



**US Department of Education
Washington, D.C. 20202**

S425D210032

GRANT AWARD NOTIFICATION

of the OMB Uniform Guidance: "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards").

3. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

(2) You are authorized, in carrying out this grant, to utilize the higher threshold set for micro-purchase and simplified acquisition thresholds for federal assistance under this grant or under a contract you award under this grant established by recent statutory changes. These statutory changes raise the threshold for micro-purchases under Federal financial assistance awards to \$10,000 and raise the threshold for simplified acquisitions to \$250,000 for recipients. These higher thresholds are not effective until implemented in the Federal Acquisition Regulations (FAR) at 48 CFR Subpart 2.1 (Definitions), which has not yet occurred. See 2 CFR 200.67 and 200.88. For FY 2018, OMB is granting an exception allowing recipients to use the higher thresholds in advance of changes to the FAR. Please refer to Office of Management and Budget's Memorandum 18-18 regarding the statutory changes. If you have any questions about these regulations, please contact the program officer identified in Block 3 of this GAN.

(3) The negotiated indirect cost rate or the indirect cost allocation plan approved for the entity identified in Block 1 of this GAN applies to this grant award.

(4) Under the Tydings Amendment, Section 421(b) of the General Education Provisions Act 20 U.S.C 1225(B), any funds that are not obligated at the end of the federal funding period specified in Block 6 shall remain available for obligation for an additional period of 12 months.

(5) By drawing down funds made available under this GAN, the recipient agrees to the assurances attached as Attachment T which include the reporting requirements in section 15011 of Division B of the Coronavirus Aid, Recovery, and Economic Security (CARES) Act and in section 313(f) of Division M of the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act, 2021, and the requirement to demonstrate that the State has maintained effort as required in section 317 of the CRRSA.

(6) ESSER II Clauses 6 - 10

(6) A local educational agency (LEA) may use funds it receives under section 313(d) of the CRRSA Act for any activity listed in section 313(d) (applicable sections of the CRRSA Act are attached to Attachment T). Any activity that is an allowable use of Elementary and Secondary Schools Emergency Relief (ESSER) funds by an LEA under section 18003(d) of the CARES Act is also an allowable use of ESSER II funds by an LEA under section 313(d) of the CRRSA Act and any allowable use of ESSER II funds by an LEA is also an allowable use of ESSER funds by an LEA under section 18003(d) of the CARES Act.

(7) An LEA that receives ESSER II funds under this grant is not required to provide equitable services to non-public school students and teachers with the ESSER II funding.

(8) Records pertaining to this award under 2 C.F.R. 200.334 and 34 C.F.R. 76.730, including financial records related to use of grant funds, must be retained separately from a State educational agency's (SEA's) or LEA's ESSER funds.

(9) Any ESSER II funds the SEA receives that it does not award within one year of the date these funds are awarded to the SEA must be returned to the Secretary. Funds are considered to be awarded when they are subgranted to an LEA or, in the case of the funds the SEA reserves for administrative costs or emergency needs as determined by the SEA pursuant to section 313(e) of the CRRSA, when the SEA awards a contract or subgrants the funds or retains the funds to provide direct services itself.

(10) Consistent with the ESSER Grant Award Notification Enclosure 4 (E4) MEMORANDUM TO REMIND DEPARTMENT OF EDUCATION (THE DEPARTMENT) GRANTEES OF EXISTING CASH MANAGEMENT REQUIREMENTS REGARDING PAYMENTS, the SEA will follow applicable cash management requirements in the Cash Management Improvement Act and 2 C.F.R 200.305. If SEA provides advance payments to LEAs, the payments must be limited to the minimum amounts needed and be timed to be in accordance with the actual, immediate cash requirements of the non-Federal entity in carrying out the purpose of the approved program or project

Attachment T: Grant Conditions

ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND (ESSER II) Attachment to Grant Award Notifications for the Supplemental Elementary and Secondary School Emergency Relief (ESSER II) Fund awards, as authorized in section 313 of the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act, 2021.

