

American Rescue Plan (ARP) ESSER Assurances
Marion County (375) Public District - FY 2021 - American Rescue Plan (ARP) ESSER Assurances - Rev 0
Local Education Agency Application for American Rescue Plan Elementary and Secondary School Emergency Relief Fund (ARP ESSER) As part of the ongoing monitoring of the American Rescue Plan Act, 2021 (ARP), and the Elementary and Secondary School Emergency Relief Fund, the Kentucky Department of Education is required to comply with Section 442 of the General Education Provisions Act (20 U.S.C. 1232e).
☐ * The applicant assures that it will operate consistent with the requirements of Section 442 of the General Education Provisions Act (GEPA) (20 U.S.C. 1232e). The applicant assures that: (1) The local educational agency will administer the program covered by the application in accordance with all applicable statutes, regulations, program plans, and applications; (2) The control of funds provided to the local educational agency under this program and title to property acquired with those funds, will be in a public agency and that a public agency will administer those funds and property; (3) The local educational agency will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, federal funds paid to that agency under this program; (4) The local educational agency will make reports to the State agency or board as may reasonably be necessary to enable the State agency or board to perform their duties and that the local educational agency will maintain such records, including the records required under Section 443 of GEPA (20 U.S.C. 1232f), and provide access to those records, as the State agency or board deem necessary to perform their duties; (5) The local educational agency will provide reasonable opportunities for the participation by teachers, parents, and other interested agencies, organizations, and individuals in the planning for and operation of this program; (6) Any application, evaluation, periodic program plan or report relating to this program will be made readily available to parents and other members of the general public; (7) In the case of any project involving construction: (a) the project is not inconsistent with overall State plans for the

construction of school facilities, and (b) in developing plans for construction, due consideration will be given to excellence of architecture and design and to compliance with standards prescribed by the Secretary under Section 794 of Title 29 (29 U.S.C. Sec. 794) in order to ensure that facilities constructed with the use of federal funds are accessible and usable by individuals with disabilities;

(8) The local educational agency has adopted effective procedures for acquiring and disseminating to teachers and administrators participating in this program significant information from educational research, demonstrations, and similar projects, and for adopting, where appropriate, promising educational practices developed through such projects; and

9) The local educational agency assures that none of the funds expended under this program will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity or its employees or any affiliate of such an organization.

☐ *** To the extent applicable, depending on the applicant's planned use of the funds, the applicant assures compliance with Section 427 of GEPA (20 U.S.C. 1228a):**

1) The purpose of this Section 427 of GEPA is to assist the U.S. Department of Education in implementing the Department's mission to ensure equal access to education and to promote educational excellence throughout the nation, by -

- ensuring equal opportunities to participate for all eligible students, teachers, and other program beneficiaries in any project or activity carried out under an applicable program; and
- promoting the ability of such students, teachers, and beneficiaries to meet high standards.

2) The applicant will take steps to ensure equitable access to, and equitable participation in, the project or activity to be conducted with ESSER grant funds, by addressing the special needs of students, teachers, and other program beneficiaries in order to overcome barriers to equitable participation, including barriers based on gender, race, color, national origin, disability, and age.

☐ *** Further, the applicant assures that:**

1) The local educational agency must be registered with the System for Awards Management and maintain an active

registration.

2) The local educational agency will use ARP ESSER funds for activities allowable under Section 2001(e) of the American Rescue Plan Act, 2021 (ARPA) and will reserve at least 20% of ARP ESSER funds to address learning loss through the implementation of evidence-based interventions.

3) The local educational agency will comply with the maintenance of equity provision in section 2004(c) of the ARP.

4) The local educational agency upon receiving ARP ESSER funds will either: (a) within 30 days of receipt of the funds, will develop and make publicly available on the LEA's website a plan for the safe return of in-person instruction and continuity of services as required in section 2001(i)(1) of the ARP, or in ED's Interim Final Requirements, or (b) developed and made publicly available on the LEA's website such a plan that meets statutory requirements before the enactment of the ARP that meets ARP requirements. (ARP was enacted March 11, 2021).

