

**GOVERNOR'S EMERGENCY EDUCATION RELIEF FUND
PART A: CERTIFICATION AND AGREEMENT COVER SHEET
(CFDA Nos. 84.425C)**

Legal Name (Office of the Governor):

DUNS Number:

Address (Street Number and Name, City, State, Zip Code):

Contact Information for State Program Representative:
Name:

Position & Office:

Street Number and Name, City, State, Zip Code:

Telephone:

Email address:

To the best of my knowledge and belief, all of the information and data in this certification and 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 Coronavirus Aid, Relief, and Economic Security Act or 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.

Governor or Authorized Representative of the Governor (Typed Name):

Telephone:

Signature of Governor or Authorized Representative of the Governor:

Date:

Kristi Noem

GOVERNOR'S EMERGENCY EDUCATION RELIEF FUND
PART B: PROGRAMMATIC, FISCAL, AND REPORTING ASSURANCES

The Governor or his/her authorized representative assures the following:

- Solely as authorized by Section 18002 of Division B of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. No. 116-136 (March 27, 2020), and subject to all other applicable laws, funds will be used for one or more of the following:
 - To provide emergency support through grants to the local educational agencies (LEAs) that the State educational agency (SEA) deems most significantly impacted by COVID-19 to support the ability of such LEAs to continue to provide educational services to public and non-public school students and to support the on-going functionality of the LEA;
 - To provide emergency support through grants to institutions of higher education (IHEs) serving students within the State that the Governor determines have been most significantly impacted by COVID-19 to support the ability of such institutions to continue to provide educational services and support the on-going functionality of the institution; and
 - To provide support to any other IHE, LEA, or education-related entity within the State that the Governor deems essential for carrying out emergency educational services to students for authorized activities described in Section 18003(d)(1) of the CARES Act or the Higher Education Act of 1965, as amended (HEA), the provision of childcare and early childhood education, social and emotional support, and the protection of education-related jobs.
- The State 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.
- The State, and each LEA, IHE, and other education-related entity that receives GEER funds will, to the greatest extent practicable, continue to pay 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.
- The State will submit to the Department, within 45 days of receiving GEER funds, an initial report detailing the State's process for awarding those funds to LEAs, IHEs, or other education-related entities, including the criteria for determining those entities that are "most significantly impacted by coronavirus" and/or "essential for carrying out emergency educational services" and a description of the process and deliberations involved in formulating those criteria.
- The State will use its best efforts to provide grant funding on an expedited basis.
- The State 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 reasonably require in the future. (See also 2 CFR 200.327-200.329). The Secretary may require additional reporting in the future, which may include:
 - Specific entities awarded GEER funds by the Governor;
 - Uses of funds by the SEA, LEAs, IHEs, or other educational entities and demonstration of their compliance with Section 18002(c), including any use of funds was applied to support addressing digital divide and related issues in distance learning;

- The number of public and non-public schools that received funds or services; and
 - A description of the internal controls the State has in place to ensure that funds were used for allowable purposes and in accordance with cash management principles.
- Generally speaking, the Department does not expect administrative or executive salaries and benefits for IHEs, SEAs, or the other education related entities referenced at § 18002(c)(3) to be a lawful purpose for GEER funds.
- Similarly, the Department does expect increased reporting requirements if these funds are used for payments to education related entities. If a State, in the exercise of its discretion, allows GEER funds to be used accordingly, then it must report the amount of GEER funds (a) (i) used for, to subsidize, or to offset administrative or executive salaries and benefits and/or (ii) provided to or for the benefit of state, local, or IHE teacher or faculty unions or associations; and (b) a detailed description of the evidence providing a reasoned basis for the determination such funds (if any) are necessary to provide educational services to students and/or to support the on-going functionality of a LEA or IHE, or are otherwise specifically authorized by the plain statutory language and context of § 18002(c)(3) of the CARES Act.
- The State will ensure that an LEA receiving GEER 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 State will ensure that a public agency will maintain control of funds for the services and assistance provided to a non-public school under the GEER Fund.
 - The State will ensure that a public agency will have title to materials, equipment, and property purchased with GEER funds.
 - The State will ensure that services to a non-public school with GEER funds will be provided by a public agency directly, or through contract with, another public or private entity.
- The State will ensure that every recipient and subrecipient of GEER 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.
- The State will return to the Secretary any funds received under the GEER Fund that the State does not award within 1 year of receiving such funds.

Governor or Authorized Representative of the Governor (Typed Name):

Signature:

Kristi Noem

Date:

GOVERNOR’S EMERGENCY EDUCATION RELIEF FUND
PART C: USES OF GOVERNOR’S EMERGENCY EDUCATION FUNDS

Section 18002 of Division B of the CARES Act provides in relevant part that grants awarded under the Governor’s Emergency Education Relief Fund be used to support the ability of local educational agencies (LEAs) and institutions of higher education (IHEs) to continue to provide educational services to their students. The Department is interested in learning how and to what extent each State intends to use the award, or a portion of the award, to establish, develop, improve, or expand the availability, accessibility, capacity, and use of remote learning techniques and technologies which includes both distance education as defined in section 103(7) of the HEA and distance learning as defined in ESEA section 8101(14). The Department requests the following information:

1. Does the State intend to use any of the awarded funds to support remote learning for all students?
 - a. Please describe whether the State considered conducting an assessment of the barriers to implementing effective remote learning for all students, or utilizing an existing assessment, to help target resources toward greatest needs.
 - b. With respect to LEAs, please describe how the State intends to use the funds to help students and teachers adopt or improve remote learning that serves all students, including students with disabilities, students from low-income families, charter school students, and non-public school students.
 - c. With respect to IHEs, please describe how the State intends to focus expenditures to ensure that all institutions – public and private – have the needed supports to continue executing their missions and educating their students.

2. Does the State intend to use any of the awarded funds to support technological capacity and access – including hardware and software, connectivity, and instructional expertise – to support remote learning for all students? If so, please describe how the State will achieve its goals for both LEAs and IHEs.
 - a. Please describe the strategies used to serve disadvantaged populations listed in Sec. 18003(d)(4) of the CARES Act.

3. Does the State intend to use any of the awarded funds to support 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? If so, please identify, generally, the resources, best practices, and innovations that the State intends to develop and expand.

**GOVERNOR'S EMERGENCY EDUCATION RELIEF FUND
PART D: OTHER ASSURANCES AND CERTIFICATIONS**

The Governor or his/her authorized representative assures or certifies the following:

- The State 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.
- 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 State will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," when required (34 CFR part 82, Appendix B); and the State will require the full certification, as set forth in 34 CFR part 82, Appendix A, in the award documents for all subawards at all tiers.
- Any LEA receiving funding under this program will have on file with the State a set of assurances that meets the requirements of Section 442 of the General Education Provisions Act (GEPA), 20 U.S.C. 1232e.
- 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 access to, or participation in, the program.
- The State and other entities will comply with the provisions of all applicable acts, regulations, and assurances; the provisions of the Education Department General Administrative Regulations in 34 CFR parts 75, 76, 77, 81, 82, 84, 86, 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 Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.

Governor or Authorized Representative of the Governor (Typed Name):

Signature:

Kristi Noem

Date: