

U.S. Department of Education

Certification and Agreement for Funding under the Education Stabilization Fund Program Outlying Areas-State Educational Agency

CFDA Number: 84.425A



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, and other education-related entities with emergency assistance as a result of the Novel Coronavirus Disease 2019 (COVID-19).

Funding

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

The ESF amount awarded to Outlying Area SEAs under this Certification and Agreement is based on the same proportion that each Outlying Area received under part A of title I of the Elementary and Secondary Education Act of 1965, as amended (ESEA), in the most recent fiscal year. By statute, the Department used this same formula to make allocations to States under the Elementary and Secondary School Emergency Relief Fund.

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

Eligibility

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

Timeline

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

Uses of Funds

SEAs, and LEAs that receive subgrants, may use ESF-SEA funds for one or more of the purposes listed in section 18003(d) of the CARES Act (See Appendix A).¹ SEAs may also use ESF-SEA funds for emergency needs to address issues responding to COVID-19. These emergency needs may be addressed through direct services or through subgrants or contracts, including subgrants to LEAs. The SEA, and LEAs that receive subgrants, may reserve a reasonable and necessary amount of funds for administrative costs.

Contact

Email: esf.outlying@ed.gov

¹ SEAs may award subgrants of ESF-SEA funds to LEAs.

CERTIFICATION AND AGREEMENT INSTRUCTIONS

GENERAL INSTRUCTIONS

To receive ESF-SEA funds, SEAs 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 Chief State School Officer or authorized representative. *(Part A)*
- Programmatic, fiscal, and reporting assurances. *(Part B)*
- Information on the uses of the ESF-SEA 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-STATE EDUCATIONAL AGENCY
PART A: CERTIFICATION AND AGREEMENT COVER SHEET
(CFDA No. 84.425A)**

State Educational Agency:

DUNS Number:

Legal Name:

Chief State School Officer:

SEA Contact for the Education Stabilization Fund:

Position and Office:

Mailing Address:

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 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.

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

Telephone:

Signature of Chief State School Officer or Authorized Representative:

Date:



**EDUCATION STABILIZATION FUND
OUTLYING AREAS-STATE EDUCATIONAL AGENCY**

PART B: PROGRAMMATIC, FISCAL, AND REPORTING ASSURANCES

The Chief State School Officer (or his/her authorized representative) assures the following:

1. The ESF-SEA funds will be used as follows:
 - By the SEA and, where applicable, LEAs, for no more than what is reasonable and necessary for administrative costs;
 - By the SEA for emergency needs to address issues responding to COVID-19; and
 - By the SEA and, where applicable, LEAs, for one or more of the purposes listed in section 18003(d) of the CARES Act (see Appendix A).
2. 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 SEA will ensure that a public agency will maintain control of ESF-SEA funds for services and assistance provided to a non-public school.
 - The SEA will ensure that a public agency will have title to materials, equipment, and property purchased with ESF-SEA funds.
 - The SEA will ensure that services to a non-public school with ESF-SEA funds will be provided by a public agency directly, or through contract with another public or private entity.
3. The Outlying Area will comply with the maintenance-of-effort requirements in section 18008 of the CARES Act.
4. The SEA and, where applicable, an LEA and any other entity that receives ESF-SEA 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 accordance 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.
5. 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 require. (See also 2 CFR 200.327-200.329). The Secretary may require additional reporting, including: the methodology LEAs will use to provide services or assistance to students and staff in both public and non-public schools; demonstration of compliance by the LEAs or other entities with the use of funds requirements referenced in paragraph 1 of this part; and the specific uses of funds by the LEAs or other entities, such as any use of funds addressing the digital divide, including securing access to home-based connectivity and remote-use devices and related issues in supporting remote learning for all students, including disadvantaged populations.
6. The SEA will submit to the Department, within 60 days of receiving ESF-SEA funds, a report that will include:

- A budget for the SEA’s uses of funds for administration and 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.
7. The SEA will ensure that every recipient and subrecipient of ESF-SEA 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.

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

Signature of Chief State School Officer or Authorized Representative:

Date:

A handwritten signature in blue ink that reads "Laquod Perry Benjamin". The signature is written in a cursive style with a large initial 'L' and 'P'.

**EDUCATION STABILIZATION FUND
OUTLYING AREAS-STATE EDUCATIONAL AGENCY**

PART C: USES OF ESF-SEA FUNDS

The Department is interested in learning how and to what extent ESF-SEA funds will be used to support the ability of elementary and secondary schools to continue to provide educational services to their students. The Department requests the following:

1. A description of how the SEA will:
 - Determine its most important educational needs as a result of COVID-19.
 - Establish a timeline for providing services and assistance to students and staff in both public and non-public schools.
 - Use ESF-SEA funds to promote remote learning.
 - Assess and address student learning gaps resulting from the disruption in educational services.

2. The extent to which the SEA intends 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 section 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.

