

Section I – Programmatic Compliance

General Programmatic Compliance Requirements

Stakeholder Engagement

INDICATOR	EVIDENCE
<p>1. The ESF plans are developed with timely and meaningful consultation with appropriate stakeholders, including but not limited to students; families; school and district administrators (including special</p>	<p>x Provide a combination of several pieces of evidence that demonstrate a discussion of the ARP ESSER and ARP ESSER State Level Reserves.</p>

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ARP ESSER Lost Instructional Time Reserve

In the chart below, please include those activities/programs funded under the ARP ESSER 20% Lost Instructional Time Requirement. Please click “Add Row” to add as many rows as needed to fully encompass the ARP ESSER Lost Instructional Time requirement. The LEA is not required to submit the evidence base unless requested by NYSED reviewer.

Activity/Program	Tier of Evidence (if Tier IV, please provide evidence of the LEA study of the effects and the results of the study.	Investment (\$)	Method(s) of Evaluation	Results	Evidence Base (if requested by NYSED)
	DROP DOWN with Tiers or Checkboxes				

ARP ESSER State Reserves

In the chart below, please include those activities/programs funded under the ARP ESSER State Reserves. Please click “Add Row” to add as many rows as needed to fully encompass the ARP ESSER State Reserves. The LEA is not required to submit the evidence base unless requested by the NYSED reviewer.

State Level Reserves - 5% Lost Instructional Time

ARP Section 2001(f)(1)

Activity/Program	Tier of Evidence (if Tier IV, please provide evidence of the LEA study of the effects and the results of the study.	Investment (\$)	Method(s) of Evaluation	Results	Evidence Base (if requested by NYSED)

Section II-

CARES Section 18005(b)

ESEA Section 1117(d)(2) and ESEA Section 8501(d)(2)

or products provided a preference, to the greatest extent practicable under a Federal award, for the purchase, acquisition, or use of goods, products, or materials produced in the United States.

[2 CFR 200.322](#)

Construction

Indicator	Evidence
<p>1. If the LEA purchased land and/or property using federal funds, the LEA has evidence that they will have undisturbed use and possession of the facilities for 50 years or the useful life of the facilities, whichever is longer.</p> <p>§ 75.603 (Authority: 20 U.S.C. 1221e- 3 and 3474)</p>	<ul style="list-style-type: none"> x Full title or other interest in the site, including the right of access.
<p>2. The LEA has sufficient funds to meet any non-Federal share of the cost of constructing the facility.</p> <p>§75.604</p>	<ul style="list-style-type: none"> x Quotes, estimates, invoices, or receipts that show the cost of constructing the facility. x Detailed plan of the LEA plan for funding the facility construction, including the various funding sources, Federal and non-Federal.
<p>3. The construction has begun in a reasonable time frame after the grant for construction is made.</p> <p>§75.605 Commissioner's Regulations Section 155.2(b)</p>	<ul style="list-style-type: none"> x Invoices x Statements from vendor/architect stating the start date of construction x Evidence that NYSED Office of Facilities Planning has issued a building permit
<p>4. The construction has been or will be completed within a reasonable time and completed in accordance with the application and approved drawings and specifications.</p> <p>§75.606</p>	<ul style="list-style-type: none"> x Invoices x Statements from vendor/architect stating the completion date or intended completion date x Images of the completed construction
<p>5. The LEA has maintained competent architectural engineering supervision and inspection at the construction site to ensure that the work conforms to the approved drawings and specifications.</p> <p>§75.612</p>	<ul style="list-style-type: none"> x Contract with architect/architecture firm x Statement from architect/architecture firm x Copy of NYSED Certificate of Occupancy x Copy of NYSED Certificate of Substantial Completion

