



LESC Panel Presentation

LEA Special Education Maintenance of Effort Reconciliation for FY11 - FY15

October 24, 2017

SPED MOE Reconciliation
10/24/17

Veronica C. Garcia, Ed.D.
Superintendent of Schools

Concerns with the reconciliation of local MOE for FY11 through FY15

- Lack of annual/ongoing formal communication – appears to be a change in process (SY17-18)
- No formal guidance or communication---e.g. the consideration of exceptions
- Aguilar e-mail notice (9/17) a surprise, and the promised letter explaining the liability has not been received
- Unclear why the e-mail states that the liability needs to be returned to the U.S. Department of Education
- Unclear local-state-federal obligation and relationship

Concerns with meeting and calculating local MOE

- The only area that is clear is the calculation for job classes & job codes
- SFPS has successfully met MOE thresholds year over year
- SPED revenue from the 910B5 consistently less than required to cover special education operational expenses which requires regular education to subsidize special education
- No formal submission and acceptance process there needs to be developed a process for clarity and documentation

Operational SPED Revenue from the 910 B5 and Expenditures

FY	Dollars in Millions		
	Revenue	Expenditures	Variance
2010-11	\$12.77	\$13.48	-\$0.71
2011-12	\$14.01	\$15.00	-\$0.99
2012-13	\$13.71	\$15.99	-\$2.28
2013-14	\$15.08	\$18.31	-\$3.23
2014-15	\$17.72	\$20.32	-\$2.60
2015-16	\$18.63	\$21.56	-\$2.93
2016-17	\$19.58	\$20.03	-\$0.45
<i>7-Yr Total</i>	\$111.50	\$124.69	-\$13.19

SPED Program Units and MOE Thresholds and Actuals

Description	Dollars in Millions						
	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
Total SPED 910B5 Prog Units	3,317.0	3,621.5	3,444.0	3,640.9	4,068.8	4,251.1	4,445.8
MOE threshold (target)	n/a	n/a	\$11.75	\$11.96	\$12.11	\$13.00	\$13.80
MOE actual (spent)	n/a	\$11.75	\$11.96	\$12.11	\$13.00	\$13.80	tbd
Local MOE met (yes or no)		Y	Y	Y	Y	Y	

Recap

LESC SPED MOE
Reconciliation 10/24/17

- Insufficient communication from the PED on the 2011-15 LEA MOE reconciliation is an indication of the need for improved transparency, consistent communication, and increased collaboration
- We can all benefit from a full review and formalization of an improved MOE reporting and acceptance process
- Special education in the Operational budget has been underfunded for years
- Partnership will be even more important as special education student populations are beginning to decline with overall student populations and districts are becoming more cost effective in supporting IEPs, and as a result, MOE at least for SFPS may be met in future years with less dollars spent



Contact Information

Dr. Veronica C. Garcia
Superintendent of Schools
(505) 467-2003
vcgarcia@sfps.k12.nm.us





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 PUBLIC EDUCATION DEPARTMENT
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HANNA SKANDERA
 SECRETARY OF EDUCATION

SUSANA MARTINEZ
 GOVERNOR

January 16, 2015

Dr. Joel Boyd, Superintendent
 Santa Fe Public Schools
 610 Alta Vista
 Santa Fe, NM 87505

RE: Santa Fe Public Schools Maintenance of Effort (MOE) Federal Fiscal Year (FFY) 2012 (2012-2013 school year)

Dear Superintendent Boyd:

Based on the information available to the Special Education Bureau (SEB) as of the date of this letter Santa Fe Public Schools met MOE in FFY2012. The level of effort is the amount of state funds that were spent or should have been spent for the education of students with disabilities pursuant to Section 613(a)(2)(A)(iii) of the Individuals with Disabilities Education Act, Part B (IDEA B) and 34 CFR § 300.203. The required level of effort for Santa Fe Public Schools for FFY2013 is \$11,963,316.96 (unless allowable exceptions are submitted and approved as described in this letter).

