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DEPARTMENT OF EDUCATION
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TO: Superintendents/Charter School Administrators

FROM: Susan K. Murphy

DATE: May 24, 2021

SUBJECT: Elementary and Secondary School Emergency Relief III (ESSER III) Fund Program Assurances

Frank Edelblut
Commissioner

Deputy Commissioner **Christine M. Brennan**

Attached are the New Hampshire Department of Education (NHDOE) Program Assurances for the Elementary and Secondary School Emergency Relief III (ESSER III) Funds grant. Today, the grant funds have been made available to all New Hampshire Local Education Agencies (LEAs), which include School Districts and public Charter Schools, who may apply to the NHDOE for an ESSER III Fund grant.

As the Superintendent/Charter School Administrator, you must carefully review and sign the attached Program Assurances as part of the ESSER III Fund grant application process. These Program Assurances must be signed and uploaded to the *District Page* of the online Grants Management System (GMS) before an application for ESSER III Funds can be approved.

Please remember that these Program Assurances are reviewed and signed by you, the Superintendent/Charter School Administrator as indicating your agreement to fully comply with the laws and regulations specific to the ESSER III Fund grant. The attached Program Assurances are not all-inclusive as to the entire scope of requirements for the LEA. Superintendents/Charter School Administrators are responsible for understanding all requirements of the ESSER III Fund grant.

The Process:

Please read each step carefully:

1. The Superintendent/Charter School Administrator carefully reviews the Program Assurances for the ESSER III Fund grant program and consults with the LEA School Board/Charter School Board of Trustees about the content and obligations related to the Program Assurances.

2. The Superintendent/Charter School Administrator signs and dates the signature block on the last page of the Program Assurances.

3. The Program Assurances (this entire document) must then be scanned and uploaded to the District Page of the NHDOE online GMS.

Please note that the Program Assurances apply to the entire period of performance of the ESSER III Fund grant, which may include multiple State and LEA fiscal years. The requirements of the annual NHDOE General Assurances, Requirements and Definitions for Participation in Federal Programs document also apply to the ESSER III Fund grant program.

Should you have any questions or need additional information, please send an email to Susan.K.Murphy@doe.nh.gov.

New Hampshire Department of Education

ELEMENTARY AND SECONDARY SCHOOL EMERGENCY III (ESSER III) FUND GRANT PROGRAM ASSURANCES

Subrecipients must submit a signed copy of these Program Assurances to the New Hampshire Department of Education (NHDOE) **prior** to receiving funds for grants awarded under the Elementary and Secondary School Emergency Relief III (ESSER III) Fund as authorized by Public Law 117-2, known as the American Rescue Plan (ARP) Act of 2021. By signing these ESSER III Fund Program Assurances, the subrecipient assures that it will accept and administer the funds in accordance with all applicable Federal and State statutes and regulations.

The subrecipient hereby assures the New Hampshire Department of Education that it will:

1. Comply with the requirement that ESSER III funds will be used only for activities allowable under section 2001(e) of the ARP Act. Any activity that is an allowable use of Elementary and Secondary School Emergency Relief (ESSER I) funds by an LEA under section 18003(d) of the Coronavirus Aid, Recovery and Economic Security (CARES) Act or ESSER II funds by an LEA under section 313(d) of the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act is also an allowable use of ESSER III funds by an LEA under section 2001(d) of American Rescue Plan (ARP) Act. The US Department of Education does not consider the following to be an allowable use of ESSER I, ESSER II or ESSER III funds: 1) subsidizing or offsetting executive salaries and benefits of individuals who are not employees of the LEA, or 2) expenditures related to state or local teacher or faculty unions or associations.

2. Comply with the requirement that that the subrecipient will reserve not less than 20 percent of its total ESSER III allocation to address learning loss through the implementation of evidencebased interventions, such as summer learning or summer enrichment, extended day, comprehensive afterschool program, extended school year programs, or other evidenced-based interventions, and ensure that such interventions respond to student's 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).

