# Certification and Agreement for Funding for the American Rescue Plan Elementary and Secondary Education Relief Fund (ARP ESSER)

## BACKGROUND

### Purpose

The American Rescue Plan Act (ARP) 2021 was signed into law on March 11, 2021 and provides an additional $122.8 billion for the Elementary and Secondary School Emergency Relief Fund (ARP ESSER Fund). ARP ESSER Fund awards to SEAs are in the same proportion as each State received funds under Part A of Title I of the Elementary and Secondary Education Act of 1965, as amended, in fiscal year 2020.

The Utah State Board of Education (USBE) is distributing these funds by application in alignment with the federal distribution formula. This new funding is intended to help local education agencies safely reopen schools, measure and effectively address accelerated learning, and take other actions to mitigate the impact of COVID-19 on the students and families who depend on our K-12 schools.

Although the ARP ESSER uses of funds are similar to those for ESSER I and ESSER II, there are important distinctions between the ARP ESSER and other ESSER programs, including the period of funds availability, equitable services to non-public schools, maintenance of effort, and a report on efforts to measure and address accelerated learning. LEAs may plan to use all remaining ESSER I and ESSER II funds before making use of the ARP ESSER funds, given the shorter remaining period of availability, however this is not a requirement. Please consult the accompanying fact sheet to learn more about the ARP ESSER program.

As part of the required state application for the U.S. Department of Education, USBE leaders met with a diverse group of stakeholders to get input on statewide needs in May 2021. USBE identified the following three issues currently facing students and schools across Utah as a result of or in response to the COVID-19 pandemic. We urge LEAs to consider these priority areas in designing plans for the use of ARP ESSER funds.

1. Student mental health and social emotional needs including student health foundations and protective factors.
2. Missing or Disengaged Students in K-12
3. Literacy

The ARP ESSER funds require that an LEA engage in meaningful consultation with stakeholders in the development of this plan. The LEA will assure that the public has been provided the opportunity to provide input to the LEA ARP ESSER plan, that the LEA has taken the public input into account, and that the local school board has adopted the LEA's plan for the use of ARP ESSER funds in an open and public meeting.

## Federal Allowable Use Cases

Generally, in determining whether an activity is an allowable use of funds, a State or LEA must determine:

- Is the use of funds intended to prevent, prepare for, or respond to the COVID-19 pandemic, including its impact on the social, emotional, mental health, and academic needs of students?
- Does the use of funds fall under one of the authorized uses of ESSER or GEER funds?
- Is the use of funds permissible under the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance, 2 CFR Part 200)? In particular, is it necessary and reasonable for the performance of the ARP ESSER award?

The use cases as described in the federal American Rescue Plan legislation is detailed below. In addition, LEAs may consider the following companion guidance that was created by the Hunt Institute to support states and LEAs.

**Uses of Funds. —A local educational agency that receives funds from ARP ESSER:**

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

Shall use the remaining funds for any of the following:

2. Any activity authorized by the Elementary and Secondary Education Act of 1965.
3. Any activity authorized by the Individuals with Disabilities Education Act.
4. Any activity authorized by the Adult Education and Family Literacy Act.
5. Any activity authorized by the Carl D. Perkins Career and Technical Education Act of 2006.
6. 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.
7. 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.
8. Developing and implementing procedures and systems to improve the preparedness and response efforts of local educational agencies.
9. Training and professional development for staff of the local educational agency on sanitation and minimizing the spread of infectious diseases.
10. Purchasing supplies to sanitize and clean the facilities of a local educational agency, including buildings operated by such agency.
11. 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.

12. 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.
13. Providing mental health services and supports, including through the implementation of evidence-based full-service community schools.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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.
19. 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.

## Non-Allowable Use Cases

The Department generally does not consider the following to be an allowable use of ESSER funds, under any part of section 313:

1. subsidizing or offsetting executive salaries and benefits of individuals who are not employees of the LEAs
2. expenditures related to state or local teacher or faculty unions or associations

## Funding

The USBE intends to award funding to eligible LEAs based on FFY 2020 Title I-A allocations as directed by the U.S. Department of Education. The USBE has also established a base allocation for all LEAs using the state set aside as we did with the original ESSER I and ESSER II awards.

