

ARP-ESSER Application: Part 1 - Assurances

Summary & Submission Instructions

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USDE has published a fact sheet comparing the ESSER 1 fund under the CARES Act, the ESSER 2 fund under the CRRSA Act, and the ARP-ESSER fund, which is available at: https://oese.ed.gov/files/2021/03/FINAL_ARP-ESSER-FACT-SHEET.pdf.

On April 21, 2021, USDE issued Interim Final Requirements (IFR) that include examples of ways in which an LEA may use its ARP-ESSER funds for a wide variety of activities related to educating students during the COVID-19 pandemic and addressing the impacts of the COVID-19 pandemic on students and educators. USDE's IFR also references the ARP statutory requirement that an LEA receiving ARP ESSER funds must reserve at least 20 percent of the funds to measure and address the academic impact of lost instructional time on all students through the implementation of evidence-based interventions, including but not limited to interventions implemented through summer learning or summer enrichment, extended day, comprehensive afterschool programs, or extended school year programs. Moreover, USDE's IFR states that the LEA must also ensure that such interventions respond to students' academic, social, emotional, and mental health needs and address the impact of the COVID-19 pandemic on groups of students disproportionately impacted by the pandemic.

USDE has indicated that additional guidance on allowable uses of ARP-ESSER funds will be forthcoming. NYSED will ensure all LEAs are provided such guidance upon receipt.

APPLICATION PROCESS FOR LEA ALLOCATIONS OF ARP-ESSER SEA RESERVE FUNDS

The federal ARP statute requires SEAs to reserve:

- not less than 5 percent of the total amount of grant funds awarded to the State (\$449.4 million) to carry out activities to address the impact of lost instructional time by supporting the implementation of evidence-based interventions;
- not less than 1 percent (\$89.9 million) to carry out the implementation of evidence-based summer enrichment programs; and
- not less than 1 percent to carry out the implementation of evidence-based comprehensive afterschool programs.

The 2021-22 enacted state budget directs that these required SEA set-asides be allocated as grants to specified school districts. Each eligible district's allocation of SEA reserve funds may be found [HERE](#). NYSED will inform school districts under separate cover when the application process for school district allocations of ARP-ESSER SEA set-aside funds has been published in the SED Monitoring and Vendor Reporting System.

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American Rescue Plan (ARP) Act - Assurances

1. The LEA assures that ESSER funds are used for activities allowable under section 2001(e) of the ARP Act, 18003(d) of the CARES Act and 313(d) of the CRRSA Act.

YES, the LEA provides the above assurance.

2. The LEA assures that it will comply with all reporting requirements at such time and in such manner and containing such information as the Commissioner may reasonably require, ch BT 1 0 0 1 77 604 Tm 5 03(d)



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5. The LEA assures that 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, the LEA provides the above assurance.
6. The LEA assures that the LEA 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, the LEA provides the above assurance.
7. The LEA assures that 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, the LEA provides the above assurance.
8. The LEA assures that the LEA is using ARP ESSER funds for purposes that are reasonable, necessary, and allocable under the ARP.
- YES, the LEA provides the above assurance.
9. The LEA assures that 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 34.
- YES, the LEA provides the above assurance.
10. The LEA assures that federal grant recipients, sub recipients and their grant personnel are prohibited from text messaging while driving a government owned vehicle, or while driving their own privately owned vehicle during official grant business, or from using government supplied electronic equipment to text message or email when driving as per Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1,2009.
- YES, the LEA provides the above assurance.
11. The LEA assures that 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.
- YES, the LEA provides the above assurance.

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15. The LEA assures the LEA will 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 afterschool programs, extended school year programs, or other evidence-based interventions, and 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).

YES, the LEA provides the above assurance.

16. The LEA assures that the LEA will develop and make publicly available on the LEA's website, not later than 30 days after



