Enrolled House Bill 3231)