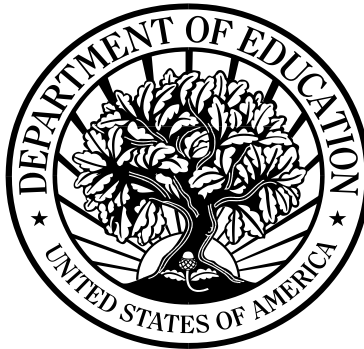


U.S. Department of Education

Certification and Agreement for Funding under the Education Stabilization Fund Program Elementary and Secondary School Emergency Relief Fund (ESSER Fund)

CFDA Number: 84.425D



OMB Number: 1810-0743
Expiration Date: 10/31/2020

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The OMB control number for this information collection is 1810-0743. The time required to complete this information collection is estimated to average 5 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is required to obtain benefit under the Coronavirus Aid, Relief, and Economic Security Act. If you have any comments concerning the accuracy of the time estimate, suggestions for improving this individual collection, or if you have comments or concerns regarding the status of your individual form, application or survey, please contact Christopher Tate, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Ave., S.W., Room 3E229, Washington, D.C. 20202 directly.

PROGRAM BACKGROUND INFORMATION

Purpose

Under the Elementary and Secondary School Emergency Relief Fund (ESSER Fund), the Department awards grants to State educational agencies (SEAs) for the purpose of providing local educational agencies (LEAs), including charter schools that are LEAs, with emergency relief funds to address the impact that Novel Coronavirus Disease 2019 (COVID-19) has had, and continues to have, on elementary and secondary schools across the nation. LEAs must provide equitable services to students and teachers in non-public schools as required under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act).

Eligibility

SEAs in any of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

Timeline

The SEA will have one year, from the date of its ESSER award, to award funds. Any funds not awarded by the SEA within one year of receiving its award will be returned to the Department to be reallocated to other States consistent with the CARES Act.

Uses of Funds

SEAs:

The SEA must use no less than 90 percent of its allocation to make subgrants to LEAs, including charter schools that are LEAs, based on each LEA's share of funds received under part A of title I of the ESEA in fiscal year 2019. With the funds not subgranted to LEAs, the SEA may reserve up to an amount equal to $\frac{1}{2}$ of 1 percent of the total allocation for administrative costs, and the remaining funds may be used for emergency needs as determined by the SEA to address issues responding to COVID-19. These emergency needs may be addressed through the use of grants or contracts.

LEAs:

LEAs may use funds for any purposes listed in section 18003(d) of the CARES Act. (See Appendix A.)

Program Contact

For additional information, please contact Christopher Tate by telephone at (202) 453-6047 or by email at ESSERF@ed.gov.

CERTIFICATION AND AGREEMENT INSTRUCTIONS

To receive an ESSER Fund allocation, SEAs must submit to the Department the following information:

- A completed cover sheet that includes the signature of the Chief State School Officer or authorized representative. *(Part A of the Certification and Agreement)*
- Programmatic, fiscal, and reporting assurances. *(Part B of the Certification and Agreement)*
- Information on the uses of ESSER funds. *(Part C of the Certification and Agreement)*
- Other assurances and certifications. *(Part D of the Certification and Agreement)*

For purposes of this document, the term “Certification and Agreement” is the application that an SEA is required to file under section 18003(a) of Division B of the CARES Act.

Certification and Agreement Submission Information

An SEA must submit a Certification and Agreement to the Department no later than July 1, 2020.

Please submit your Certification and Agreement to the Department as follows:

Email an electronic version of the ESSER Fund Certification and Agreement in .PDF (Portable Document Format) to ESSERF@ed.gov.

APPENDICES

- Appendix A – Authorizing Statute
- Appendix B – State Allocation Table

ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND (ESSER FUND)

STATE EDUCATIONAL AGENCY

PART A: CERTIFICATION AND AGREEMENT COVER SHEET

State: CFDA Number: 84.425D
Legal Name: DUNS Number:
Chief State School Officer: Mailing Address:

State Contact for Elementary and Secondary School Emergency Relief Fund: Position and Office: Mailing Address: Telephone: Email address:
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To the best of my knowledge and belief, all the information and data in this agreement are true and correct. I acknowledge and agree that the failure to comply with all Assurances and Certifications in this Agreement, all relevant provisions and requirements of the CARES Act, Pub. L. No. 116-136 (March 27, 2020), or any other applicable law or regulation may result in liability under the False Claims Act, 31 U.S.C. § 3729, *et seq.*; 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 18 USC § 1001, as appropriate.

