U.S. Department of Education

Certification and Agreement for Funding under the Education Stabilization Fund Program Outlying Areas-Governors

CFDA Number: 84.425H

PROGRAM BACKGROUND INFORMATION

Purpose
Under the Education Stabilization Fund (ESF), the U.S. Department of Education (Department) allocates funds to the Outlying Areas for the purpose of providing State educational agencies (SEAs), local educational agencies (LEAs), institutions of higher education (IHEs), and other education-related entities with emergency assistance to address the impact of the Novel Coronavirus Disease 2019 (COVID-19).

Funding
The Department will award $153,750,000 to the Outlying Areas. Of this amount, $30,750,000 (20%) is made available to Governors under this Certification and Agreement and $123,000,000 (80%) is made available to SEAs under a separate Certification and Agreement.

Of the ESF amount awarded to Outlying Area Governors under this Certification and Agreement, 60 percent is based on population ages 5-24 and 40 percent is based on the relative number of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965, as amended (ESEA). By statute, the Department used this same formula to make allocations to Governors under the Governor's Emergency Relief Fund.

For purposes of this Certification and Agreement, ESF funds awarded to Governors in the Outlying Areas will be referred to as ESF-Governor funds.

Eligibility
Governors in American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands.

Timeline
The Department encourages each Governor to award funds within one year of receipt of ESF-Governor funds. The funds must be obligated by the Governor and subgrantees no later than September 30, 2022.

Uses of Funds

1. Provide emergency support through grants to SEAs[1] and, where applicable, to LEAs to address impacts of the coronavirus in elementary and secondary schools and to support the ability of these agencies to continue to provide educational services to their students and to support the ongoing functionality of the SEA and, where applicable, LEAs;
2. Provide emergency support through grants to IHEs to address the impacts of the coronavirus on IHEs and to support the ability of such institutions to continue to provide educational services and support the ongoing functionality of the institutions; and
3. Provide support to any IHE, LEA, or education-related entity within the Outlying Area that the Governor deems essential for carrying out emergency educational services to students, the provision of childcare and early childhood education, social and emotional support, and the protection of education-related jobs.
4. Governors may use a reasonable and necessary amount of the ESF-Governor funds for administrative costs related to the allocation and management of the funds. Entities that

[1] SEAs may subgrant to LEAs, as well, where applicable.

receive ESF-Governor funds may also use a reasonable and necessary amount of the funds for administrative costs related to the management of the funds.

Contact

Email: esf.outlying@ed.gov

CERTIFICATION AND AGREEMENT INSTRUCTIONS

GENERAL INSTRUCTIONS

To receive ESF-Governor funds, a Governor must submit a signed PDF Certification and Agreement, by email, to the Department at esf.outlying@ed.gov no later than July 1, 2020. The Certification and Agreement must include the following:

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

APPENDICES

Appendix A – Authorizing Statute
Appendix B – Outlying Area Allocation Data

EDUCATION STABILIZATION FUND
OUTLYING AREAS-GOVERNORS

PART A: CERTIFICATION AND AGREEMENT COVER SHEET
(CFDA No. 84.425H)

Legal Name (Office of the Governor):

GovGuam - Department of Administration

Mailing Address:

P.O. Box 884, Hagatna, Guam 96932

DUNS Number:

778904292

Contact Information for Program Representative:

Name:

Governor Lourdes A. Leon Guerrero

Position and office:

Governor of Guam

Mailing address:

P.O. Box 2950, Hagatna, Guam 96932

Telephone:

(671) 472-8931

Email address:

governor@guam.gov

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 document, all relevant provisions and requirements of the Coronavirus Aid, Relief, and Economic Security Act (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):

Governor Lourdes A. Leon Guerrero

Telephone:

(671) 472-8931

Signature of Governor or Authorized Representative of the Governor:

Date:

