

REQUEST FOR APPLICATION

Program-Specific Provisions
and Assurances

2020-2023 ARP ESSER III
Federal Grant Application

Authorized by American Rescue Plan (ARP) Act of 2021,
Elementary and Secondary School Emergency Relief (ESSER III)
Fund

TEXAS EDUCATION AGENCY

**Grant Compliance and Administration
1701 North Congress Avenue
Austin, Texas 78701**

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Relating to Programs Funded under 2020-2023 ARP ESSER III Federal Grant Application

The LEA assures the following:

- A. The applicant assures that the application does not contain any information that would be protected by the Family Educational Rights and Privacy Act (FERPA) from general release to the public.
- B. The applicant assures to adhere to all Statutory Requirements and TEA Program Requirements as noted in the 2020-2023 ARP ESSER III Federal Grant Application Program Guidelines.
- C. The applicant assures to adhere to all Performance Measures, as noted in the 2020-2023 ARP ESSER III Federal Grant Application Program Guidelines, and shall provide the Texas Education Agency, upon request, any performance data necessary to assess the success of the program.
- D. The applicant assures that any Electronic Information Resources (EIR) produced as part of this agreement will comply with the State of Texas Accessibility requirements as specified in 1 TAC 206, 1 TAC Chapter 213, Federal Section 508 standards, and the WCAG 2.0 AA Accessibility Guidelines.
- E. The applicant assures that it will only use ESSER III funds for activities allowable under Section 2001 of the American Rescue Plan (ARP) of 2021.
- F. The applicant assures that it 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 2001 of the American Rescue Plan (ARP). 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.
- G. The applicant assures that it will comply with all reporting requirements, including submitting required reports in the time and manner required by TEA.
- H. The applicant assures that it 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 (a) TEA, (b) the Department and/or its Inspector General; and/or (c) any other federal agency, commission, or department in the lawful exercise of its jurisdiction and authority.
- I. The applicant assures that it 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; the 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.

- J. The applicant assures 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.
- K. The applicant assures it has on file with TEA a set of assurances that meets the requirements of Section 442 of the General Education Provisions Act (GEPA) (20 U.S.C. 1232e).
- L. The applicant assures it will take necessary action, as applicable, 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.
- M. The applicant assures it 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 Principals (2 CFR §§200.400-475) to ensure it is using ESSER III funds for purposes that are reasonable, necessary, and allocable under the ARP Act of 2021.
- N. The applicant assures it 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.
- O. The applicant assures it will not expend ESSER III funds for any of the following:
1. Subsidizing or offsetting executive salaries and benefits of individuals who are not employees of the LEA
 2. Expenditures related to state or local teacher or faculty unions or associations
 3. Bonuses, merit pay or similar expenditures unless related to disruptions or closures resulting from COVID-19
- P. The applicant assures that it will comply with the following statutory requirements:
1. Post your required "Safe Return to In-Person Instruction and Continuity of Services Plan" on your LEA website within 30 days of receiving your ESSER III grant NOGA.
 2. Implement public safety protocols to safely reopen schools for in-person learning.
 3. Meet Maintenance of Equity requirement or receive waiver from USDE, or document an approved exemption.
 4. LEAs must expend a minimum of 20% of their grant funds on—

- i. Evidence-based interventions, such as summer learning, extended day comprehensive after-school programs, or extended school year programs; and
 - ii. Ensure interventions respond to students' academic, social, and emotional needs and address disproportionate impact of coronavirus on student populations as defined in ESEA Title I, Part A, students experiencing homelessness, and youth in foster care.
- Q. The LEA assures that although funds may be used for one-time or ongoing purposes, the LEA understands the use of the funds for ongoing purposes could result in funding deficits in future years after the funding expires on September 30, 2024. The LEA assures it makes no assumption that the state will provide replacement state funds in future years, and that this fact will be raised and explicitly discussed in a meeting of its governing board.
- R. The LEA assures that it engaged in meaningful consultation with stakeholders and gave the public an opportunity to provide input in the development of its plan for the uses of ARP ESSER III funds.
- S. The LEA assures that it specifically, engaged in meaningful consultation with students; families; school and district administrators (including special education administrators); and teachers, principals, school leaders, other educators, school staff.
- T. The LEA assures that it specifically, engaged in meaningful consultation with, and to the extent present in or served by the LEA tribes, civil rights organizations (including disability rights organizations).
- U. The LEA assures that it engaged in meaningful consultation with stakeholders representing the interests of children with disabilities, English language learners, children experiencing homelessness, children in foster care, migrant students, children who are incarcerated, and other underserved students.
- V. The LEA assures that its plan for the uses of ARP ESSER III funds is provided in an understandable and uniform format.
- W. The LEA assures, to the extent practicable, the plan is written in a language that parents can understand or, if not practicable, orally translated; and, upon request by a parent who is an individual with a disability, provided in an alternative format accessible to that parent.
- X. The LEA assures that the program schedules to this application, or a separate document containing all the information included in the program schedules, serving as the LEA's plan for the uses of ARP ESSER III funds will be posted to the LEA's website within 30 days of receiving its ESSER III Notice of Grant Award.