

**Arkansas Department of Education
 DIVISION OF ELEMENTARY AND SECONDARY EDUCATION
 LEA ASSURANCES FOR
 AMERICAN RESCUE PLAN ACT OF 2021
 ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF
 (ARP ESSER) FUND**

The following assurances are for local education agencies (LEAs) receiving funds for covered activities under the *American Rescue Plan Act of 2021*. The Superintendent may provide an original signature, electronic signature, or typed signature attesting to compliance with the use of this relief funding. This form shall be uploaded into Indistar in the ESSER folder.

DISTRICT NAME	LEA NUMBER

CERTIFICATIONS

I, the undersigned Superintendent for the above named Local Education Agency (LEA), hereby, assure the Division of Elementary and Secondary Education the following:

1. **Meaningful Consultation:** The LEA must engage in meaningful consultation with stakeholders and give the public an opportunity to provide input in the development of its plan. Specifically, the LEA must engage in meaningful consultation with students, families, school and district administrators (including SPED administrators), teachers and other educators, principals and other school leaders, school staff, and if applicable unions, tribes civil rights organizations (including disability rights organizations) and stakeholders representing the interests of children with disabilities, English learners, children experiencing homelessness, children in foster care, migratory students, children who are incarcerated, and other underserved students.
2. **LEA Plan for Safe Return to In-Person Instruction and Continuity of Services, ARP Section 2001(i)(1):** During the period of the ARP ESSER award established in Section 2001 (a) of the ARP Act, an LEA must regularly, but no less frequently than every six (6) months, review and as appropriate, revise its plan for the safe return to in-person instruction and continuity of service. The

LEA must describe for the public how the district will maintain the health and safety of students, educators, and other staff and the extent to which it has adopted policies, and a description of any such policies, on each of the safety recommendations established by the CDC. The continuity of services plan should include district guidance or policies regarding masks, physical distancing, handwashing and respiratory etiquette, maintaining healthy facilities, contact tracing, diagnostic and screening tests, vaccinations, accommodations for children with disabilities with respect to health and safety policies, and coordination with State and local health officials. The LEA that receives ARP ESSER funds will develop and make publicly available on the LEA's website a plan for the safe return of in-person instruction and continuity of services as required in section 2001(i)(1) of the ARP and in ED's [Interim Final Requirements](#).

3. **Use of ARP ESSER Funds:** A local educational agency (LEA) may use funds it receives under section 2001(d) of the ARP for any activity listed in section 2001(e). Any activity that is an allowable use of Elementary and Secondary Schools Emergency Relief (ESSER I) funds by an LEA under section 18003(d) of the Coronavirus Aid, Recovery and Economic Security (CARES) Act or ESSER II funds by an LEA under section 313(d) of the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act is also an allowable use of ARP ESSER funds by an LEA under section 2001(d) of the ARP ESSER.
 - a. The LEA will (1) **reserve not less than 20 percent of its total ARP ESSER allocation to address learning loss** through the implementation of evidence-based interventions, such as summer learning or summer enrichment, extended day, comprehensive after school programs, extended school year programs, or other evidence-based interventions, and (2) **ensure that such interventions respond** to students' academic, social, and emotional needs and address the disproportionate impact of COVID-19 on student subgroups (each major racial and ethnic group, children from low-income families, children with disabilities, English learners, gender, migrant students, students experiencing homelessness, and children and youth in foster care). ARP ESSER funds must address the academic impact of lost instructional time through the implementation of evidence-based interventions.
 - b. The LEA shall use ARP ESSER funds for purposes that are reasonable, necessary, and allocable under the ARP to prevent, prepare or respond to COVID-19.
 - c. The LEA 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 (Non-procurement) 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.

