

STATE OF OREGON



OREGON DEPARTMENT OF EDUCATION

Local Education Agency (LEA) Assurances for the American Rescue Plan Elementary and Secondary School Emergency Relief Fund (ARP ESSER Fund)

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1. LEA Information

Institution Name: _____ Institution ID: _____

Mailing Address: _____

LEA Authorized Representative or Designee Name and Title:

Phone: _____ Email: _____

2. ARP ESSER Fund Assurances

Assurances form a binding agreement between the Local Education Agency (“LEA”), the Oregon Department of Education (“ODE”), and the U.S. Department of Education (“USDE”) that assures all legal requirements are met in accordance with state and federal laws, regulations, and rules.

These assurances apply to **Program activities** and **expenditures of Funds** from the American Rescue Plan Elementary and Secondary School Emergency Relief (“ARP ESSER”) Funds¹, of the American Rescue Plan (“ARP”) Act. Compliance to general and specific program assurances is the legal responsibility of the LEA under the authorization of the local board of education and the direction of the superintendent.

ARP ESSER Funds have the following performance period: March 13, 2020 to September 30, 2023.

The LEA understands and certifies the following statements:

Programmatic, Fiscal, and Reporting Assurances

- A. In accepting the funds, the LEA assures it will submit a Program Plan (“Plan”) to ODE that contains such information as ODE may reasonably require, including all information required by the USDE’s [Interim Final Requirements](#) on ARP ESSER (see [Oregon’s ARP ESSER Plan](#)² [“State Plan”], section E.1). The LEA will submit the Plan by the date established by ODE.
- B. The LEA will use the ARP ESSER Funds for Program activities allowable under [Section 2001\(e\) Uses of Funds](#) (see [Attachment A](#)) of the ARP and will reserve at least 20% of its ARP ESSER Funds to address learning loss through the implementation of evidence-based interventions.
- C. The LEA will comply with [Section 2004\(c\)](#) (see [Attachment B](#)) Maintenance of Equity requirements of the ARP.
- D. The LEA assures:
 1. It will, within 30 days of receiving ARP ESSER Funds, develop and make publicly available on its website, its Plan for the safe return of in-person instruction and the continuity of services as required in [Section 2001\(i\)\(1\)](#) of the ARP ESSER and in USDE’s [Interim Final Requirements](#);
or
 2. It developed and made publicly available (on or before March 11, 2021) on its website the LEA’s Plan that meets all statutory requirements in effect before the enactment of the ARP on March 11, 2021 (see [State Plan](#), section B.2).

Before making the Plan publicly available, the LEA will seek public comment on the Plan and take such comments into account in the development of the Plan (see [State Plan](#), section E.2).

¹ <https://www.congress.gov/bill/117th-congress/house-bill/1319/text?module=bill&controller=bill&format=xml&q=%7B%22search%22%3A%5B%22H.R.+1319%22%5D%7D&r=4&s=2#toc-HC9CE46A721204EB081A88ACD8FB287D5>

² <https://www.oregon.gov/ode/schools-and-districts/grants/Pages/ESSER-III-State-Plan.aspx>

- E. The LEA will comply with all reporting requirements at such time and in such manner and containing such information as ODE or USDE may reasonably require including on matters such as (see [State Plan](#), section E.3):
1. How it is developing strategies and implementing public health protocols including, to the greatest extent practicable, policies and plans in line with the Center for Disease Control and Prevention (“CDC”) guidance related to addressing the coronavirus (“COVID-19”) in schools;
 2. Overall plans and policies related to the State of Oregon’s 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 the participation of in-person instruction;
 3. Data on each of its school’s mode of instruction (remote, hybrid, in-person) and conditions;
 4. Its 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;
 5. Its Uses of Funds to sustain and support access to early childhood education programs;
 6. Impacts and outcomes (disaggregated by student subgroup) through use of ARP ESSER Funds (e.g., quantitative and qualitative results of ARP ESSER Funds, including on personnel, student learning, and budgeting at the school and district level);
 7. Student data (disaggregated by student subgroup) related to how the COVID-19 pandemic has affected instruction and learning;
 8. Requirements under the Federal Financial Accountability Transparency Act (FFATA); and
 9. Additional reporting requirements as may be necessary to ensure accountability and transparency of ARP ESSER Funds.
- F. 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 use of Grant Funds will be retained separately from other Grant Funds, including funds the 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”). 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 (i) USDE and/or its Inspector General; or (ii) any other Federal agency, commission, or department in the lawful exercise of its jurisdiction and authority.