*One-Time Funding*
LEAs should note that the ARP ESSER is one-time funding that must be utilized by September 30, 2023 and plan expenses accordingly.

*(Please note, due to the federal Tydings Amendment, awardees have an additional 12-months to submit final reimbursement paperwork, which is the 09/30/24 date referenced in the fact sheet. We are encouraging all of our LEAs to make plans to spend by the end of the award period 09/30/23.)*

*Equitable Services:*
An LEA that receives ARP ESSER funds under this grant is not required to provide equitable services to non-public school students and teachers with the ARP ESSER funding. The Utah State Board of Education is administering the new Emergency Assistance for Non-Public Schools (Utah EANS Website) program, which allows non-public schools to seek equitable services directly from USBE.

*Maintenance of Records:*
Records pertaining to this award under 2 C.F.R. 200.334 and 34 C.F.R. 76.730, including financial records related to use of grant funds, must be retained separately from the LEAs original ESSER I funds awarded in 2020 and ESSER II awarded in 2021.

## Application Deadline: August 20, 2021 at 5:00 PM in the Utah Grants Management System

Applications will be reviewed on a rolling basis through the Utah Grants Management system. Most outcomes are determined within 2-3 business days from submission.

## USBE Points of Contact:

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Sarah Young
Director of Strategic Initiatives, USBE
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# LEA Application

**Please complete the fields below on pages 5-15 that are highlighted for response and upload to the Utah Grants Management System along with the budget request:**

| |
|---|
| Legal Name: (e.g., Juab School District)<br><br>Mountain Sunrise Academy |
| Contact Information for LEA Representative<br><br>Name: Krystelle Rose<br><br>Position & Office: Executive Director<br><br>Address: 1802 E. 145 N. Saratoga Springs, UT 84045<br><br>Telephone: 801-882-2525<br><br>Email address: krystelle.rose@mountainsunriseacademy.org |

# PROPOSED USE OF FUNDS

Below we are asking each LEA to provide an explanation of how the LEA intends to use the ARP ESSER funds in alignment with the allowable use cases described by the U.S. Department of Education. We encourage LEAs to prioritize **evidence-based practices** and call those out in their narrative.

### 1. UNDERSTAND & ASSESS: Student Academic and Social Emotional Needs

USBE encourages LEAs to complete a needs assessment before determining how their portion of ESSER funds will be used. LEAs should follow existing needs assessment protocols to determine the most valuable and targeted use of ESSER funds. A needs assessment should include a review of the current state as compared to the desired state, the identification of barriers to reaching the desired state, and an analysis of the potential sources of the identified barriers.

A. **Impacts of COVID-19 on your LEA:** Please describe the areas that have been most impacted by the coronavirus on your LEA. What has been done to determine the strategies that are needed to mitigate the effects of the pandemic? Please provide any baseline data and stakeholder feedback collected to show the impacts of COVID-19.