**EDUCATION STABILIZATION FUND
OUTLYING AREAS-STATE EDUCATIONAL AGENCY**

PART D: OTHER ASSURANCES AND CERTIFICATIONS

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

- The SEA acknowledges that ESF-SEA funds awarded to the Outlying Area are subject to the fiscal year 2019 Department-wide Specific Conditions incorporated in the Grant Award Notification and will also be subject to fiscal year 2020 Department-wide Specific Conditions.
- 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.
- 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 SEA 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-SEA funds are being used for purposes that are reasonable, necessary, and allocable under the CARES Act.
- The SEA and other recipients 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):

Chief State School Officer or Authorized Representative Date:
Signature:

Racquel Berry-Benjamin

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.

ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND

SEC. 18003. (a) GRANTS.—From funds reserved under section 18001(b)(2) of this title, the Secretary shall make elementary and secondary school emergency relief grants to each State educational agency with an approved application. 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) ALLOCATIONS TO STATES.—The amount of each grant under subsection (a) shall be allocated by the Secretary to each State in the same proportion as each State received under part A of title I of the ESEA of 1965 in the most recent fiscal year.

(c) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—Each State shall allocate not less than 90 percent of the grant funds awarded to the State under this section as subgrants to local educational agencies (including charter schools that are local educational agencies) in the State in proportion to the amount of funds such local educational agencies and charter schools that are local educational agencies received under part A of title I of the ESEA of 1965 in the most recent fiscal year.

(d) USES OF FUNDS.—A local educational agency that receives funds under this title may use the funds for any of the following:

(1) Any activity authorized by the ESEA of 1965, including the Native Hawaiian Education Act and the Alaska Native Educational Equity, Support, and Assistance Act (20 U.S.C. 6301 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) (“IDEA”), the Adult Education and Family Literacy Act (20 U.S.C. 1400 et seq.), the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) (“the Perkins Act”), or subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.).

(2) Coordination of preparedness and response efforts of local educational agencies with State, local, Tribal, and territorial public health departments, and other relevant agencies, to improve coordinated responses among such entities to prevent, prepare for, and respond to coronavirus.

(3) Providing principals and other school leaders with the resources necessary to address the needs of their individual schools.

(4) Activities to address the unique needs of low-income children or students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth, including how outreach and service delivery will meet the needs of each population.

(5) Developing and implementing procedures and systems to improve the preparedness and response efforts of local educational agencies.

(6) Training and professional development for staff of the local educational agency on sanitation and minimizing the spread of infectious diseases.

(7) Purchasing supplies to sanitize and clean the facilities of a local educational agency, including buildings operated by such agency.

(8) Planning for and coordinating during long-term closures, including for how to provide meals to eligible students, how to provide technology for online learning to all students, how to provide guidance for carrying out requirements under the Individuals with Disabilities Education Act (20 U.S.C. 1401 et seq.) and how to ensure other educational services can continue to be provided consistent with all Federal, State, and local requirements.

(9) Purchasing educational technology (including hardware, software, and connectivity) for students who are served by the local educational agency that aids in regular and substantive educational interaction between students and their classroom instructors, including low-income students and students with disabilities, which may include assistive technology or adaptive equipment.

(10) Providing mental health services and supports.

(11) Planning and implementing activities related to summer learning and supplemental afterschool programs, including providing classroom instruction or online learning during the summer months and addressing the needs of low-income students, students with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.

(12) Other activities that are necessary to maintain the operation of and continuity of services in local educational agencies and continuing to employ existing staff of the local educational agency.

(e) STATE FUNDING.—With funds not otherwise allocated under subsection (c), a State may reserve not more than 1/2 of 1 percent for administrative costs and the remainder for emergency needs as determined by the state educational agency to address issues responding to coronavirus, which may be addressed through the use of grants or contracts.

(f) REALLOCATION.—A State shall return to the Secretary any funds received under this section that the State does not award within 1 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.

MAINTENANCE OF EFFORT

SEC. 18008. (a) A State’s application for funds to carry out sections 18002 or 18003 of this title shall include assurances that the State will maintain support for elementary and secondary education, and State support for higher education (which shall include State funding to institutions of higher education and state need based financial aid, and shall not include support for capital projects or for research and development or tuition and fees paid by students) in fiscal years 2020 and 2021 at least at the levels of such support that is the average of such State’s support for elementary and secondary education and for higher education provided in the 3 fiscal years preceding the date of enactment of this Act.

(b) The secretary may waive the requirement in subsection

(a) for the purpose of relieving fiscal burdens on States that have experienced a precipitous decline in financial resources.

**Appendix B: Outlying Areas Allocation Data
ESF-SEA Fund**

OUTLYING AREA	ALLOCATION²
TOTAL	\$123,000,000
AMERICAN SAMOA	\$38,321,932
GUAM	\$41,521,997
NORTHERN MARIANA ISLANDS	\$23,163,734
VIRGIN ISLANDS	\$19,992,337

² The allocation to the SEA of each Outlying Area is based on the formula used under the Elementary and Secondary School Emergency Relief (ESSER) Fund (based on the same proportion as each Outlying Area received under part A of title I of the ESEA in the most recent fiscal year)