3. The LEA assures that funds received under Section 18002 will not be used for administrative or executive salaries and benefits for IHEs, SEAs, or the other education-related entities referenced at § 18002(c)(3).
4. The LEA will, to the greatest extent practicable, continue to pay its employees and contractors during the period of any disruptions or closures related to COVID-19 in compliance with Section 18006 of Division B of the CARES Act.
5. 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) 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.
6. The LEA assures that it will comply with all reporting requirements, including those in Section 15011(b)(2) of Division B of the CARES Act, and submit quarterly reports to the Commissioner at such time and in such a manner as the Commissioner may require (2 CFR 200.327-200.329). The Commissioner may require additional reporting in the future, which may include: Uses of funds by LEAs and demonstration of their compliance with Section 18002(c), including any use of funds applied to support addressing digital divide and related issues in distance learning; The number of public and non-public schools that received funds or services; and a description of the internal controls the LEA has in place to ensure that funds were used for allowable purposes and in accordance with cash management principles.
7. The LEA, that receives more than \$150,000 in CARES Act funds, will report:
 - a. The total amount of funds received;
 - b. The amount spent or obligated for each project or activity;
 - c. A detailed list of all projects or activities supported with CARES Act funds (including name, description and estimated number of jobs created or retained (where applicable); and
 - d. Detailed information on subcontracts and subgrantees, including FFATA data elements, as prescribed by OMB (OMB is authorized to allow aggregate reporting on awards below \$50,000). (Sec. 15011(b)(2))
8. The LEA will provide equitable services to students and teachers in non-public schools in the same manner as provided under section 1117 of the ESEA, as determined through timely and meaningful consultation with representatives of non-public schools.
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11. 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.
12. 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.
13. The LEA assures:

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similar projects, and for adopting, where appropriate, promising educational practices developed through such projects; and

- (9) that none of the funds expended under any [applicable program](#) 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.

GEER II

1. The LEA will use its best efforts to expend funding on an expedited timeline.
2. The LEA shall obligate GEER funds by September 30, 2023 and liquidate GEER funds by October 15, 2023.
3. The LEA assures that funds received under Section 312 will not be used for administrative or executive salaries and benefits for IHEs, SEAs, or the other education related entities referenced at § 312(c)(3).
4. The LEA will, to the greatest extent practicable, continue to pay its employees and contractors during the period of any disruptions or closures related to COVID-19 in compliance with Section 315 of the CRRSA Act.
5. 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) 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.
6. The LEA assures that records pertaining to the GEER 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 entity's GEER funds.
7. The LEA assures that it will comply with all reporting requirements, including those in Section 15011 of the CARES Act and submit quarterly reports to the Commissioner at such time and in such a manner as the Commissioner may require. The Commissioner may require additional reporting in the future.
8. The LEA, that receives more than \$150,000 in CARES Act funds, will report:
 - a. The total amount of funds received;
 - b. The amount spent or obligated for each project or activity;
 - c. A detailed list of all projects or activities supported with CARES Act funds (including name, description and estimated number of jobs created or retained (where applicable)); and

- d. Detailed information on subcontracts and subgrantees, including FFATA data elements, as prescribed by OMB (OMB is authorized to allow aggregate reporting on awards below \$50,000). (Sec. 15011(b)(2))
9. 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.
10. 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).
11. 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.
12. The LEA assures that the LEA will comply with the provisions of all applicable acts, regulations, and assurances; the provisions of the Education Department General Administrative Regulations in 34 CFR parts 75, 76, 77, 81, 82, 84, 86, 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 Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.
13. 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.
14. 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.
15. The LEA assures:
 - a. that the local educational agency will administer each program covered by the application in accordance with all [applicable statutes](#), regulations, program plans, and applications;
 - b. that the control of funds provided to the local educational agency under each program, 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. that the local educational agency will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds paid to that agency under each program;
- d. that the local educational agency will make reports to the State agency or board and to the [Secretary](#)

8. The LEA assures that the LEA is using ARP ESSER funds for purposes that are reasonable, necessary, and allocable under the ARP.
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.
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.
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.
12. The LEA assures that:
 - a. the LEA will administer each program covered by the application in accordance with all [applicable statutes](#), regulations, program plans, and applications;
 - b. control of funds provided to the LEA under each program, 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 LEA will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds paid to that agency under each program;
 - d. the LEA will make reports to the State agency or board and to the [Secretary](#) as may reasonably be necessary to enable the State agency or board and the [Secretary](#) to perform their duties and that the local educational agency will maintain such records, including the records required under [section 1232f of this title](#), and provide access to those records, as the State agency or board or the [Secretary](#) deem necessary to perform their duties; and
 - 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 each program.
13. The LEA assures that:
 - a. any application, evaluation, periodic program plan or report relating to each program will be made readily available to parents and other members of the general public;

- b. in the case of any project involving construction—(A) the project is not inconsistent with overall State plans for the construction of school facilities, and (B) 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](#) under [section 794 of title 29](#) in order to ensure that facilities constructed with the use of Federal funds are accessible to and usable by individuals with disabilities;
- c. the local educational agency has adopted effective procedures for acquiring and disseminating to teachers and administrators participating in each program significant information from educational research, demonstrations, and similar projects, and for adopting, where appropriate, promising educational practices developed through such projects; and
- d. none of the funds expended under any [applicable prorc 4?:»•ons38O `‰A](#) the funds expended under any