Enclosed is the *MOE Verification Form* which requires Santa Fe Public Schools to: (1) review the FFY2012 MOE Executive Summary below; and (2) accept or reject the information regarding spending in FFY2012 for Santa Fe Public Schools. Please return this form, noting the acceptance or rejection including a signature to the SEB on or before February 16, 2015. The *MOE Verification Form* may be signed, scanned and emailed to Andrea.Aiello@state.nm.us or signed and faxed to (505) 954-0001 Attention: Andrea Aiello.

Failure to return the signed *MOE Verification Form* will be considered an acceptance of the information provided in the FFY2012 MOE Executive Summary.

FFY2012 MOE Executive Summary					
Required Level of Effort FFY2011 (2011-2012)	Actual Level of Effort FFY2012 (2012-2013)	Level of Effort (Reduced) or Increased	Per Capita Expenditures FFY2011	Per Capita Expenditures FFY2012	Per Capita Expenditures (Reduced) or Increased
\$11,752,604.04	\$11,963,316.96	\$210,712.92	\$5,741.38	\$5,616.58	\$(124.80)

In order to determine that a local education agency (LEA) complies with MOE requirements under 34 CFR § 300.203, and to establish the LEA's eligibility for an IDEA B subgrant award, the Public Education Department (PED) must determine the LEA's annual MOE. In order to meet the MOE requirements, a LEA's expenditures, i.e. the level of effort from state funds for the education of students with disabilities, must remain at least the same aggregate amount or per capita amount for the most recent prior year for which information is available.

The level of effort may only be reduced if an allowable exception is approved by SEB. If the LEA has documentation to show that it may have one or more of the allowable exceptions under 34 CFR § 300.204, for FFY2012 (2012-2013 school year), as described in this letter, please submit documentation with an explanation to the SEB for review no later than February 16, 2015. Documents that contain personally identifiable information cannot be sent via email and must be mailed or faxed to:

Special Education Bureau
Attention: Andrea Aiello
120 South Federal Place, room 206
Santa Fe, NM 87501
Tel: (505) 827-1457
Fax: (505) 954-0001

Failure to meet the MOE requirements under 34 CFR § 300.203, except as provided under 34 CFR §§ 300.204 and 300.205, may result in the application of the audit resolution proceedings described under 6.21.2 New Mexico Administrative Code (NMAC). If results from the 6.21.2 NMAC audit proceedings reveal that MOE noncompliance exists, PED will determine IDEA B award eligibility as required under 34 CFR § 300.203(b).

Under 34 CFR § 300.204, PED can consider certain allowable reductions to determine if a LEA meets the MOE requirement. LEAs can reduce the level of expenditures, for the education of students with disabilities below the level of expenditures for the preceding fiscal year, if the reduction is attributable to any of the following allowable exceptions:

1. The voluntary departure, by retirement or otherwise, or departure for just cause, of special education or related services personnel.
2. A decrease in the enrollment of students with disabilities.
3. The termination of the obligation of the agency, consistent with the IDEA B, to provide a program of special education to a particular student with a disability that is an exceptionally costly program as determined by the state education agency (SEA) because the child:
 - a. has left the jurisdiction of the agency;
 - b. has reached the age at which the obligation of the agency to provide Free Appropriate Public Education (FAPE) to the student has terminated; or,
 - c. no longer needs the program of special education.
4. The termination of costly expenditures for long-term purchases such as the acquisition of equipment or the construction of school facilities.
5. The assumption of cost by the high cost fund, Puente para los Niños, operated by the state under 34 CFR § 300.704(c).