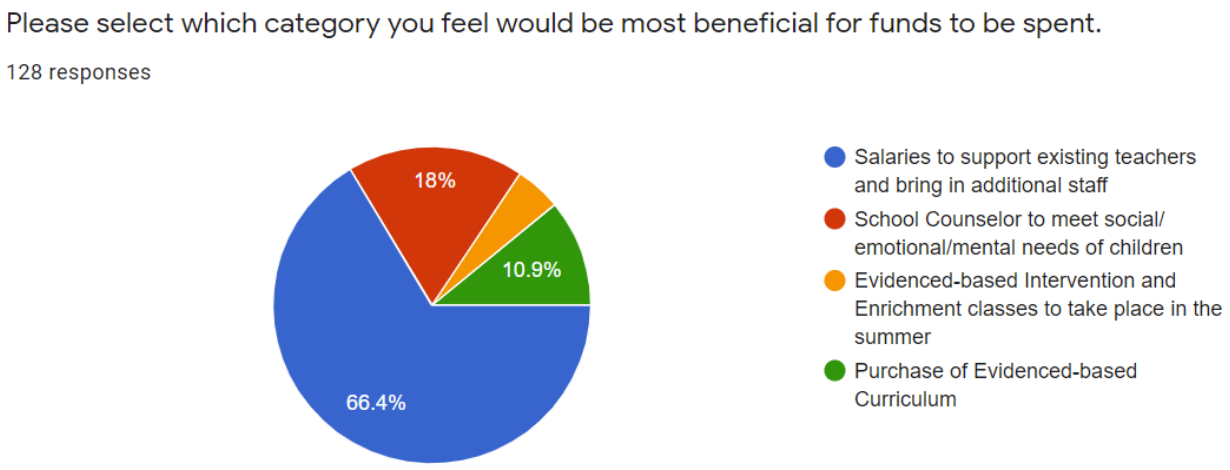
MSA is aware of the severe learning loss for students due to the worldwide COVID-19 pandemic. Through its webpage Coronavirus information and Resources, specifically “Effects on Learning” USBE outlines data to help educators understand grade levels and student subgroups who are experiencing the highest levels of educational loss. USBE findings noted that at the state level, Acadience Reading assessment participation rates across grade 1 through 3 decreased by 3.4 percentage points.

As we were in our first year of operation last year and we started school during the pandemic, we

don't have benchmarks to show what our school performance looks like in a "normal" year. Schools are typically in a "hold harmless" year with their first year of operation. That said, we do have some feedback from our Acadience scores. Our scores were low and our school also qualified to participate in the LTTRS program. We see a need to support our reading program and intervention.

In establishing MSA's proposed use of ESSER III funds we consulted with our school staff, Charter Council Board of Trustees, and school community. Participants were able to vote as well as submit comments.

The top priorities of results to address student learning loss included use of funds for salaries to support existing teachers and bring in additional staff, hiring of a school counselor to support mental and social emotional needs. The third highest interest in our survey included investing in evidenced-based curriculum.




To support learning loss in the pandemic and assist students and teachers, MSA is putting together a reading intervention team to assist those considered most at risk. In addition, our school is attending the LTTRS program with representation from administration, our Assessment Director, and a team lead from grades K-3 that will attend those trainings.

We would like funds to go towards the salary for a Literacy and Assessment Director. This person will attend trainings and oversee the reading intervention team as well as gather assessment data.

To support our student's social emotional learning (SEL) and mental health we have added a school counselor and student advisor to create an SEL team and would like to use this grant to support their salaries.

We also would like to use salary to pay for class aides in K-2 grade so that teachers and students can receive more support. We hope this will positively affect their learning and test scores.

We have also purchased teacher and student textbooks and manuals for a new math program, Singapore math, which we are implementing this year. Singapore has consistently lead scores internationally in both math and science and has been noted to be a very successful math program.

## 2. DESIGN: LEA ARP ESSER Plan and Aligned Budget

In building budgets, please keep in mind that federal funds should be utilized to supplement your state and local funds. The ARP ESSER budget submitted through the Utah Grants Management System does not have to include state and local funds, but their availability and utilization should be considered the foundation for building recovery and acceleration plans. As you are braiding various state and federal funds, be mindful that some funds expire at different times than others. The increased federal funds will enhance the opportunities that you can offer, but we encourage you to think holistically as you assess your LEA's situation and make plans for academic recovery and acceleration.

A. **Plan to Address Accelerated learning:** Please provide a narrative response for how your LEA plans to use at least 20 percent of funds to address accelerated learning through the implementation of **evidence-based** interventions (e.g., providing intensive or high-dosage tutoring or accelerating learning), such as summer learning or summer enrichment, extended day, comprehensive after-school programs, or extended school year programs, and ensure that those interventions respond to students' social, emotional, and academic needs and address the disproportionate impact of COVID-19 on underrepresented student subgroups.