9/1/2020

EDUCATION STABILIZATION FUND
OUTLYING AREAS-GOVERNORS

PART B: PROGRAMMATIC, FISCAL, AND REPORTING ASSURANCES

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

- ESF-Governor funds will be used for one or more of the following:
    - To provide emergency support through grants to SEAs and, where applicable, to LEAs to address impacts of the coronavirus in elementary and secondary schools and to support the ability of these agencies to continue to provide educational services to their students and to support the ongoing functionality of the SEA and, where applicable, LEAs;
    - To provide emergency support through grants to IHEs to address the impacts of the coronavirus on IHEs and to support the ability of such institutions to continue to provide educational services and support the ongoing functionality of the institutions; and
    - To provide support to any IHE, LEA, or education-related entity within the outlying area that the Governor deems essential for carrying out emergency educational services to students, the provision of childcare and early childhood education, social and emotional support, and the protection of education-related jobs.
- The Governor will use no more than the amount of ESF-Governor funds that is reasonable and necessary for administrative costs related to the allocation and management of the ESF-Governor funds. The Governor will ensure that entities that receive ESF-Governor funds use no more than the amount of ESF-Governor funds that is reasonable and necessary for administrative costs related to the management of those funds.
- Equitable services, as determined through timely and meaningful consultation with non-public school officials, will be provided to students and teachers in non-public elementary and secondary schools in the same manner as provided under section 8501 of the ESEA.
    - The Governor will ensure that a public agency will maintain control of ESF-Governor funds for services and assistance provided to a non-public school.
    - The Governor will ensure that a public agency will have title to materials, equipment, and property purchased with ESF-Governor funds.
    - The Governor will ensure that services to a non-public school with ESF-Governor funds will be provided by a public agency directly, or through contract with another public or private entity.
- The Outlying Area will comply with the maintenance-of-effort requirements in section 18008 of the CARES Act.
- The Governor and each SEA, LEA, IHE, or other education-related entity that receives ESF-Governor funds shall, to the greatest extent practicable, continue to pay their employees and contractors during the period of any disruptions or closures related to COVID-19 in compliance with section 18006 of the CARES Act. 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.
- The Governor will submit to the Department, within 45 days of receiving ESF-Governor funds, an initial report detailing the Governor's process for determining the amount of funds to be awarded to the SEA, LEAs, IHEs, or other education-related entities.
- The Outlying Area 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. (See 2 CFR 200.327-200.330). The Secretary may require additional reporting, which may include:

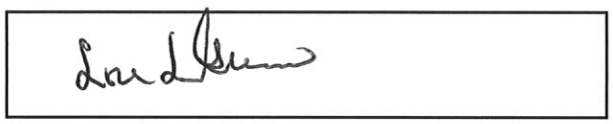
- Specific entities awarded ESF-Governor funds;
- Uses of funds by the SEA, LEAs, IHEs, or other education-related entities, as described in section 18002(c) of the CARES Act, including how any use of funds was applied to support addressing digital divide and related issues in distance learning;
- The number of public and non-public schools that received funds or services; and
- A description of the internal controls the Outlying Area has in place to ensure that funds are used for allowable purposes and in accordance with cash management principles.

- The Governor will ensure that every recipient and subrecipient of ESF-Governor 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 Governor will use best efforts to award funds on an expedited basis.

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

Governor Lourdes A. Leon Guerrero

Signature:



Date:

7/1/2020

EDUCATION STABILIZATION FUND
OUTLYING AREAS-GOVERNORS

PART C: USES OF ESF-GOVERNOR FUNDS

The Department is interested in learning how and to what extent each Outlying Area intends to use ESF-Governor funds 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 Higher Education Act of 1965, as amended (HEA), and distance learning as defined in ESEA section 8101(14). The Department requests the following information:

1. Does the Outlying Area intend to use any ESF-Governor funds to support remote learning for all students?

    a. Please describe whether the Outlying Area 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 elementary and secondary schools, please describe how the Outlying Area 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 Outlying Area intends to focus expenditures to ensure that all IHEs – public and private – have the needed supports to continue executing their missions and educating their students.

The government of Guam intends to utilize the ESF-Governor funds to promote and support the use of remote or distance learning for elementary and secondary education students, in public, charter, and private schools. Meetings between the Office of the Governor and Lieutenant Governor of Guam and the Guam Department of Education (GDOE), the University of Guam (UOG), the Guam Community College (GCC), public charter schools, and private schools have been held to understand their plans to meet the challenges associated with reopening schools during the COVID-19 pandemic as well as to assess their needs of their students and teachers. The telecommunications infrastructure and industry on Guam is robust and the offerings of network access are available for all students and teachers.

The GDOE issued a Request for Information (RFI) for community internet solutions for the GDOE, UOG, and GCC to explore current services and platforms that would help achieve goals for distance learning, explore any new technologies that provide effective community internet, gain a better understanding of the capacity of each of the respondent's companies to support the goals of distance learning, have a better understanding of the respondents' service coverage throughout Guam, and to determine estimated pricing to meet the distance learning goals for products and services that may be available.

Remote or distance learning or a hybrid approach to delivering instruction to students have been discussed by the GDOE. It is clear that a remote or distance learning strategy to delivering instruction will be

necessary. The government of Guam intends to utilize a large portion of the ESF-Governor funds for increased internet accessibility for elementary and secondary education students through subgrants to the SEA or IHEs and/or subsidies to be provided to students toward the goal of increasing internet accessibility in their households. This is intended to improve remote and distance learning capabilities and to serve all students and families in public, charter, and private schools.

