

1) The LEA will use ESSER II funds for activities allowable under section 313(d) of Division M of the CRRSA Act. The Department generally does not consider the following to be an allowable use of ESSER II funds, under any part of section 313:

- subsidizing or offsetting executive salaries and benefits of individuals who are not employees of the SEA or LEAs or
- expenditures related to state or local teacher or faculty unions or associations.

Yes

No

2) The LEA that receives ESSER II 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 compliance with section 315 of Division M of the CRRSA Act. In addition, each LEA that accepts funds will continue to pay employees and contractors to the greatest extent practicable based on the unique financial circumstances of the entity. ESSER II funds generally will not be used for bonuses, merit pay, or similar expenditures, unless related to disruptions or closures resulting from COVID-19.

Yes

No

3) LEA records pertaining to the ESSER II award under 2 C.F.R. § 200.334 and 34 C.F.R. § 76.730, including financial records related to use of grant funds, will be retained separately from an LEA's ESSER funds. The LEA 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 the Department and/or its Inspector General; or any other federal agency, commission, or department in the lawful exercise of its jurisdiction and authority.

Yes

No

4) 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.

Yes

No

5) 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.

Yes

No

6) 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).

Yes

No

7) 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.

Yes

No

8) The LEA 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 they are using ESSER II funds for purposes that are reasonable, necessary, and allocable under the CARES Act.

Yes

No

9) The SEA and other entities 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.

Yes

No

10) The local education agency (LEA) assures that the current version of the district's **Return-to-Learn Plan** is posted to the district's website and that this plan will be orally translated to parents unable to understand the plan as written; and upon request by a parent who is an individual with a disability, provided in an alternative format accessible to that parent.

By providing the URL to the district's website where the plan has been made publicly available, the local education agency (LEA) assures that

- the Return-to-Learn Plan has been updated as needed and that public input was sought within the last six months and any

revisions to the district's Return-to-Learn plan took the input into account.

- the district's current Return-to-Learn Plan addresses how the district will ensure continuity of services in the event that school is disrupted. This includes but is not limited to services to address students' academic needs, and students' and staff social, emotional, mental health, and other needs, which may include student health and food services.