Chief State School Officer or Authorized Representative (Typed Name): Telephone:

Signature of Chief State School Officer or Authorized Representative: Date:

Kirsten Baesler

PART B: PROGRAMMATIC, FISCAL, AND REPORTING ASSURANCES

The [Chief State School Officer or his/her authorized representative] assures the following:

1. The SEA will allocate no less than 90 percent of the grant funds under this program to local educational agencies (LEAs) (including charter schools that are LEAs) in the State. Under the ESSER Fund, the SEA will award grants by formula to State educational agencies (SEAs) for the purpose of providing LEAs, including charter schools that are LEAs, with emergency relief funds to address the impact that the Novel Coronavirus Disease 2019 (COVID-19) has had, and continues to have, on elementary and secondary schools across the Nation. This includes both continuing to provide educational services, such as remote learning, while schools and campuses are closed, and developing and implementing plans for the return to normal operations. The SEA will allocate these funds to LEAs on the basis of their respective shares of funds received under title I, part A of the Elementary and Secondary Education Act of 1965 in fiscal year 2019.
2. The SEA will use the remaining funds (hereafter SEA reserve) for emergency needs as determined by the SEA to address issues related to COVID-19, which may be addressed through the use of grants or contracts. From an SEA's reserve, the SEA may use not more than 1/2 of 1 percent of the SEA's total grant for administrative costs.
3. The SEA will ensure that LEAs use ESSER funds for activities allowable under section 18003(d) of Division B of the CARES Act. (See Appendix A.)
The Department generally does not consider the following to be an allowable use of ESSER funds, under any part of 18003: 1) subsidizing or offsetting executive salaries and benefits of individuals who are not employees of the SEA or LEAs or 2) expenditures related to state or local teacher or faculty unions or associations.
4. The SEA will ensure that LEAs receiving ESSER funds will provide equitable services to students and teachers in non-public schools as required under 18005 of Division B of the CARES Act.
5. The SEA will ensure that an LEA receiving ESSER funds will provide equitable services to students and teachers in non-public schools located within the LEA in the same manner as provided under section 1117 of the ESEA, as determined through timely and meaningful consultation with representatives of non-public schools.
 - The SEA will ensure that a public agency will maintain control of funds for the services and assistance provided to a non-public school under the ESSER Fund.
 - The SEA will ensure that a public agency will have title to materials, equipment, and property purchased with ESSER funds.
 - The SEA will ensure that services to a non-public school with ESSER funds will be provided by a public agency directly, or through contract with, another public or private entity.
6. The SEA will comply with the maintenance of effort provision in Section 18008(a) of Division B of the CARES Act absent waiver by the Secretary pursuant to Section 18008(b) thereof.
7. The SEA and each LEA and any other entity that receives ESSER funds will, to the greatest extent practicable, continue to compensate its employees and contractors during the period of

any disruptions or closures related to COVID-19 in compliance with Section 18006 of Division B of the CARES Act. In addition, each entity that accepts funds will continue to pay employees and contractors to the greatest extent practicable based on the unique financial circumstances of the entity. CARES Act funds generally will not be used for bonuses, merit pay, or similar expenditures, unless related to disruptions or closures resulting from COVID-19.

8. The SEA must assure that, when applicable, it will provide technical assistance to LEAs on the use of ESSER funds for remote learning, which includes both distance education as defined in section 103(7) of the HEA and distance learning as defined in ESEA section 8101(14), so that students can continue learning during school closures.
9. The SEA will comply with all reporting requirements, including those in Section 15011(b)(2) of Division B of the CARES Act, and submit required quarterly reports to the Secretary at such time and in such manner and containing such information as the Secretary may subsequently require. (See also 2 CFR 200.327-200.329). The Secretary may require additional reporting in the future, which may include: the methodology LEAs will use to provide services or assistance to students and staff in both public and non-public schools, the uses of funds by the LEAs or other entities and demonstration of their compliance with Section 18003(d), such as any use of funds addressing the digital divide, including securing access to home-based connectivity and remote-use devices, related issues in supporting remote learning for all students, including disadvantaged populations.
10. The SEA will submit to the Department, within 60 days of receiving ESSER funds, a report that will include:
 - A budget for the SEA’s reserve that includes information about the up to 1/2 of 1 percent of the SEA’s total grant for administrative costs and the uses of funds for emergency needs to address issues related to COVID-19; and
 - An Internal Control and Subrecipient Monitoring Plan to ensure that funds are used for allowable purposes in accordance with cash management principles.
11. The SEA will ensure that every recipient and subrecipient of ESSER funds 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) the Department and/or its Inspector General; or (ii) any other federal agency, commission, or department in the lawful exercise of its jurisdiction and authority.
12. The SEA will return to the Secretary any funds received under the ESSER Fund that the SEA does not award within 1 year of receiving such funds.