For any fiscal year in which the IDEA B basic entitlement (Section 611) subgrant allocation received by a LEA exceeds the amount it received in the previous fiscal year (this excludes the Section 619 pre-school subgrant), the LEA may be eligible to reduce the level of its state fund expenditures for the education of students with disabilities by not more than 50 percent of the amount of the increase. In accordance with 34 CFR § 300.600, if PED determines that a LEA is not meeting the requirements of the IDEA B (including the targets in the State Performance Plan), PED must prohibit that LEA from reducing its MOE

under 34 CFR § 300.205. As a result, a LEA with an annual determination of “Meets Requirements” for FFY2013 (July 1, 2013 to June 30, 2014) and an increase in its IDEA B Basic subgrant funds would be eligible to reduce its MOE as per 34 CFR § 300.205.

LEA's 2012-2013 Annual Determination	2011-2012 IDEA B Basic Allocation	2012-2013 IDEA B Basic Allocation	Eligible to Reduce Level of Effort	Allowable 50% Reduction FFY2012
MEETS	\$3,280,236.00	\$3,052,195.00	NO	\$-

Please note that the amount by which a LEA can adjust its local fiscal effort under 34 CFR § 300.205 can be affected by the amount of the IDEA B Basic (Section 611) subgrant funds the LEA sets aside for Coordinated Early Intervening Services (CEIS) under 34 CFR § 300.226. For further information, see Appendix D, of the IDEA B regulations at 71 FR 46817. A LEA cannot implement a CEIS program without written approval and established budget authority from PED/SEB.

In calculating FFY2012 MOE for Santa Fe Public Schools, SEB considered expenditures from the following object codes:

- 53211 Diagnosticians – Contracted
- 53212 Speech Therapists – Contracted
- 53213 Occupational Therapists – Contracted
- 53214 Physical/Recreational Therapists – Contracted
- 53215 Psychologists/Counselors – Contracted
- 53216 Audiologists – Contracted
- 53217 Interpreters – Contracted
- 53218 Specialists – Contracted
- 53219 Special Ed, Assistants (Non-Instructional) – Contracted

In calculating FFY2012 MOE for Santa Fe Public Schools, the following job classification codes as reported under object codes 51100 (Salaries Expense), 51200 (Overtime Expense) and 51300 (Additional Compensation) were considered:

- 1311 Diagnosticians
- 1312 Speech Therapists
- 1313 Occupational Therapists
- 1314 Physical/Recreational Therapists
- 1315 Psychologists/Counselors
- 1316 Audiologists
- 1317 Interpreters
- 1318 Specialists
- 1319 Special Ed. Assistants (Non-Instructional)
- 1412 Teachers –Special Education
- 1712 Instructional Assistants – Special Education

Santa Fe Public Schools may submit other allowable expenditures that are necessary for the provision of special education and related services for consideration in determining the level of effort. SEB will determine if those expenditures will be included in the LEA's level of effort on a case-by-case basis.

The Special Education Bureau looks forward to working with you to improve the outcomes for New Mexico students receiving special education services.

FFY2012 Maintenance of Effort – Santa Fe Public Schools
January 16, 2015
Page 4 of 4

Sincerely,



Patricia Hawkins
Fiscal Manager, Special Education Bureau

Enc. (1): FFY2012 MOE Verification Form

cc: Sherryl Kraizer, Director of Special Education, Santa Fe Public Schools
Carl Gruenler, Deputy Superintendent of Business Operations, Santa Fe Public Schools

Maintenance of Effort (MOE) Verification Form

As of January 16, 2015 Santa Fe Public Schools met MOE in FFY2012. The required level of effort for FFY2013 is \$11,963,316.96, unless allowable exceptions are submitted and approved by Special Education Bureau (SEB).

Review the FFY2012 MOE Executive Summary below and either accept or reject the information regarding spending in FFY2012 for Santa Fe Public Schools. Return this form, noting your acceptance or rejection to the SEB on or before February 16, 2015. This form may be signed, scanned and emailed to Andrea.Aiello@state.nm.us or signed and faxed to (505) 954-0001 Attention: Andrea Aiello.