3. Comply with the requirement that the subrecipient either: (a) within 30 days of receipt of the ESSER III funds, will develop and make publicly available of the subrecipient's website a plan for the safe return of in-person instruction and continuity of services as required in section 2001(i)(1) of the ARP., or (b) developed and made publicly available on the subrecipient's website such a plan tat meets the statutory requirement before enactment of the ARP. The subrecipient ensures that, as required in section 2001(i)(2) of the ARP, before making the plan publicly available, the subrecipient sought public comment on the plan and took such comments into account in the development of the plan.

4. Comply with all reporting requirements at such time and such manner and containing such information as the Secretary may reasonably require, including on matters such as:

    - Data on each school's mode of instruction (remote, hybrid, in-person) and conditions;
    - Subrecipient's 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;
    - Subrecipient's use of funds to sustain and support access to early childhood education programs;
    - Impacts and outcomes (disaggregated by student subgroup) through use of ESSER III funding (e.g., quantitative and qualitative results of ESSER III funding, including on personnel, student learning, and budgeting at the school and district level);
    - Student data (disaggregated by student subgroup) related to how the COVID-19 pandemic has affected instruction and learning;
    - Requirements under the Federal Financial Accountability Transparency ACT (FFATA); and
    - Additional reporting requirement as may be necessary to ensure accountability and transparency of ESSER III funds.

5. Comply with the requirement that, to the extent applicable, the subrecipient will include in its application for ESSER III funds a description of how it will comply with the requirements of section 427 of GEPA (20 U.S.C. 1228a). The description must include information on the steps the subrecipient 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.

6. Comply with the requirement that the subrecipient will adhere to 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 Government-wide Debarment and Suspension (Non-procurement) 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.

7. Have the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project(s) described in this application.

8. Comply with the requirement that records pertaining to the ESSER III award under 2 CFR 200.334 and 34 CFR 76.730, including financial records related to use of grant funds, will be retained separately from other grant funds, including funds than a subrecipient receives under the CARES Act, the ARP Act and the ARP Act.

9. Comply with the requirement to 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 State of New

Hampshire and its agencies; (ii) the US Department of Education and/or its Inspector General or the Comptroller General of the United States; or (iii) any other federal agency, commission, or department in the lawful exercise of its jurisdiction and authority; and will establish a proper accounting system in accordance with generally accepted accounting standards or NHDOE directives. Comply with the requirement to make reports available to the NHDOE and to the US Department of Education Secretary as may be needed for the NHDOE and the Secretary to perform their duties under this program, and maintain records (as required in GEPA Section 443).

10. Not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project.

11. Comply with the requirements of the NHDOE with regard to the drafting, review and approval of construction plans and specifications.

12. Provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms to the approved plans and specifications and will furnish progressive reports and such other information as may be required by the Federal assistance awarding agency or NHDOE.

13. Initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

14. Establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain. Additionally, comply with the requirement that none of the funds expended under this program will be used to acquire equipment if such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity or its employees.

15. Comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

16. Comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

17. Comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29) U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as

amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statue(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statue(s) which may apply to the application.

18. Comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

19. Comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

20. Comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327- 333) regarding labor standards for Federally assisted construction sub-agreements.

21. Comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

22. Comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

23. Comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

24. Assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq).

25. Comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance, if applicable.

26. Comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance, if applicable.

27. Cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

28. Comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program. This program will be administered in accordance with applicable statutes, regulations, program plans, and applications.

29. Comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

30. Comply with the requirements adopted by the US Department of Education in the Code of Federal Regulations at 2 CFR 175 and incorporates those requirements into this grant through this condition. The grant condition specified in 2 CFR 175.15(b) is incorporated into this grant with the following changes.

    Paragraphs a.2.ii.B and b.2. ii. are revised to read as follows:

    > "a.2.ii.B. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 34 CFR part 85."
    >
    > "b.2. ii. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 34 CFR part 85."

    Under this condition, the Secretary may terminate this grant without penalty for any violation of these provisions by the grantee, its employees, or its subrecipients.

31. Comply with the requirement that any facilities constructed under this program will be consistent with overall State construction plans and standards and with the requirements of

Section 504 of the Rehabilitation Act of 1973 in order to ensure that the facilities are accessible to and usable by individuals with disabilities.

32. Comply with the requirement that subrecipients 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. Subrecipients must comply with these conditions under Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," October 1, 2009.