4. **Reporting:** The LEA will comply with, all reporting requirements at such time and in such manner and containing such information as the DESE or US ED may reasonably require, including on matters such as:
 - a. How the LEA is developing strategies and implementing public health protocols including, to the greatest extent practicable, policies and plans in line with CDC and Arkansas Department of Health guidance related to addressing COVID-19 in schools;
 - b. Overall plans and policies related to State support for return to in-person instruction and maximizing in-person instruction time, including how funds will support a return to and maximize in-person instruction time, and advance equity and inclusivity in participation in in-person instruction;
 - c. Data on each school's mode of instruction (remote, hybrid, in-person) and conditions;
 - d. LEA uses of funds to meet students' social, emotional, and academic needs, including through summer enrichment programming and other evidence-based interventions, and how they advance equity for underserved students;
 - e. LEA uses of funds to sustain and support access to early childhood education programs;
 - f. Impacts and outcomes (disaggregated by student subgroup) through use of ARP ESSER funding (e.g., quantitative and qualitative results of ARP ESSER funding, including on personnel, student learning, and budgeting at the school and district level);
 - g. Student data (disaggregated by student subgroup) related to how the COVID-19 pandemic has affected instruction and learning;
 - h. Requirements under the Federal Financial Accountability Transparency Act (FFATA);
 - i. Additional reporting requirements as may be necessary to ensure accountability and transparency of ARP ESSER funds;
 - j. Records pertaining to the ARP ESSER award under 2 C.F.R. § 200.334 and 34 C.F.R. § 76.730, including financial records related to the use of grant funds, will be retained separately from other grant funds, including funds an LEA receives under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) and the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSA Act); and

- k. The subrecipient of ARP 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.

5. GEPA Statement:

- a. The LEA will administer each program covered by the application in accordance with all applicable statutes, regulations, program plans, and applications, including, but not limited to federal education program laws, the General Education Provisions Act, the Education Department General Administrative Regulations, and the Uniform Grant Guidance.
- b. Control of funds provided to the LEA, and title to property acquired with those funds, will be in a public agency and that a public agency will administer those funds and property.
- c. The local educational agency will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds.
- d. The LEA will make reports to the DESE and to US ED as may reasonably be necessary to enable DESE and US ED to perform their duties and that LEA will maintain such records, including the records required under [20 U.S.C. 1232f](#), and provide access to those records, as the DESE or US ED deem necessary to perform their duties.
- e. The LEA will provide reasonable opportunities for the participation by teachers, parents, and other interested agencies, organizations, and individuals in the planning for and operation of ARP ESSER programs.
- f. Any application, evaluation, periodic program plan or report relating to an ED program will be made readily available to parents and other members of the general public.
- g. In the case of any project involving construction—
 - the project is not inconsistent with overall State plans for the construction of school facilities, and
 - In developing plans for construction, due consideration will be given to excellence of architecture and design and to compliance with standards prescribed by the Secretary of Education under section 504 of the Rehabilitation Act of 1973 in order to ensure that facilities constructed with the use of Federal funds are accessible to and usable by individuals with disabilities.

- h. The LEA has adopted effective procedures for acquiring and disseminating to teachers and administrators participating in an ED program significant information from educational research, demonstrations, and similar projects, and for adopting, where appropriate, promising educational practices developed through such projects.
- i. None of the funds expended will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity or its employees or any affiliate of such an organization.
- j. 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). 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.

6. Additional Requirements:

- a. An LEA that receives ARP ESSER funds under this grant is not required to provide equitable services to non-public school students and teachers with the ARP ESSER funding.
- b. The LEA will comply with the maintenance of equity provision in section 2004(c) of the ARP.
- c. The LEA 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.
- d. 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 SEA 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.

- e. The LEA will comply with all applicable requirements of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (sometimes referred to as the Uniform Guidance, or the Uniform Grant Guidance (UGG)).
- f. The LEA 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 (Non-procurement) 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.
- g. The LEA will develop and submit a Plan for Use of ARP ESSER Funds and budget to DESE prior to **August 15, 2021**, by uploading documents into the district’s ESSER Indistar folder.
- h. ARP ESSER funds may be obligated and expended after July 1, 2021, if Arkansas Legislative Council approval for appropriations is finalized.
- i. Reimbursement of ARP ESSER funds will be based on the signed assurance statement and completed ARP ESSER Plan as per DESE guidance and state appropriation of funds.
- j. The LEA Continuity of Services Plan and the Plan for Use of ARP ESSER Funds must be posted on the district website for easy access by the public.

SUPERINTENDENT NAME (printed) and SIGNATURE	DATE