PART A: PROGRAMMATIC, FISCAL, AND REPORTING ASSURANCES

By the State educational agency's (SEA's) drawdown of funds under this GAN, the Chief State School Officer assures the following with respect to the ESSER II Fund awards:

1. The SEA will allocate no less than 90 percent of the grant funds under this program to local educational agencies (LEAs) (including charter schools that are LEAs) in the State to prevent, prepare for, and respond to the Coronavirus Disease 2019 (COVID-19). The SEA will allocate these funds to LEAs on the basis of their respective shares of funds received under Title I, Part A of the Elementary and Secondary Education Act of 1965 in fiscal year 2020.
2. The SEA will use the remaining funds (hereafter SEA reserve) for emergency needs as determined by the SEA to address issues related to COVID-19, which may be addressed through the use of grants or contracts or for direct use by the SEA. From an SEA's reserve, the SEA may use not more than 1/2 of 1 percent of the SEA's total ESSER II grant for administrative costs.
3. The SEA will ensure that LEAs 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: 1) subsidizing or offsetting executive salaries and benefits of individuals who are not employees of the SEA or LEAs or 2) expenditures related to state or local teacher or faculty unions or associations.
4. The SEA will comply with the maintenance of effort provision in section 317(a) of Division M of the CRRSA Act absent a waiver by the Secretary pursuant to section 317(b) thereof.
5. The SEA, each LEA, and any other entity 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 entity 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.
6. The SEA will provide technical assistance, when applicable, to LEAs on the use of ESSER II funds for measuring and addressing learning loss and reopening schools safely, as well as for

remote or hybrid learning, which includes both distance education as defined in section 103(7) of the HEA and distance learning as defined in ESEA section 8101(14).

7. The SEA will comply with all reporting requirements, including those in section 15011 of the CARES Act and section 313(f) of Division M of the CRRSA Act to submit a report to the Secretary not later than 6 months after receiving ESSER II funds at such time and in such manner and containing such information as the Secretary may require. The report must provide a detailed accounting of the use of funds, including how the State is using funds to measure and address learning loss among students disproportionately affected by coronavirus and school closures, including low-income students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and children and youth in foster care. The Secretary may require additional reporting in the future. (See also 2 CFR 200.328-200.329).
8. The SEA will implement the Internal Control and Subrecipient Monitoring Plan that it previously submitted to the Secretary with respect to ESSER funds to ensure that ESSER II funds are used for allowable purposes in accordance with cash management principles.
9. 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 SEA's or LEA's ESSER funds. The SEA will ensure that it and every subrecipient of ESSER II 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.
10. The SEA will return to the Secretary any funds received under the ESSER II Fund that the SEA does not award within 1 year of receiving such funds. For purposes of this assurance, funds are "awarded" when they are subgranted to an LEA or, in the case of the funds the SEA reserves for administrative costs or emergency needs as determined by the SEA pursuant to section 313(e), when the SEA awards a contract or subgrants the funds or retains the funds to provide direct services itself.

PART B: OTHER ASSURANCES AND CERTIFICATIONS

By the State educational agency's (SEA's) drawdown of funds under this GAN, the Chief State School Officer assures or certifies the following with respect to ESSER II Fund awards:

1. 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.
2. 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.
3. 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).
4. 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.
5. The SEA 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 LEAs, including charter schools that are LEAs, are using ESSER II funds for purposes that are reasonable, necessary, and allocable under the CARES Act.
6. 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.

PART C: RELEVANT EXCERPTS FROM THE CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL APPROPRIATIONS ACT, 2021 (CRRSA ACT)

DEPARTMENT OF EDUCATION EDUCATION STABILIZATION FUND

For an additional amount for ‘Education Stabilization Fund’, \$81,880,000,000, to remain available through September 30, 2022, 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—DEPARTMENT OF EDUCATION EDUCATION STABILIZATION FUND

SEC. 311. (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) one-half of 1 percent to the outlying areas for supplemental awards to be allocated not more than 30 calendar days from the date of enactment of this Act on the basis of the terms and conditions for funding provided under section 18001(a)(1) of the Coronavirus Aid, Relief, and Economic Security (CARES) Act (Public Law 116–136); and

(2) one-half of 1 percent for a supplemental award to be allocated to the Secretary of Interior not more than 30 calendar days from enactment of this Act for programs operated or funded by the Bureau of Indian Education (BIE) under the terms and conditions established for funding provided under section 18001(a)(2) of the CARES Act (Public Law 116–136), for BIE-operated and funded elementary and secondary schools and Tribal Colleges and Universities, except that funding shall be allocated as follows:

(A) 60 percent for Bureau-funded schools, as defined in 25 U.S.C. 2021, provided that such schools may not be required to submit a spending plan before receipt of funding.

(B) 40 percent for Tribal Colleges and Universities, which shall be distributed according to the formula in section 316(d)(3) of the Higher Education Act of 1965 (“HEA”).