The ARP Act defines the term "evidence-based" as having the meaning in section 8101(21) of the ESEA. Accordingly, "evidence-based" includes several tiers of evidence. Specifically, "evidence-based," when used with respect to a State, LEA, or school activity, means an activity, strategy, or intervention that:

- Demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on—
    - Strong evidence from at least one well-designed and well-implemented experimental study ("tier 1");
    - Moderate evidence from at least one well-designed and well-implemented quasi-experimental study ("tier 2"); or
    - Promising evidence from at least one well-designed and well-implemented correlational study with statistical controls for selection bias ("tier 3"); or
- Demonstrates a rationale based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes and includes ongoing efforts to examine the effects of such activity, strategy, or intervention ("tier 4").

Given the novel context created by the COVID-19 pandemic, an activity need not have generated such evidence during the COVID-19 pandemic to be considered evidence-based. The Department's What Works Clearinghouse (available at https://ies.ed.gov/ncee/wwc/) identifies the tier of evidence that reviewed studies meet, as applicable. As part of the "demonstrates a

rationale (tier 4)" level of evidence, grantees may develop and use approaches that are novel, if they are consistent with theoretical and empirical findings from research and the grantee will continue to review the effects of the practice to build the evidence base. Developing a logic model can help to demonstrate a rationale. Logic model resources are available at https://ies.ed.gov/ncee/edlabs/regions/pacific/elm.asp.

**i. Narrative for how your LEA plans use at least 20% of the total ARP ESSER award to address accelerated learning through the implementation of evidence-based outcomes.**

*MSA plans to utilize a minimum of 20% of ESSER III ARP funds to establish a summer student tutor support instructional program. The program will focus upon providing students in 1st through 6th grade needed literacy skills. The program will utilize three main literacy intervention programs with evidence-based outcomes. Students will participate in tutor support program for one hour – twice weekly. Progress will be collected via Acadience Benchmarks and progress monitoring. The program will be delivered by classroom teachers and or instructional aides or others who have received extensive training in the teaching of reading.*

*Grades 1 – 3 will participate in Phonemic Awareness skill building utilizing Heggerty Phonemic Awareness or similar curriculum. Students in grades 1st through 3rd will receive training from the LTTRS program.*

*Students in grades 3rd through 6th will participate in literacy, fluency and comprehension development through participation in the Read Naturally program. MSA may also incorporate the Reading Mastery Program.*

**ii. Please complete the table below for each of the activities that you will be pursuing to address learning loss.**

| **Evidenced-based Activity Description** | **Timeframe for Implementation** | **Estimated Total Budget for Activity** | **Data Source for Measuring Effect (ex. Attendance, Acadience, RISE, ACT Aspire, local measure, etc.)**<br>- Disaggregated by specific student subgroups | **Baseline Measure from 2018-2019 or 2019-2020 (as applicable)** | **Target for measured effect at conclusion of activity** |
|---|---|---|---|---|---|
| *Ex. Credit Recovery Program At-Risk of Dropping Out/Not Graduating* | *June 2021- August 2021 and June 2022 - August 2022* | *$120,000* | *Total number of credits recovered; number of students served disaggregated by student subgroup* | *42 credits recovered; 23 students served* | *110 credits recovered; 78 students served* |
| *Ex. Summer recovery tutoring* | *June 2021- August 2021 and June 2022 - August 2022* | *$120,000* | *End of Year (EoY) Acadience Reading Scores for students in grades 1-3 in the yellow or red ranges disaggregated by student subgroup* | *75 students in the yellow 69 students in the red (actual change scores attached)* | *45 students in the yellow 37 students in the red (actual change scores attached)* |
| | **Summer 2022**<br><br>**Summer 2023** | **$38,000** | **Comparison EOY with BOY in Acadience Reading Scores in Grades 1-3 after the summer tutoring program.** | **N/A** | **6% change of those in red moving to yellow or higher scores.** |

### iii. What is your process for evaluating the success of the above activities and revising your ARP ESSER plan to reflect improvements?

The Assessment Committee will review student academic progress utilizing Acadience progress monitoring and review of Beginning of Year, (BOY) Middle of Year, MOY and End of Year, EOY benchmark assessments, as well as RTI comments and observations. Student progress will be reviewed at monthly RTI team meetings. In the event there are students participating in the summer tutoring group are not exhibiting similar growth compared to their classroom peers, analysis through progress monitoring of specific skills will be performed. Based upon this analysis recommendations for revision ARP ESSER may be suggested for implementation.