33. Comply with the requirements that when issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, subrecipients shall clearly state:

1) The percentage of the total costs of the program or project which will be financed with Federal money;

2) The dollar amount of Federal funds for the project or program; and

3) The percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

Subrecipients must comply with these conditions under Division B, Title V, Section 505 of Public Law 115-245, Consolidated Appropriations Act, 2019.

34. Comply with applicable Uniform Guidance requirements, as well as the Department's regulations regarding construction at 34 CFR 75.605.

By signing this document, I attest I have read and understand the obligations of all the assurance statements above (1 through 34) for the ESSER III Fund grant and will ensure that the LEA named below complies with the assurances. I further attest that I have provided a copy of these ESSER III Fund grant assurances to the LEA School Board/Charter School Board of Trustees and have consulted with them, including explaining the obligations of the LEA described by these assurances. I will ensure that the LEA/Charter School electronically attaches this signed document in the online Grants Management System – ARP-ESSER III page and that a copy will be kept on file at the LEA.

LEA Name: _____Hampstead School District_____

Signature of Superintendent/Charter School Administrator: _____

Date: ___April 12, 2022__

General Education Provisions Act (GEPA) Section 427 and 442 Requirements

SAU Number: __55__
LEA Name: ___Hampstead School District_____

Contact Information for the person responsible for fulfilling GEPA requirements.

Name: ____Nicole Tomaselli_____

Phone Number: ___603 329 – 6744 ext 3003_____

E-mail Address: ____tomasellin@hampsteadschools.net_____

Superintendent/Charter School Administrator Signature: _____

GEPA 427 General Educational Provisions Act Requirement

1. Section 427 of GEPA (20 U.S.C. 1228a), which is incorporated into the ARP Act requires the subrecipient to provide in its application for ESSER funds a description of the steps it 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.

Given the implementation to remote instruction and support, please describe how the subrecipient has supported, and how it will continue to support, students with IEP's whether through remote support, in-person support or have not provided supports and services from student IEP's.

Hampstead School District believes in equal access for every educational, social, emotional and physical activity sponsored by the district. All programs, courses, and classes are conducted without discrimination on the basis of gender, sexual orientation, race, color, religion, nationality, ethnic origin, language, disability, or age. Our activities and professional development have been visible, active indications of the school district's belief in including all groups in our diverse community. When planning activities for Hampstead students our instructional teams look closely at performance data (local and state assessment data) as well as anecdotal evidence (such as participation and engagement) to be sure that students who can benefit the most from supplemental, remedial, extracurricular and/or enrichment programming are invited to attend before opening up additional seats to the wider population. Instructional sessions will offer as much individualized outreach as possible and utilize curricula and instructional best practices to optimize student success. Additionally, we will utilize funding to ensure that all students have access to bussing, so that transportation is never a barrier to a student being able to access programming.

GEPA 442 General Educational Provision Act Requirements

1. Section 442 of GEPA requires subrecipients to provide opportunities for the participation in, planning for, and operation of each program supported by ARP Act funds, by teachers, parents, and other interested agencies, organizations, and individuals.

   Please describe how such participation opportunities will be provided.

The Hampstead School District administration will meet with teachers and parents as well as other community agencies and organizations in a regular and ongoing basis to stay informed of student performance, attendance and changing conditions within our community. We will collect this information during public input at school board meetings, through community listening sessions and through surveys. As these needs become known by the district we will contract with internal teams and external organizations who have the expertise and shared vision to address areas of concern and establish growth benchmarks for our school community. In cases that require individualized outreach to ensure that students have continuity in accessing their education, for example during periods of required quarantine, we have staff that has already indicated willingness to do so. Additionally, we will utilize funds to bring organizations in and provide direct supports to students and require that they extend their training to include professional development of teachers, parents and other appropriate community groups.

2. Section 442 of GEPA requires that subrecipient applications, evaluations, plans, or reports related to each program will be made available to parents and the public.

   Please describe how such information will be made available to parents and the public.

In receiving federal funds the Hampstead School District will demonstrate high levels of transparency by providing information to families periodically at School Board meetings and sharing updates on our website.