(b) RESERVATIONS.—After carrying out subsection (a), the Secretary shall reserve the remaining funds made available as follows:

(1) 5 percent to carry out section 312 of this title.

(2) 67 percent to carry out section 313 of this title.

(3) 28 percent to carry out section 314 of this title.

ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND

SEC. 313. (a) GRANTS.—From funds reserved under section 311(b)(2) of this title, the Secretary shall make supplemental elementary and secondary school emergency relief grants to each State educational agency with an approved application under section 18003 of division B of the CARES Act (Public Law 116–136). The Secretary shall award funds under this section to each State educational agency with an approved application within 30 calendar days of the date of enactment of this Act.

(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 section 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, coordinating, and implementing activities during long-term closures, including providing meals to eligible students, providing technology for online learning to all students, providing guidance for carrying out requirements under the IDEA and ensuring 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 children 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, children with disabilities,

English learners, migrant students, students experiencing homelessness, and children in foster care.

(12) Addressing learning loss among students, including low-income students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and children and youth in foster care, of the local educational agency, including by—

(A) Administering and using high-quality assessments that are valid and reliable, to accurately assess students' academic progress and assist educators in meeting students' academic needs, including through differentiating instruction.

(B) Implementing evidence-based activities to meet the comprehensive needs of students.

(C) Providing information and assistance to parents and families on how they can effectively support students, including in a distance learning environment.

(D) Tracking student attendance and improving student engagement in distance education.

(13) School facility repairs and improvements to enable operation of schools to reduce risk of virus transmission and exposure to environmental health hazards, and to support student health needs.

(14) Inspection, testing, maintenance, repair, replacement, and upgrade projects to improve the indoor air quality in school facilities, including mechanical and non-mechanical heating, ventilation, and air conditioning systems, filtering, purification and other air cleaning, fans, control systems, and window and door repair and replacement.

(15) 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 one-half 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, including measuring and addressing learning loss, which may be addressed through the use of grants or contracts.

(f) REPORT.—A State receiving funds under this section shall submit a report to the Secretary, not later than 6 months after receiving funding provided in this Act, in such manner and with such subsequent frequency as the Secretary may require, that provides a detailed accounting of the use of funds provided under this section, including how the State is using funds to measure and address learning loss among students disproportionately affected by coronavirus and school closures, including low-income students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and children and youth in foster care.

(g) 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).

CONTINUED PAYMENT TO EMPLOYEES

SEC. 315. A local educational agency, State, institution of higher education, or other entity that receives funds provided under the heading "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. 316. Except as otherwise provided in sections 311 through 316 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 HEA;
- (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 HEA;
- (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 title;
- (7) the term “public school” means a public elementary or secondary school;
- (8) any other term used that is defined in section 8101 of the ESEA of 1965 shall have the meaning given the term in such section; and
- (9) the term “qualifying emergency” has the meaning given the term in section 3502(a)(4) of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136).

MAINTENANCE OF EFFORT

SEC. 317. (a) At the time of award of funds to carry out sections 312 or 313 of this title, a State shall provide assurances that such State will maintain support for elementary and secondary education, and 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 year 2022 at least at the proportional levels of such State’s support for elementary and secondary education and for higher education relative to such State’s overall spending, averaged over fiscal years 2017, 2018, and 2019.

(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.

TITLE VIII—PANDEMIC RESPONSE ACCOUNTABILITY COMMITTEE AMENDMENTS

SEC. 801. AMENDMENTS TO THE PANDEMIC RESPONSE ACCOUNTABILITY COMMITTEE.

(a) APPROPRIATIONS.—

(1) IN GENERAL.—Title V of division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) is amended in the matter under the heading “PANDEMIC RESPONSE ACCOUNTABILITY COMMITTEE” under the heading “INDEPENDENT AGENCIES” by striking “funds provided in” and inserting “covered funds and the Coronavirus response as provided in section 15010 of”.

(2) EMERGENCY DESIGNATION.—The amounts repurposed in this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an

emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) DEFINITION OF COVERED FUNDS.—Section 15010(a)(6) of division B of the Coronavirus, Aid, Relief, and Economic Security Act (Public Law 116–136) is amended—

(1) in subparagraph (A), by striking “this Act” and inserting “the Coronavirus Aid, Relief, and Economic Security Act (divisions A and B)”;

(2) in subparagraph (C), by striking “or” at the end; and

(3) by striking subparagraph (D) and inserting the following: “(D) the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139); or “(E) divisions M and N of the Consolidated Appropriations Act, 2021; and”.