**How will the LEA will ensure that the interventions it implements, including but not limited to the interventions 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 experiencing homelessness, children and youth in foster care, and migratory students?** USBE encourages LEAs to reference their needs assessment to support their narrative.

MSA cares deeply about all students' academic success and social emotional well-being. Academic intervention and SEL supports will be offered to all students who exhibit need. Students and families who were disproportionately impacted by COVID-19 pandemic, low-income families, students of color, English Learners, children with disabilities, students experiencing homelessness will be first placed into the summer tutoring support. Monthly RTI and SEL team meetings will ensure MSA staff will reach out individually to students and families who exhibit need for SEL support and connect them with all available school and community resources. Our SEL team consists of a part-time school counselor and soon to be hired part-time student advisor, two full-time full-time special education teachers, and administration. We hope to add an additional part-time social worker.

**B. Plan for remainder of funds:**

Please provide a narrative response that details your LEA ARP ESSER plan for the remaining funds in alignment with the allowable use cases. We recommend you call out the federal use case language and category number in your response, as well as including your budget narrative from the Utah Grants Management System**.**

#19 - Other Activities that are necessary to maintain the operation of and continuity of services in the LEA and continuing to employ existing staff of the LEA

- -Literacy and Assessment Director - salary and benefits approx. **$50,000**
- -School counselor and/or student Advisor approx. **$40,000**
- -Teacher aides K-2: **approx $35,000**

#15 Purchasing educational evidenced-based curriculum

Singapore Math **- $25,000**

## 3. Implementation and Policy

### A. LEA Safe Return to In-Person Instruction Commitment

An LEA that receives ARP ESSER funds must, within 30 days of receiving the funds, make publicly available on its website a plan for the safe return to in-person instruction and continuity of services by addressing the mitigation strategies described by the federal legislation and interim final rule. Before making the plan publicly available, the LEA must seek public comment on the plan.

We recognize that for most Utah LEAs, schools are already providing this in-person instruction. The requirements outlined below are in in compliance with the ARP ESSER award, and should speak to the plans for school in fall 2021. **Please complete the "LEA Response" within the table below for each of the mitigation strategies describing if the LEA has any policies and what those policies are for the given mitigation strategy.**

| Mitigation strategy | USBE and UDOH Guidance Resources | LEA Response: |
|---|---|---|
| Universal and correct wearing of masks | *https://coronavirus.utah.gov/mask/*<br><br>*https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover-guidance.html*<br><br>*https://coronavirus-download.utah.gov/School/COVID-19_School_Manual_FINAL.pdf -page 105-109* | *Our LEA will continue to work with our local health department to determine the policies and actions that are necessary to respond to the current status of COVID-19 in our state.* |
| Physical distancing (e.g., including use of cohorts/podding) | *https://coronavirus-download.utah.gov/School/COVID-19_School_Manual_FINAL.pdf -page 101-102* | *We will continue to use the guidelines reflected in the COVID-19 school manual. We will encourage physical distancing whenever possible and will also utilize outside learning spaces.* |
| Handwashing and respiratory etiquette | *https://coronavirus-download.utah.gov/School/COVID-19_School_Manual_FINAL.pdf -page 109-111* | *MSA will continue to have students and staff participate in hand washing and respiratory etiquette.* |