General Education Provisions Act (“GEPA”) Assurances

- A. The LEA will administer each program covered by the Plan 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 the LEA and the LEA will administer those funds and property.
- C. The LEA 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 ODE and to USDE as may reasonably be necessary to enable ODE and 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 ODE or USDE 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 the Program.
- F. Any application, evaluation, periodic program plan or report relating to an USDE program allowed under ARP ESSER will be made readily available to parents and other members of the general public.
- G. In the case of any project involving construction—
 - 1. The project is not inconsistent with overall State plans for the construction of school facilities, and
 - 2. 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 the 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.

Other Assurances and Certifications

- A. 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.
- B. To the extent applicable, the LEA will include in its Plan 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.
- C. 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)).
- D. 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 (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](#).

Signature of LEA Authorized Representative or Designee:

Date:

Attachment A - Uses of Funds

Per [Section 2001\(e\)](#) of the ARP Act, a LEA that receives Funds:

(1) Shall reserve not less than 20 percent of such funds to address learning loss through the implementation of evidence-based interventions, such as summer learning or summer enrichment, extended day, comprehensive afterschool programs, or extended school year programs, and ensure that such interventions respond to students' academic, social, and emotional needs and address the disproportionate impact of the coronavirus on the student subgroups described in section 1111(b)(2)(B)(xi) of the Elementary and Secondary Education Act of 1965 ([20 U.S.C. 6311\(b\)\(2\)\(B\)\(xi\)](#)), students experiencing homelessness, and children and youth in foster care; and

(2) Shall use the remaining funds for any of the following:

(A) Any activity authorized by the Elementary and Secondary Education Act of 1965.

(B) Any activity authorized by the Individuals with Disabilities Education Act.

(C) Any activity authorized by the Adult Education and Family Literacy Act.

(D) Any activity authorized by the Carl D. Perkins Career and Technical Education Act of 2006.

(E) 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.

(F) 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.

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

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

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

(J) 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 Individuals with Disabilities Education Act and ensuring other educational services can continue to be provided consistent with all Federal, State, and local requirements.

(K) 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.

(L) Providing mental health services and supports, including through the implementation of evidence-based full-service community schools.

(M) 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.

(N) 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—

(i) 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;

(ii) implementing evidence-based activities to meet the comprehensive needs of students;

(iii) providing information and assistance to parents and families on how they can effectively support students, including in a distance learning environment; and

(iv) tracking student attendance and improving student engagement in distance education.

(O) 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.

(P) 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.

(Q) Developing strategies and implementing public health protocols including, to the greatest extent practicable, policies in line with guidance from the Centers for Disease Control and Prevention for the reopening and operation of school facilities to effectively maintain the health and safety of students, educators, and other staff.

(R) 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.

Attachment B – Maintenance of Equity

Per [Section 2004](#) of the ARP Act:

(b) STATE MAINTENANCE OF EQUITY.—

(1) HIGH-NEED LOCAL EDUCATIONAL AGENCIES.—As a condition of receiving funds under section 2001, a State educational agency shall not, in fiscal year 2022 or 2023, reduce State funding (as calculated on a per-pupil basis) for any high-need local educational agency in the State by an amount that exceeds the overall per-pupil reduction in State funds, if any, across all local educational agencies in such State in such fiscal year.

(2) HIGHEST POVERTY LOCAL EDUCATIONAL AGENCIES.—Notwithstanding paragraph (1), as a condition of receiving funds under section 2001, a State educational agency shall not, in fiscal year 2022 or 2023, reduce State funding (as calculated on a per-pupil basis) for any highest poverty local educational agency below the level of funding (as calculated on a per-pupil basis) provided to each such local educational agency in fiscal year 2019.