Chief State School Officer or Authorized Representative (Printed Name):

Signature:	Date:
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PART C: USES OF ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUNDS

Section 18003 of Division B of the CARES Act provides in relevant part that grants awarded under the Elementary and Secondary School Emergency Relief Fund be used to support the ability of local educational agencies (LEAs) to continue to provide educational services to their students. The Department requests the following:

- 1. Information that the SEA may request LEAs to include in their subgrant applications to the SEA. For example, an SEA might propose to include the following in developing its subgrant application:**
 - **How the LEA will determine its most important educational needs as a result of COVID19.**
 - **The LEA’s proposed timeline for providing services and assistance to students and staff in both public and non-public schools.**
 - **The extent to which the LEA intends to use ESSER funds to promote remote learning.**
 - **How the LEA intends to assess and address student learning gaps resulting from the disruption in educational services. The above considerations are in addition to the application information requirements from sections 442 and 427 of the General Education Provisions Act (GEPA) (20 U.S.C. § 1232e and § 1228a).**

It is going to be imperative for the North Dakota Department of Public Instruction (NDDPI) to provide a simple, expedited process for our LEAs to apply for the Elementary and Secondary School Emergency Relief (ESSER) funds, similar to the simplified State application package. This unprecedented national emergency has created many urgent needs in all North Dakota districts and communities. It is a priority for the NDDPI to quickly get this funding out to our LEAs.

The NDDPI has begun working on our LEA “Certification and Assurances” package. This package will require LEAs to address all information required as outlined in the State application package. In addition, our plans are to have LEAs complete two narrative questions. The first narrative asks LEAs to identify their intended use of these ESSER funds. We have created a checklist of all allowable activities as identified in the federal statute. LEAs will check which area(s) they anticipate spending these dollars and then provide a detailed description for each item checked. The second narrative asks LEAs to identify their plans for meeting each student’s learning needs when they return to the classroom.

- 2. The extent to which the SEA intends to use any portion of its SEA reserve (up to 10 percent of its ESSER Fund award) to support:**
 - **technological capacity and access – including hardware and software, connectivity, and instructional expertise – to support remote learning. If so, please describe the strategies the SEA intends to use to serve disadvantaged populations listed in Sec. 18003(d)(4) of the CARES Act; and**
 - **remote learning by developing new informational and academic resources and expanding awareness of, and access to, best practices and innovations in remote learning and support for students, families, and educators.**

The NDDPI has engaged in initial conversations regarding the potential use of our SEA reserve included as part of the ESSER funds. We are working on a statewide survey which will be sent to multiple stakeholders to gather input on how to best utilize these funds. At this time, the NDDPI has identified some potential uses of these funds as it pertains to the areas identified below:

- **Technological Capacity and Access:** The Dakota Carrier Network (DCN) and the Broadband Association of North Dakota have been surveying which student homes have, and which ones do not have, broadband service. With North Dakota schools turning to distance education, it is crucial to know which households are able to obtain broadband service through their local rural telecommunications company. DCN provides services to 15 rural telecommunications companies that cover almost all of rural North Dakota. DCN operates and maintains the broadband network. The broadband availability survey is focusing on rural areas because availability is not an issue in North Dakota's largest cities.

So far, out of 72,000 households with students in their service areas, the Broadband Association of North Dakota members have identified a relatively small number of student homes that do not have broadband subscriptions, and 99 percent of North Dakota students have access to broadband. They have identified possible solutions including provision of mobile hotspots.

As outlined, North Dakota has addressed technological capacity and access and we don't anticipate a need to spend our reserve funds in this area.