| | | |
|---|---|---|
| Cleaning and maintaining healthy facilities, including improving ventilation | *https://coronavirus-download.utah.gov/School/COVID-19_School_Manual_FINAL.pdf -page 75-84* | *MSA is currently looking at getting air filtration systems into each classroom for improved ventilation. Our school is new as of last year and has the latest up to code HVAC model. We have added on additional custodial hours during the school day for extra cleaning.* |
| Contact tracing in combination with isolation and quarantine, in collaboration with the State, local, territorial, or Tribal health departments | *https://coronavirus-download.utah.gov/School/COVID-19_School_Manual_FINAL.pdf - page 27-35* | *MSA will follow the guidance of the Utah County Health Department and state and local departments in regards to contact tracing, notifying families of potential exposure, isolation and quarantine protocols, etc.* |
| Diagnostic and screening testing | *https://coronavirus-download.utah.gov/School/COVID-19_School_Manual_FINAL.pdf -page 37-43; 46-51; 52-56* | *MSA will follow the Covid-19 School Manual.* |
| Efforts to provide vaccinations to educators, other staff, and students, if eligible | *https://coronavirus-download.utah.gov/School/COVID-19_School_Manual_FINAL.pdf -page 57-59* | *MSA will inform staff and students, if applicable of available vaccination sites.* |
| Appropriate accommodations for children with disabilities with respect to the health and safety policies | *https://coronavirus-download.utah.gov/School/COVID-19_School_Manual_FINAL.pdf -page 106, 109, 114* | *MSA will provide appropriate accommodations for children with disabilities, especially in respect to health and safety.* |

**B. Please provide a link to your website where you will post this plan within 30 days of receiving the funds, to make it publicly available as required in federal legislation and rule.** This link will be made available on the USBE website and be provided to the U.S. Department of Education.

*mountainsunriseacademy.org/policies*

## 4. GEPA Section 427 (20 U.S.C. 1228a) Compliance

### A. LEA Description of GEPA Compliance

Please describe how the LEA will comply with the requirements of GEPA Section 427 (20 U.S.C. 1228a). Comprehensive GEPA requirements are listed under the assurances section of this document. Your 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 access to, or participation in, the program.

**Description of GEPA Compliance:**

Mountain Sunrise Academy will administer ESSER III funds in accordance with all applicable statutes, regulations, program plans, and applications; including the control of funds provided to MSA 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. MSA will use fiscal control and fund accounting procedures that will ensure proper disbursement of and accounting for ESSER III funds paid to that agency.

MSA has provided reasonable opportunities for the participation by teachers, parents, and other interested agencies, organizations, and individuals in the planning for and operation of ESSER III fund expenditure. MSA does not plan to engage in any project involving construction.

None of the funds expended under ESSER III 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.

Our students, teachers, and staff will not have any barriers based on gender, race, color, national origin, disability, or age that may impede their participation in the educational offerings of the school.

# ASSURANCES

The superintendent or charter school director assures the following:

### Plan Development and Approval Requirements

- The LEA must engage in meaningful consultation with stakeholders, including, but not limited to:
  - i. students;
  - ii. families;
  - iii. school and district administrators (including special education administrators); and
  - iv. teachers, principals, school leaders, other educators, school staff, and their unions.
- The LEA must also engage in meaningful consultation with each of the following to the extent present in or served by the LEA:
  - i. Tribes;
  - ii. civil rights organizations (including disability rights organizations); and
  - iii. stakeholders representing the interests of children with disabilities, English learners, children experiencing homelessness, children and youth in foster care, migratory students, children who are incarcerated, and other underserved students.

- The LEA assures that the public has been provided the opportunity to provide input to the development of this plan.
- The LEA has taken the public input into account in developing this plan.
- The local school board has adopted the LEA's plan for the use of ARP ESSER funds in an open and public meeting.