FFY2012 MOE Executive Summary					
Required Level of Effort FFY2011 (2011-2012)	Actual Level of Effort FFY2012 (2012-2013)	Level of Effort (Reduced) or Increased	Per Capita Expenditures FFY2011	Per Capita Expenditures FFY2012	Per Capita Expenditures (Reduced) or Increased
\$11,752,604.04	\$11,963,316.96	\$210,712.92	\$5,741.38	\$5,616.58	(\$124.80)

Failure to return the signed *MOE Verification Form* will be considered an acceptance of the information provided in the FFY2012 MOE Executive Summary, as stated above.

Accept the Actual Level of Effort for FFY2012 indicated above.

NOTE: Santa Fe Public Schools may still produce evidence of allowable exceptions pursuant to 34 CFR § 300.204, or other evidence of allowable reductions on or before February 16, 2015.

Reject the Actual Level of Effort for FFY2012 indicated above. Santa Fe Public Schools must provide SEB with supporting documentation or other evidence of a miscalculation of the Actual Level of Effort identified above on or before February 16, 2015.

Authorized Signature

Date



CARL GRUENLER <cgruenler@sfps.k12.nm.us>

Local MOE Reconciliation

6 messages

Aguilar, Paul J, PED <PaulJ.Aguilar@state.nm.us>
To: "Garcia, Veronica C." <vcgarcia@sfps.k12.nm.us>
Cc: "Gruenler, Carl" <cgruenler@sfps.k12.nm.us>

Fri, Sep 29, 2017 at 4:08 PM

Good afternoon Superintendent,

As you may know, today is my last day with the PED and I wanted to get information to you before I depart. It was my intent to visit with you personally but time has gotten away from me. As such, I am reaching out by email.

I have been trying to get local special Ed MOE reconciled for about the last three years and have run into some internal roadblocks. These have been cleared up and we have recently completed the reconciliation of local MOE for the 10-11, 11-12, 12-13, 13-14 and 14-15 school years. This work led to considerable reductions in the liability for school districts, however some liability still exists. For your district, that amount is \$5,032.00.

You will be receiving a letter from my office in the next week explaining the liability and the terms of paying it back. Although the delay in reconciling was the fault of my office the liability still exists and needs to be returned by your district to the U.S. Department of Education. Since the delay is our fault, you are being given the option of paying the entire amount in the current school year or dividing it up between this school year and next school year, the decision is yours. I apologize for the delay and wish to thank you in advance for your attention to this matter. If you have questions, please direct them to Deborah Dominguez-Clark, State Director of Special Education at Deborah.Clark@state.nm.us or at 505-827-1423

Best,

Paul

Hipolito "Paul" Aguilar

Deputy Secretary, Finance & Operations

New Mexico Public Education Department

[300 Don Gaspar, Room 224](#)

[Santa Fe, NM 87501](#)

SECTION II - Conditional Approval for Current Grant Year

Complete this section **only if** the LEA received conditional approval for the current grant year (2017-2018), select the appropriate statement(s) from each drop-down menu below. Otherwise, **leave blank**:

Conditional Approval Related to Assurances in Section III.B

N/A

Conditional Approval Related to Other Issues

Due to time constraints, the LEA is not yet able to upload Board Meeting Agenda and Minutes in WebEPSS but will do so no later than August 30, 2017.

SECTION III - Plan of Assurances

All the applicable assurances sections **must be completed** in SECTION III - Plan of Assurances. If an LEA is found ineligible the LEA will be notified and afforded the opportunity for a hearing in accordance with 34 CFR §300.221.

A. Federal Program General Assurances

Select **Yes** from the drop-down menu next to the applicable statement below: **Only item 1 OR 2 must be selected.**

Yes

1. The LEA provides assurances that it meets all eligibility requirements of Part B of the Individuals with Disabilities Education Act (IDEA-B) and the IDEA-B regulations. (20 USC 1413(a); 34 CFR §§ 300.201 through 300.213) These assurances are found in Section III of this Application. The LEA or State agency completed and has already submitted to the New Mexico Public Education Department's (PED) Special Education Bureau (SEB) a formal record of the LEA's School District Board's or Governing Body's adoption of special education policies and procedures that are consistent with State policies and procedures established under 34 CFR §§ 300.101 through 300.163 and §§ 300.165 through 300.174.