- **Remote Learning:** On March 22, 2020, Governor Doug Burgum issued Executive Order 2020-10 which ordered all public and non-public schools to remain closed until further notice and required all LEAs to develop age-appropriate distance learning plans to fulfill instructional requirements. The NDDPI has been partnering with other agencies to provide communication and technical assistance to school leaders. All 175 public K-12 districts and 40 non-public schools submitted and received approval on distance learning plans and began implementation of their unique distance learning plans by April 1, 2020. The NDDPI will continue our efforts to provide resources and support to our LEAs regarding remote learning.

Identified below are four areas where this work will continue to be implemented and where North Dakota could potentially utilize our state reserve funding:

- Resources
A team has been created to research and compile resources that can be used to support educators and families during and following COVID-19. The team is collecting and reviewing resource links gathered from emails, webinars, and local sources. While vetting, the team looks for resources that will assist our educators with the navigation of distance learning platforms and technology the districts are utilizing to support our state academic standards and effective

teaching practices. New resources will continually be vetted and placed on our website.

- Re-Entry to School Buildings

North Dakota has established a unique and innovative plan to continue education via distance learning while schools remain closed. The NDDPI has created a robust team comprised of statewide partners to create guidance on a plan for re-entry into school buildings. This guidance will address multiple topics such as academic supports, student social emotional learning, and logistical issues that take into account school funding needs. This guidance will help districts plan and prepare for either another closure or the reopening of our school buildings.

- Instructional Support

The onset of COVID-19 in North Dakota revealed how critical distance education and alternate learning frameworks are for education to continue throughout the state. These became necessary components for school districts throughout the state to continue meeting their mission in educating North Dakota's K-12 students.

With the rapid transition to distance learning, the NDDPI recognized the wide discrepancy in readiness of districts to lift this work and the equity of instruction delivery between districts. The NDDPI validated these variances in public education during the District Distance Learning Plan reviews; conversation with various coalitions, cabinets, and advocacy groups; and through the statewide survey the department plans to administer.

Additionally, moving from the very familiar structure of a traditional classroom and schedule to the flexibility of learning in a digital environment has proven to be stressful for students and families across the state.

For these reasons, the NDDPI will be partnering with the North Dakota Center for Distance Education (NDCDE) to offer instructional supports to students across the state. These supports will provide educational assistance to those students who may have fallen behind or have yet to reach grade-level standards and expectations, create additional engaging content and challenges for those students ready to move forward, and develop supplemental content for families looking to enhance the current instructional delivery methods offered by their local district.

This instructional program will provide valid measures clearly outlining student growth and progress and will tailor support to meet each student's individual academic goals. Through the ESSER funds, the NDDPI and NDCDE will provide

North Dakota students instructional support over the next year to address student needs and this unprecedented educational transition.

- Professional Development
Another potential use of our state reserve funds will be to provide high quality professional development. We anticipate a continued need to provide professional development for teachers and building leaders on improving distance or online learning pedagogy. With the uncertainty of when our students can return to our school buildings, it will be critical to provide continued training and support in best practices for remote learning.

PART D: OTHER ASSURANCES AND CERTIFICATIONS

The [Chief State School Officer or his/her authorized representative] assures or certifies the following:

1. The SEA 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.
2. 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 SEAE 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.
3. Any LEA receiving funding under this program will have on file with the SEA a set of assurances that meets the requirements of section 442 of the General Education Provisions Act (GEPA) (20 U.S.C. 1232e).
4. To the extent applicable, an LEA will include in its local application a description of how the LEA will comply with the requirements of section 427 of GEPA (20 U.S.C. 1228a). The description must include information on the steps the LEA proposes to take to permit students, teachers, and other program beneficiaries to overcome barriers (including barriers based on gender, race, color, national origin, disability, and age) that impede equal access to, or participation in, the program.
5. The SEA will comply with the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) requirements in Subpart D—Post Federal Award Requirements (2 CFR §§200.300-345) and Subpart E—Cost Principles (2 CFR §§200.400-475) to ensure that LEAs, including charter schools that are LEAs, are using ESSER funds for purposes that are reasonable, necessary, and allocable under the CARES Act.
6. The SEA and other entities 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.

Chief State School Officer or Authorized Representative (Printed Name):

Signature:	Date:
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