

CERTIFICATION AND AGREEMENT INSTRUCTIONS

GENERAL INSTRUCTIONS

To receive the State's allocation under the EANS program, a Governor must submit a complete, signed Certification and Agreement, in PDF, by email, to the U.S. Department of Education (Department) at GEERF@ed.gov no later than February 8, 2021. The Certification and Agreement must include the following, each of which requires the signature of the Governor or authorized representative:

A completed Certification and Agreement cover sheet. *(Part A)*

Programmatic, fiscal and reporting assurances. *(Part B)*

Other assurances and certifications. *(Part C)*

APPENDICES

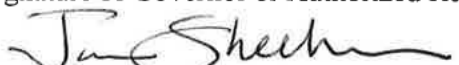
Appendix A – Authorizing Statute

Appendix B – State Allocation Data

EMERGENCY ASSISTANCE TO NON-PUBLIC SCHOOLS PROGRAM

PART A: CERTIFICATION AND AGREEMENT COVER SHEET

(CFDA No. 84.425R)

<p>Legal Name (Office of the Governor): Office of the Governor</p>	<p>DUNS Numbers: Office of the Governor: 931221134 State Educational Agency (SEA): 878892124</p>
<p>Address (Street Number and Name, City, State, Zip Code): 820 N. French Street 12th Floor Wilmington, DE 19801</p>	<p>Contact Information for SEA Representative: Name: Kimberly D. Klein Position & Office: Associate Secretary, Operations Support Street Number and Name, City, State, Zip Code: 401 Federal Street, Suite 2, Dover, DE 19901 Telephone: 302-735-4040 Email address: kimberly.klein@doe.k12.de.us</p>
<p>SEA Financial Institution Name: Bank of New York Mellon Address (Street Number and Name, City, State, Zip Code): 500 Ross Street, Pittsburgh, PA 15262 Telephone: 412-234-8790 ABA Number: (b) (4) Account Number: (b) (4) Contact Name/Telephone: Lillian Booker 412-234-8790</p>	<p>Corresponding Bank (if applicable) Name: Address (Street Number and Name, City, State, Zip Code): Telephone: ABA Number: Telegraphic Abbrev:</p>
<p>To the best of my knowledge and belief, all of the information 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 Response and Relief Supplemental Appropriations Act, 2021 (CRRSA Act), Pub. L. No. 116-260 (December 27, 2020), or any other applicable law or regulation may result in liability under the False Claims Act, 31 U.S.C. § 3729 <i>et seq.</i>; 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, and other enforcement actions.</p>	
<p>Governor or Authorized Representative of the Governor (Typed Name): Jon Sheehan</p>	<p>Telephone: 302-744-4101</p>
<p>Signature of Governor or Authorized Representative of the Governor: </p>	<p>Date: 02/08/2021</p>

**EMERGENCY ASSISTANCE TO NON-PUBLIC SCHOOLS PROGRAM
PART B: PROGRAMMATIC, FISCAL, AND REPORTING ASSURANCES**

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

Funds will be used to provide services or assistance to non-public schools to address educational disruptions resulting from COVID-19 consistent with Section 312(d) of the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSA Act) and all other applicable requirements. By accepting an EANS award from the Department, the Governor designates the State educational agency (SEA) to administer the EANS program and to draw down funds from the Department's Grants Management System (G5). The SEA will distribute information about the EANS program to non-public schools and make an application easily available no later than 30 days after receipt of the EANS funds, which is also the same time as the Governor receives the grant award. The SEA will process each non-public school application promptly but no later than 30 days after the SEA receives the application from a non-public school. The SEA will ensure that services or assistance is provided to any eligible non-public school that--

- is a non-public school as described under Section 312(d)(3)(C);
- submits an application that meets the requirements under Section 312(d)(3)(B);
and
- requests allowable services or assistance under Section 312(d)(4).

The SEA will prioritize services or assistance to non-public schools that enroll low-income students and are most impacted by the qualifying emergency.

The SEA will, to the extent practicable, obligate all EANS funds in an expedited and timely manner, but not later than six months after receiving the funds.

The SEA will administer the EANS program in accordance with the statute, including Section 312(d)(3)(B), which specifies that an application from a non-public school must include the following:

- the number and percentage of students from low-income families enrolled by the non-public school in the 2019-2020 school year;
- a description of the emergency services authorized under Section 312(d)(4) that the non-public school requests be provided by the SEA;
- whether the non-public school requesting services or assistance received a Paycheck Protection Program loan that was made before December 27, 2020, and the amount of any such loan.

The SEA will ensure the control of funds for the services or assistance provided to a non-public school, and title to materials, equipment, and property purchased with EANS funds, will be in a public agency and a public agency will administer such funds, services, assistance, materials, equipment, and property.

The SEA will ensure that all services or assistance provided under the EANS program, including materials, equipment, and any other items, will be secular, neutral, and non-ideological.

The SEA will not use EANS funds to provide direct or indirect financial assistance to scholarship-granting organizations or related entities for elementary or secondary education or to provide or support vouchers, tuition tax credit programs, education savings accounts, scholarships, scholarship programs, or tuition-assistance programs for elementary or secondary education, except for students who receive or received such assistance under the Governor's

Emergency Education Relief (GEER I) Fund under the Coronavirus Aid, Relief, and Economic Security (CARES) Act for the 2020-2021 school year, and only for the same assistance provided such students.


The Governor will comply with the maintenance of effort provision in Section 317 of the CRRSA Act absent waiver by the Secretary pursuant to Section 317(b) thereof.

The Governor will comply with all reporting requirements at such time and in such manner and containing such information as the Secretary may reasonably require. (See also 2 CFR 200.328-200.329).

The SEA and any entity providing assistance or services under the EANS program will cooperate with any examination of records 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 return to the Secretary any funds received under the EANS program that the Governor does not award or obligate within one year of receiving such funds.

The Governor has consulted with the SEA on the Certification and Agreement, particularly the assurances herein.

Governor or Authorized Representative of the Governor (Typed Name):	
Jon Sheehan	
Signature: 	Date: 02/08/2021


**EMERGENCY ASSISTANCE TO NON-PUBLIC SCHOOLS PROGRAM
PART C: 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; and the State will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," when required (34 CFR part 82, Appendix B).

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 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): Jon Sheehan	
Signature: 	Date: 02/08/2021