5) The local educational agency sought public comment on the plan and took such comments into account in the development of the plan.

6) The local educational agency will comply with all reporting requirements at such time and in such manner and containing such information as the KDE or the U.S. Department of Education may reasonably require including on matters such as:

- How the LEA is developing strategies and implementing public health protocols including, to the greatest extent practicable, policies and plans in line with the CDC guidance related to addressing COVID-19 in schools;
- Overall plans and policies related to State support for return to in-person instruction and maximizing in-person instruction time, including how funds will support a return to and maximize in-person instruction time, and advance equity and inclusivity in participation in in-person instruction;
- Data on each school's mode of instruction (remote, hybrid, in-person) and conditions;
- LEA uses of funds to meet students' social, emotional, and academic needs, including through summer enrichment programming and other evidence-based interventions, and how they advance equity for underserved students;
- LEA uses of funds to sustain and support access to early childhood education programs;
- Impacts and outcomes (disaggregated by student subgroup) through use of ARP ESSER funding (e.g., quantitative and qualitative results of ARP ESSER funding, including on personnel, student learning, and budgeting at the school and district level);

- Student data (disaggregated by student subgroup) related to how the COVID-19 pandemic has affected instruction and learning;
- Requirements under the Federal Financial Accountability Transparency Act (FFATA); and
- Additional reporting requirements as may be necessary to ensure accountability and transparency of ARP ESSER funds.

7) Records pertaining to the ARP ESSER award under 2 C.F.R. § 200.334 and 34 C.F.R. § 76.730, including financial records related to use of grant funds, will be retained separately from other grant funds, including funds an LEA receives under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) and the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSA Act). The LEA will cooperate with any examination of records with respect to such funds by making records available for inspection, production, and examination, and authorized individuals available for interview and examination, upon the request of (i) ED and/or its Inspector General; or (ii) any other federal agency, commission, or department in the lawful exercise of its jurisdiction and authority.

8) The local educational agency will comply with all applicable assurances in OMB Standard Forms 424B and D (Assurances for Non-Construction and Construction Programs), including the assurances relating to the legal authority to apply for assistance; access to records; conflict of interest; merit systems; nondiscrimination; Hatch Act provisions; labor standards; flood hazards; historic preservation; protection of human subjects; animal welfare; lead-based paint; Single Audit Act; and the general agreement to comply with all applicable Federal laws, executive orders and regulations.

9) The local educational agency with respect to the certification regarding lobbying in Department Form 80-0013, no Federal 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 the making or renewal of Federal grants under this program; the SEA will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," when required (34 C.F.R. Part 82, Appendix B); and the SEA will require the full certification, as set forth in 34 C.F.R. Part 82, Appendix A, in the award documents for all subawards at all tiers.

10) The local educational agency will comply with all applicable requirements of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (sometimes referred to as the Uniform Guidance, or the Uniform Grant Guidance (UGG)).

11) The local educational agency will comply with the provisions of all applicable acts, regulations and assurances; the following provisions of Education Department General Administrative Regulations (EDGAR) 34 CFR parts 76, 77, 81,

82, 84, 97, 98, and 99; the OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485; and the Uniform Guidance in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.

12) The local educational agency will submit quarterly CDIP reports using MUNIS Project number 473G for district allocation expenses under the same allowable uses as ESSER I and II and 473GL for the 20% of the district allocation for learning loss Deadlines for each quarter are October 25, January 25, April 25 and July 25.

13) In an effort to provide adequate monitoring, while attempting to minimize reporting requirements for local educational agencies, the Kentucky Department of Education will require all reporting in GMAP. Local educational agencies shall complete a Spending Plan Template in GMAP by July 31, 2021. The Spending Plan Template shall outline the intended uses of the ARP ESSER Funding. Also, local educational agencies shall complete an Annual Report Template in GMAP. The deadline has not yet been established for the ARP ESSER Annual Report. Local educational agencies will be notified as soon as KDE receives information regarding the ARP ESSER Annual Report deadline. The ARP ESSER Annual Report shall summarize how the ESSER funds were used since the award was made.

Additional reporting may be required as more guidance is received from USED.