Specifically for Institutions of Higher Education, the government of Guam intends on provide funding levels based upon the technology, internet, and computer student fees charged for the Fall 2020 and Spring 2021 semesters at the University of Guam (UOG), the Guam Community College (GCC), and one other private IHE on Guam. A rebate or refund of such fees of all or a portion of the fees are expected to be provided directly to students and any unused funds are expected to be utilized to augment access to network connectivity through the provision of hardware or increased network accessibility on or off campus.

2. Does the Outlying Area intend to use any of the ESF-Governor 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 Outlying Area will achieve its goals for elementary and secondary schools and IHEs. Please describe strategies the Outlying Area will use to serve disadvantaged populations listed in section 18003(d)(4) of the CARES Act.

For elementary and secondary school students, ESF-Governor funds will be used to increase and/or enhance internet connectivity in student households or provide additional opportunities in government venues and spaces for internet access. This is intended to be achieved through subgrants to the SEA and uses will be heavily informed by the results of the RFI issued by the GDOE. Expected uses for such subgrants to the SEA are direct subsidies to students toward increased internet connectivity and other uses to achieve the goal of increased internet connectivity. For IHE students, ESF-Governor funds will be used to refund or rebate all or a portion of technology fees to allow students to use such funds towards individual internet needs, with the remaining funds left to the IHEs to purchase hardware to enhance internet accessibility for students.

The government of Guam intends to use ESF-Governor funds to support the technological capacity of the Guam Educational Telecommunications Corporation, the Guam Public Library System, and the Department of Youth Affairs. These facilities, intended for public use, can provide access to resources for those individuals who otherwise lack the resources necessary to access remote learning equipment such as a computer or internet connection. By providing funds to these education-related entities, we will be able to address the unique needs of those disadvantaged populations listed in section 18003(d)(4) of the CARES Act.

3. Does the Outlying Area intend to use any of the ESF-Governor 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 Outlying Area intends to develop and expand.

In the delivery of the funds to elementary and secondary education students as well as students in IHEs, it is the intent of the government of Guam to expand awareness of best practices and innovations in remote and distance learning and support for students, families, and educators. This responsibility will be required to be conducted in coordination with the GDOE, private, and charter schools, IHEs, and other education-related entities that receive funding.

The government of Guam intends to utilize ESF-Governor funds to provide elementary and secondary schools increased internet accessibility for elementary and secondary education students through a subgrant to the SEA and to provide rebates or refunds of technology-related fees of all or a portion of the fees to be provided directly to students and any unused funds are expected to be utilized to augment access to network connectivity through the provision of hardware or increased internet accessibility on or off campus.

The Guam Educational Telecommunication Corporation intends to develop new programming and expand its ability to do so with additional equipment, in collaboration with the GDOE and other schools, to supplement and expound upon the distance learning curriculum being developed by the GDOE and other schools.

The Guam Public Library System intends to increase internet bandwidth and speed for public facilities to allow increased access to online materials being prepared by the GDOE and other schools.

The Department of Youth Affairs (DYA) provides services to hundreds of youth on Guam through youth development, counseling case management, youth correctional facilities, and cottage homes. The DYA youth correctional facility services youth in detention that still continue to receive education from the GDOE. A portion of the ESF-Governor funds are intended to increase the department's technology infrastructure and internet connectivity to provide increased accessibility to educational programming virtually, making instruction available to the department's youth in detention, especially during the COVID-19 pandemic.

EDUCATION STABILIZATION FUND
OUTLYING AREAS-GOVERNORS

PART D: OTHER ASSURANCES AND CERTIFICATIONS

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

- The Governor 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 Outlying Area will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," when required (34 CFR part 82, Appendix B); and the Outlying Area 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 comply with the requirements of section 442 of the General Education Provisions Act (GEPA), 20 U.S.C. 1232e.

- To the extent applicable, entities that receive funding will comply with the requirements of section 427 of GEPA, 20 U.S.C. 1228a.

- The Outlying Area and other recipients 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 ESF-Governor funds are being used for purposes that are reasonable, necessary, and allocable under the CARES Act.