**Programmatic Requirements**

- LEA plans to use at least 20 percent of funds to address accelerated learning through the implementation of evidence-based interventions and ensure that those interventions respond to students' social, emotional, and academic needs and address the disproportionate impact of COVID-19 on underrepresented student subgroups.
    - To put a greater focus on social and emotional learning the Utah State Board of Education will be using the term "accelerated learning" in place of "learning loss" and assure that the use of this term is in alignment with the federal use of "learning loss."
- The LEA will only use the ARP ESSER grant Coronavirus Relief Fund to cover costs that—
    - Are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19)
- The LEA will implement evidence-based interventions, as required by section 2001(e)(1) of the ARP Act
- The LEAs will address the disproportionate impact of the COVID-19 pandemic on underserved students (i.e., students from low-income families, students from racial or ethnic groups, gender, English learners, children with disabilities, students experiencing homelessness, children and youth in foster care, and migratory students), as required by section 2001(e)(1) of the ARP Act
- LEAs that receive ARP ESSER funds meet the requirements in section 2001(i) of the ARP Act and the requirements relating to the ARP ESSER funds published in the Federal Register and available at https://oese.ed.gov/offices/american-rescue-plan/american-rescue-plan-elementary-and-secondary-school-emergency-relief/ (ARP ESSER requirements) within 30 days of receipt of the funds, develop and make publicly available on the LEA's website a plan for the safe return to in-person instruction and continuity of services.
    - Before making the plan publicly available, the LEA must seek public comment on the plan.
    - The LEA ARP ESSER plan includes adoption or the extent of adoption of the policies and strategies that provide continuity of services including but not limited to services to address the students' academic needs, and students' and staff social, emotional, mental health, and other needs, which may include student health and food services in the LEA ARP ESSER plan template.
    - The LEA will periodically review and revise their plan for the safe return to in-person instruction and continuity of services, no less frequently than every six months for the duration of the ARP ESSER grant (through September 30, 2023) as part of the grant administration and monitoring process.
        - Each LEA will be required to submit an assurance that this step has been completed during COVID-19 relief funding reporting and fiscal year close out occurs twice a year. This step will be required, and LEA reimbursements will be placed on hold until the assurance and submission of updated link has been provided to USBE.
    - All posted LEA plans have a point of contact and/or survey form included on the website where the plan for the safe return to in-person instruction and continuity of services is published to allow for public feedback and input throughout the calendar year.

    - The LEA will consider all public feedback in reviewing and making any revisions to the plan. The plan and any subsequent and substantive changes will be required to be approved by the local LEA school board in a public meeting.
- An LEA that receives ARP ESSER funds under this grant is **not required** to provide equitable services to non-public school students and teachers with the ARP ESSER funding. All non-public schools can seek funding support from USBE through the Emergency Assistance for Non-Public Schools (EANS) program. Please refer them to the USBE website: https://schools.utah.gov/coronavirus?mid=4985&aid=10
- 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, U.S. Department of Education grantees shall clearly state:
    - the percentage of the total costs of the program or project which will be financed with Federal money;
    - the dollar amount of Federal funds for the project or program; and
    - the percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.
    - Recipients must comply with these conditions under Division B, Title V, Section 505 of Public Law 115-245, Consolidated Appropriations Act, 2019.
- Grantees and subgrantees that receive grant funds under programs of the Department are responsible for maintaining internal controls regarding the management of Federal program funds under the Uniform Guidance in 2 CFR 200.302 and 200.303. In addition, grantees are responsible for ensuring that subgrantees are aware of the cash management and requirements in 2 CFR part 200, subpart D.

## Fiscal Requirements

- Grantees and subgrantees that receive grant funds under programs of the Department are responsible for maintaining internal controls regarding the management of Federal program funds under the Uniform Guidance in 2 CFR 200.302 and 200.303. In addition, grantees are responsible for ensuring that subgrantees are aware of the cash management and requirements in 2 CFR part 200, subpart D.

*Local Educational Agency Maintenance of Equity for High-Poverty Schools*

- Section 2004(c) of the ARP Act stipulates that an LEA, as a condition of receiving ARP ESSER funds under section 2001, a local educational agency shall not, in fiscal year 2022 or 2023—
    - Reduce per-pupil funding (from combined State and local funding) for any high-poverty school served by such local educational agency by an amount that exceeds—
        - The total reduction in local educational agency funding (from combined State and local funding) for all schools served by the local educational agency in such fiscal year (if any); divided by
        - The number of children enrolled in all schools served by the local educational agency in such fiscal year; or
    - Reduce per-pupil, full-time equivalent staff in any high-poverty school by an amount that exceeds—
        - The total reduction in full-time equivalent staff in all schools served by such local educational agency in such fiscal year (if any); divided by
        - The number of children enrolled in all schools served by the local educational agency in such fiscal year.
- Exception: The above condition shall not apply to a local educational agency in federal fiscal year 2022 or 2023 that meets at least 1 of the following criteria in such fiscal year:
    - Such local educational agency has a total enrollment of less than 1,000 students.