18. The LEA assures that the LEA will include in its application to the Department for ARP-ESSER funds a plan, in a format prescribed by the Commissioner, that describes how the LEA will use the funds it reserves under section 2001(e)(1) of the ARP Act to address the academic impact of lost instructional time through the implementation of evidence-based interventions, such as summer learning or summer enrichment, extended day, comprehensive afterschool programs, or extended school year.
19. The LEA assures that the LEA will include in its application to the Department for ARP-ESSER funds a plan, in a format prescribed by the Commissioner, that describes how the LEA will spend its remaining ARP ESSER funds consistent with section 2001(e)(2) of the ARP Act.
20. The LEA assures that the LEA will include in its application to the Department for ARP-ESSER funds a plan, in a format prescribed by the Commissioner, that describes how the LEA will ensure that the interventions it implements, including but not limited to the interventions implemented under section 2001(e)(1) of the ARP Act to address the academic impact of lost instructional time, will respond to the academic, social, emotional, and mental health needs of all students, and particularly those students disproportionately impacted by the COVID-19 pandemic, including students from low-income families, students of color, English learners, children with disabilities, students expac(,)2 (6Ln(oc)4 (i)610 (es)4i)6 aTo4 (t)2ahe Atudiic, including stu 1u 1nclud re

3. The LEA assures work will begin on construction within a reasonable time after the grant for the construction is made. § 75.605 (Authority: 20 U.S.C. 1221e-3 and 3474)
4. The LEA assures the construction will be completed within a reasonable time and the LEA shall complete the construction in accordance with the application and approved drawings and specifications. § 75.606
5. The LEA assures that the construction is functional; economical; and not elaborate in design or extravagant in the use of materials, compared with facilities of a similar type constructed in the State or other applicable geographic area. § 75.607. Further, the LEA assures that it shall, in developing plans for the facilities, consider excellence of architecture and design and inclusion of works of art. The grantee may not spend more than one percent of the cost of the project on inclusion of works of art. § 75.607 Authority: 20 U.S.C. 1221e-3 and 3474)
6. In planning for and designing facilities, the LEA assures it shall observe the standards under the Occupational Safety and Health Act of 1970 (Pub. L. 91-576) (See 36 CFR part 1910); and State and local codes, to the extent that they are more stringent. § 75.609 Further, the LEA assures it will submit an application for a Building Permit to NYSED Office of Facilities Planning for review and approval prior to construction.
7. The LEA assures that it shall comply with the Federal regulations on access by the handicapped that apply to construction and alteration of facilities. These regulations are:
 - a. For residential facilities - 24 CFR part 40; and
 - b. For non-residential facilities - 41 CFR subpart 101-19.6. § 75.610
8. The LEA assures that it shall comply with the Federal regulations on access by the handicapped that apply to construction and alteration of facilities. These regulations are:
 - a. For residential facilities - 24 CFR part 40; and
 - b. For non-residential facilities - 41 CFR subpart 101-19.6. § 75.610

75.616 The following standards of the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE) are incorporated by reference in this section:

- a. ASHRAE-90 A-1980 (Sections 1-9).
- b. ASHRAE-90 B-1975 (Sections 10-11).
- c. ASHRAE-90 C-1977 (Section 12)

14. Incorporation by reference of these provisions has been approved by the Director of the Office of the Federal Register pursuant to the Director's authority under 5 U.S.C. 552 (a) and 1 CFR part 51. The incorporated document is on file at the Department of

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The terms “debarment,” “suspension,” “excluded,” “disqualified,” “ineligible,” “participant,” “person,” “principal,” “proposal,” and “voluntarily excluded” as used in this certification have the meanings set forth in 2 CFR Part 180, Subpart I, “Definition.” A transaction shall be considered a “covered transaction” if it meets the definition in 2 CFR Part 180 Subpart B, “What is a covered transaction?”

A. The applicant certifies that it and its principals:



- a. Upon approval of their application, in accordance with 2 CFR Part 180 Subpart C, they shall not enter into any lower tier nonprocurement covered transaction with a person without verifying that the person is not excluded or disqualified unless authorized by USDOE.
- b. (t)1 <</MCID 3a(ed unli)2.bu(c)1.w 11.04 Pg6 (on w7 Tw 11.0t)-6. 429.237 TH (l)2.6 (Bodye)10.5 (r)-5. f007 Tw 11.04 (i)2.6-.