- The Outlying Area 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):

Governor Lourdes A. Leon Guerrero

Signature: [signature]

Date: 7/1/2020

Appendix A: Relevant Excerpts from Title VIII of Division B of the CARES Act, the Emergency Appropriations for Coronavirus Health Response and Agency Operations

DEPARTMENT OF EDUCATION
EDUCATION STABILIZATION FUND
For an additional amount for "Education Stabilization Fund", $30,750,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS
EDUCATION STABILIZATION FUND
SEC. 18001. (a) ALLOCATIONS.—From the amount made available under this heading in this Act to carry out the Education Stabilization Fund, the Secretary shall first allocate—
(1) not more than 1/2 of 1 percent to the outlying areas on the basis of their respective needs, as determined by the Secretary, in consultation with the Secretary of the Interior;
(2) one-half of 1 percent for the Secretary of Interior, in consultation with the Secretary of Education, for programs operated or funded by the Bureau of Indian Education; and
(3) 1 percent for grants to States with the highest coronavirus burden to support activities under this heading in this Act, for which the Secretary shall issue a notice inviting applications not later than 30 days of enactment of this Act and approve or deny applications not later than 30 days after receipt.
(b) RESERVATIONS.—After carrying out subsection (a), the Secretary shall reserve the remaining funds made available as follows:
(1) 9.8 percent to carry out section 18002 of this title.
(2) 43.9 percent to carry out section 18003 of this title.
(3) 46.3 percent to carry out section 18004 of this title.

GOVERNOR'S EMERGENCY EDUCATION RELIEF FUND
SEC. 18002. (a) GRANTS.—From funds reserved under section 18001(b)(1) of this title, the Secretary shall make Emergency Education Relief grants to the Governor of each State with an approved application. The Secretary shall issue a notice inviting applications not later than 30 days of enactment of this Act and shall approve or deny applications not later than 30 days after receipt.
(b) ALLOCATIONS.—The amount of each grant under subsection (a) shall be allocated by the Secretary to each State as follows:

(1) 60 percent on the basis of their relative population of individuals aged 5 through 24.
(2) 40 percent on the basis of their relative number of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (referred to under this heading as "ESEA").
(c) USES OF FUNDS.—Grant funds awarded under subsection (b) may be used to—
(1) provide emergency support through grants to local educational agencies that the State educational agency deems have been most significantly impacted by coronavirus to support the ability of such local educational agencies to continue to provide educational services to their students and to support the on-going functionality of the local educational agency;
(2) provide emergency support through grants to institutions of higher education serving students within the State that the Governor determines have been most significantly impacted by coronavirus to support the ability of such institutions to continue to provide educational services and support the on-going functionality of the institution; and
(3) provide support to any other institution of higher education, local educational agency, 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 this title or the Higher Education Act, the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs.
(d) REALLOCATION.—Each Governor shall return to the Secretary any funds received under this section that the Governor does not award within one year of receiving such funds and the Secretary shall reallocate such funds to the remaining States in accordance with subsection (b).

ASSISTANCE TO NON-PUBLIC SCHOOLS
SEC. 18005. (a) IN GENERAL.—A local educational agency receiving funds under sections 18002 or 18003 of this title shall provide equitable services in the same manner as provided under section 1117 of the ESEA of 1965 to students and teachers in non-public schools, as determined in consultation with representatives of non-public schools.
(b) PUBLIC CONTROL OF FUNDS.—The control of funds for the services and assistance provided to a non-public school under subsection (a), and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds, materials, equipment, and property and shall provide such services (or may contract for the provision of such services with a public or private entity).

CONTINUED PAYMENT TO EMPLOYEES
SEC. 18006. A local educational agency, State, institution of higher education, or other entity that receives funds under "Education Stabilization Fund", shall to the greatest extent practicable, continue to pay its employees and contractors during the period of any disruptions or closures related to coronavirus.

DEFINITIONS
SEC. 18007. Except as otherwise provided in sections 18001–18006 of this title, as used in such sections—
(1) the terms "elementary education" and "secondary education" have the meaning given such terms under State law;
(2) the term "institution of higher education" has the meaning given such term in title I of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.);
(3) the term "Secretary" means the Secretary of Education;
(4) the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico;
(5) the term "cost of attendance" has the meaning given such term in section 472 of the Higher Education Act of 1965.
(6) the term "Non-public school" means a non-public elementary and secondary school that (A) is accredited, licensed, or otherwise operates in accordance with State law; and (B) was in existence prior to the date of the qualifying emergency for which grants are awarded under this section;
(7) the term "public school" means a public elementary or secondary school; and
(8) any other term used that is defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) shall have the meaning given the term in such section.

Appendix B: Outlying Areas Allocation Data
ESF-Governor Fund

OUTLYING AREA	ALLOCATION[1]
TOTAL	**$30,750,000**
AMERICAN SAMOA	$7,272,191
GUAM	$12,499,963
NORTHERN MARIANA ISLANDS	$4,777,211
VIRGIN ISLANDS	$6,200,635

[1] The allocation to the Governor of each Outlying Area is based on the formula used under the Governor Emergency Education Relief Fund (60% Aged 5-24 Population/40% Title I formula child counts)