2. The LEA **cannot** provide assurances for all eligibility requirements of IDEA-B. The LEA has determined that it is unable to make the assurance that it has, in effect, policies and procedures that are consistent with State policies and procedures established under 34 CFR §§ 300.101 through 300.163 and §§ 300.165 through 300.174. However, the LEA assures that throughout the period of this sub-grant award the LEA will operate programs consistent with the requirements of IDEA-B and the IDEA-B regulations. The LEA will make such changes to policies and procedures as necessary to bring itself into compliance with the requirements of IDEA, as amended, as soon as possible, and **not later than June 30, 2017.**

B. Other Federal Assurances

The LEA must make the following assurances that it meets each of the conditions required by Part B of the Individuals with Disabilities Education Act, Part B (IDEA-B), (34 CFR §§ 300.201 through 300.213).

Select **Yes** from the drop-down menu for 1a or **enter a date** for 1b. **Only complete 1 section, 1a OR 1b.**

Yes

1a. The LEA, in providing for the education of children with disabilities within its jurisdiction, has in effect policies, procedures, and programs that are consistent with the State policies and procedures established under the IDEA Part B regulations at 34 CFR §§300.101 through 300.163, and §§300.165 through 300.174. (20 U.S.C. 1413(a)(1); 34 CFR § 300.201)

*The signed approved minutes by the Local Board of Education or Governing Council showing approval of the amended policies and procedures are required and must be uploaded in WebEPSS. **Submit minutes only if the policies and procedures were amended.***

1b. If assurance cannot be given for item 1a, please provide date on which applicant will provide proof of amended policies and procedures to the SEB, in order to provide assurance. Date provided may be **no later than June 30, 2017.** For new state-chartered charter schools no later than December 15, 2017.

LEAs must provide assurance for Items 2 through 6, 7a or 7b, 8a or 8b, and 9 through 12.

Select **Yes** for items 2 and 4-6 from each of the drop-down menus, enter an **amount** in item 3 below:

Yes 2. Amounts provided to the LEA under IDEA-B;
 (1) will be expended in accordance with the applicable provisions of IDEA-B;
 (2) will be used only to pay the excess costs of providing special education and related services to children with disabilities, consistent with 34 CFR § 300.202(b) and the calculations specified in the excess cost tab of this funding application; and
 (3) will be used to supplement State, local, and other Federal funds and not to supplant those funds.
 (20 U.S.C. 1413(a)(2)(A); 34 CFR § 300.202)

\$ 13,799,459.00 3. Please enter Maintenance of Effort (MOE) Amount (for the year which auditable numbers are available per 34 CFR § 300.203(b)) - Except as provided in 34 CFR §§ 300.204 and 300.205, funds provided to the LEA under IDEA- B will 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.
 (20 U.S.C. 1413(a)(2)(A); 34 CFR § 300.203)

Yes 4. To the extent the LEA uses IDEA-B funds to carry out a school-wide program under section 1114 of the Elementary and Secondary Education Act, the LEA will use those funds consistent with 34 CFR § 300.206, and the LEA will meet all other requirements of IDEA-B, including ensuring that children with disabilities in school-wide 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 IDEA-B.
 (20 U.S.C. 1413(a)(2)(D); 34 CFR § 300.206)

Yes 5. The LEA will ensure that all personnel necessary to carry out Part B of the Act are appropriately and adequately prepared, subject to the requirements of 34 CFR §300.156 (related to personnel qualifications) and section 2122 of the ESEA.
 (20 U.S.C. 1413(a)(3); 34 CFR § 300.207)

Yes 6. To the extent the LEA uses IDEA-B funds to carry out any of the permissive uses described in 34 CFR § 300.208, such funds will be used consistent with 34 CFR § 300.208.
 (20 U.S.C. § 1413(a)(4); 34 CFR § 300.208)

Select **Yes** for 7a **OR** 7b, as applicable. If not applicable select **N/A**.