- Such local educational agency operates a single school.
- Such local educational agency serves all students within each grade span with a single school.
- Such local educational agency demonstrates an exceptional or uncontrollable circumstance, such as unpredictable changes in student enrollment or a precipitous decline in the financial resources of such agency, as determined by the Secretary of Education.

## Reporting Requirements for ARP ESSER

As described in the Grant Award Notification ("GAN"), USBE will ensure that its LEAs comply with, all reporting requirements at such time and in such manner and containing such information as the Secretary may reasonably require, including on matters such as:

- The LEA will comply with all reporting requirements at such time and in such manner and contain such information as the federal government, state lawmakers, and USBE may reasonably require in the future.
  - Records pertaining to this award under 2 C.F.R. 200.334 and 34 C.F.R. 76.730, including financial records related to use of grant funds, must be retained separately from the LEAs ESSER I funds (awarded in 2020) and ESSER II funds (awarded in 2021).
- How the LEA is developing strategies and implementing public health protocols including, to the greatest extent practicable, policies and plans in line with the CDC guidance related to mitigating COVID-19 in schools;
- Overall plans and policies related to LEA 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 participation in in-person instruction;
- Data on each school's mode of instruction (fully in-person, hybrid, and fully remote) and conditions;
- LEA 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;
- LEA uses of funds to sustain and support access to early childhood education programs;
- Impacts and outcomes (disaggregated by student subgroup) through use of ARP ESSER funding (e.g., quantitative and qualitative results of ARP ESSER 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 requirements may be necessary to ensure accountability and transparency of ARP ESSER funds.

## Records Retention

- The LEA will cooperate with any examination of records with respect to ARP ESSER grant by making records available for inspection, production, and examination, and authorized individuals available for interview and examination, upon the request of (i) the governor; (ii) the Department of Education and/or its Inspector General; or (iii) any other federal agency, commission, or department in the lawful exercise of its jurisdiction and authority.

**General Education Provisions Act (GEPA) Requirements for LEAs**

*Section 442 (20 U.S.C. 1232e) Assurances*

- Any LEA receiving funding under this program 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).
- To the extent applicable, an LEA will include in its local application 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.
- The LEA will administer ARP ESSER funds in accordance with all applicable statutes, regulations, program plans, and applications;
- The control of funds provided to the LEA, 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;
- The LEA will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, ARP ESSER funds paid to that agency;
- The LEA will make reports to the governor and to the U.S. Secretary of Education as may reasonably be necessary to enable the governor and the Secretary to perform their duties and that the local educational agency will maintain such records, including the records required under section 443, and provide access to those records, as the governor or the Secretary deem necessary to perform their duties;
- 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 ARP ESSER fund expenditures;
- Any application, evaluation, periodic program plan or report relating to ARP ESSER will be made readily available to parents and other members of the general public;
- In the case of any project involving construction—
    - The project is not inconsistent with overall State plans for the construction of school facilities, and
    - 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 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
- The LEA 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
- None of the funds expended under ARP ESSER 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.

## Assurance on Lobbying (34 CFR part 82)

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the

entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2. If any funds other than 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 this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

<table>
<tr><td colspan="2">To the best of my knowledge and belief, all of the information and data in this certification and agreement are true and correct. I acknowledge and agree that the failure to comply with all Assurances and Certifications in this Agreement, all relevant provisions and requirements of the American Rescue Plan Act or ARP Act, Text - H.R.1319 - 117th Congress (2021-2022): American Rescue Plan Act of 2021. (2021, March 11). https://www.congress.gov/bill/117th-congress/house-bill/1319/text, or any other applicable law or regulation may result in liability under the False Claims Act, 31 U.S.C. § 3729, et seq.; 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 18 USC § 1001, as appropriate.</td></tr>
<tr><td>Superintendent or Charter School Director (Typed Name):<br><br>Krystelle Rose</td><td>Telephone:<br><br>801-882-2525</td></tr>
<tr><td>Signature of Superintendent or Charter School Director*:</td><td>Date:</td></tr>
</table>

**Digital signatures are preferred and require a timestamp for authentication. If a digital signature is not possible, USBE will accept a handwritten signature uploaded as a PDF.*