N/A 7a. In carrying out IDEA-B and the IDEA-B regulations with respect to charter schools that are public schools of the LEA, the LEA will:
 (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 IDEA-B 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.
 The LEA will be responsible for ensuring that IDEA-B requirements are met in each public charter school that is a school of the LEA, unless State law assigns that responsibility to another entity.
 (20 U.S.C. 1413(a)(5); 34 CFR § 300.209)

Yes 7b. If a public charter school, chartered by the Public Education Commission (PEC), is an LEA applying for IDEA-B funding under 34 CFR § 300.705, the LEA that is a public charter school will be responsible for ensuring that the IDEA-B requirements are met, unless State law has assigned that responsibility to some other entity.
 (20 U.S.C. 1413(a)(5); 34 CFR § 300.209)

Select **Yes** for either 8a *OR* 8b. *If 8b is selected a memo describing the applicant's plan of action to accomplish this assurance must be uploaded to WebEPSS along with the application.*

Yes 8a. The LEA has chosen to coordinate with the National Instructional Materials Access Center (NIMAC), when purchasing print instructional materials, and will acquire those instructional materials in the same manner, and subject to the same conditions as the SEA under 34 CFR §300.172 and 6.75.4.9 NMAC.
(20 U.S.C. 1413(a)(6); 34 CFR § 300.210)

8b. Nothing in 34 CFR § 300.210 shall be construed to require an LEA to coordinate with the NIMAC. The LEA has chosen not to coordinate with the NIMAC but assures that it will provide instructional materials to blind persons or other persons with print disabilities in a timely manner.
(20 U.S.C. 1413(a)(6); 34 CFR § 300.210)

Select **Yes** for Items 9-12, from each of the drop-down menus below: **Yes** is required for all items.

Yes 9. The LEA will 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 34 CFR §300.172(e)(1)(i) or who need materials that cannot be produced from NIMAC files, receive those instructional materials in a timely manner.
(20 U.S.C. 1413(a)(6); 34 CFR § 300.210)

Yes 10. The LEA will provide the PED with information needed to enable the PED to carry out its duties under IDEA-B, including, with respect to 34 CFR § 300.157 and § 300.160, information relating to the performance of children with disabilities participating in programs carried out under IDEA-B.
(20 U.S.C. 1413(a)(7); 34 CFR § 300.211)

Yes 11. The LEA will make available to parents of children with disabilities and to the general public all documents relating to the eligibility of the agency under IDEA-B.
(20 U.S.C. 1413(a)(8); 34 CFR § 300.212)

Yes 12. The LEA will cooperate in the Secretary of the U.S. Department of Education's efforts under section 1308 of the ESEA 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.
(20 U.S.C. 1413(a)(9); 34 CFR § 300.213)

C. Other Assurances

Select Yes for Items 13-20, from each of the drop-down menus below: Yes is required for all items.							
Yes	<p>13. The LEA assures that any P.L. 81-874 (impact aid) add-on funds which it may receive for the benefit of students with disabilities will be spent in accordance with the federal regulations governing that program.</p>						
Yes	<p>14. Federal Program General Assurances: The LEA has Federal Program General Assurances on file with the PED. The applicant acknowledges that the Federal Program General Assurances are incorporated herein by reference as though fully set forth herein. These assurances include:</p> <ul style="list-style-type: none"> - Assurances - NON-CONSTRUCTION PROGRAMS (if applicable) - General Education Provisions Act Assurances <p>If the applicant does not have the assurances mentioned above on file with the PED, the applicant must submit such signed assurances with this application. Civil rights assurances must be filed with the U.S. Department of Education's Office for Civil Rights (ED's OCR), if the applicant has not filed these assurances with ED's OCR, the applicant will file such assurances.</p>						
Yes	<p>15. The LEA will provide accurate, valid and timely data to the PED deemed necessary by the PED to carry out its duty to determine if significant discrepancies that may exist between the rates of long-term suspensions and expulsions of children with and without disabilities or any other information that may be required by the PED or the U.S. Department of Education. [20 U.S.C. 1412(a)(22), 1418(a); 34 CFR §§ 300.211; 300.640 through 300.646]</p>						
Yes	<p>16. The LEA shall use fiscal control and fund accounting procedures that ensure proper disbursement of and accounting for Federal funds. (34 CFR § 76.702)</p>						
Yes	<p>17. As per 6.31.2.11(A)(3) NMAC, each public agency shall develop and implement appropriate policies and procedures to ensure a smooth and effective transition from Part C to Part B programs for preschool children with disabilities within the agency's educational jurisdiction, in compliance with 34 CFR Sec. 300.124. The Part C lead agency must share the directory information of potentially eligible students with their LEA(s). Each LEA and other public agencies as appropriate shall make reasonable efforts to establish productive working relations with local Part C programs and when given reasonable notice shall participate in the transition planning conferences arranged by local Part C providers. The process of sharing this data must be completed in a Memorandum of Understanding (MOU) or Interagency Agreement between both the LEA and Part C lead agency. (Not applicable to State Supported Schools without preschool.)</p>						
Yes	<p>18. LEAs may provide Part B funds, through MOUs, with the tribes to assist them in coordinating child find and providing direct services to preschool children with disabilities aged three through five living on reservations. However, the LEA remains responsible for conducting child find and making a free appropriate public education available to those preschool children. LEAs and public agencies serving preschool children with disabilities on reservations must negotiate equitable arrangements through joint powers agreements or memorandums of understanding or interstate agreements for sharing funding and other resources available for the educational services of the preschool children with disabilities. In order to provide seamless services to the preschool children living on reservations, such agreements shall include provisions with regard to resolving disputes between all parties to the agreement. (A copy of the signed agreement must be submitted with your local IDEA-B sub-grant application. Any revisions made to the agreement must be submitted to the SEB.) Please upload MOUs with tribes to WebEPSS.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 70%;">List all tribes in the LEAs jurisdiction: (If applicable)</th> <th style="width: 30%;">Date of MOU with listed tribe:</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	List all tribes in the LEAs jurisdiction: (If applicable)	Date of MOU with listed tribe:				
List all tribes in the LEAs jurisdiction: (If applicable)	Date of MOU with listed tribe:						
Yes	<p>19. The LEA provides equitable access and participation in all IDEA program benefits and activities, regardless of gender, race, national origin, color, disability, and age. (20 USC 1228a)</p>						
Yes	<p>20. The LEA provides assurance that there is a process and procedure in place to obtain one time only consent to access Medicaid and private insurance and that there is a yearly review so that notice is given annually to parents that have given the one time consent. (20 USC 1412(a)(12); 34 CFR § 300.154(d)(2)(iv) and (v); 6.31.2.9(B)(7)(b) NMAC</p>						

D. Certifications

applicant must provide certification for Items 1 AND 2 below. Select **Yes** from each of the drop-down menus below:

Yes

1. The applicant certifies that no Federal appropriated funds have been 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 the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement. The applicant shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," when required (34 CFR Part 82, Appendix B).

Yes

2. As required by Executive Order 12549, Department and Suspension, and implemented at 34 CFR Part 85, for prospective participants in all lower tier transactions meeting the threshold and tier requirements stated at 34 CFR Part 85, Section 85.110-

A. The applicant certifies that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, 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 or 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 paragraph (2)(b) of this certification;
- (d) have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default; and

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

