

American Recovery and Reinvestment Act (ARRA) of 2009

State Fiscal Stabilization Fund (SFSF)

FY2009 Recovery Grants

Assurances and Application for Funds

In order to be in compliance with the provisions of the American Recovery and Reinvestment Act (ARRA), we agree to the following stipulations required in the Act:



SECTION I: Definitions

1. For the purposes of this document, the term LEA shall mean any Local Education Agency, Local Education Agency Charter School or Charter School receiving SFSF funds directly from the Idaho State Department of Education.
2. The SDE shall mean the Idaho State Department of Education.

SECTION II: General Assurances for LEA(s)

1. The LEA will administer and use SFSF program funds in accordance with all applicable statutes, regulations, program plans and applications, including the General Education Provisions Act (GEPA) section 442.
2. The control of SFSF program 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.
3. 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 the SFSF program. The LEA's administration and expenditure of SFSF program funds shall be in accordance with all applicable requirements of the Education Department General Administrative Regulations (EDGAR), the cost principles contained in 2 CFR 225 (OMB Circular A-87), OMB Circular A-102, and OMB Circular A-133.
4. The LEA will make reports to the SDE as may reasonably be necessary to enable the SDE to perform its duties and meet federal reporting requirements. The LEA will maintain such records, including the records required under Section 1232f of Title 20-Education, and provide access to those records, as the SDE deems necessary to perform its duties.
5. 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 funded through the SFSF.
6. Any application, evaluation, periodic program plan, or report relating to each program funded through the SFSF will be made readily available to parents and other members of the general public.
7. In the case of any project involving construction funded through the SFSF: (A) the project will comply with State requirements 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 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.
8. The LEA has adopted effective procedures for acquiring and disseminating to teachers and administrators participating in each program funded through the SFSF significant information from educational research, demonstrations, and similar projects, and for adopting, where appropriate, promising educational practices developed through such projects.

9. None of the funds received through the SFSF 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.

SECTION III: SFSF Education Reform Assurances

1. The State in cooperation with LEA(s) will take actions to improve teacher effectiveness and comply with section 1111(b)(8)(C) of the Elementary and Secondary Education Act of 1965, as amended (ESEA) (20 U.S.C. 6311(b)(8)(C)) in order to address inequities in the distribution of highly qualified teachers between high- and low-poverty schools, and to ensure that low-income and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers. (Achieving Equity in Teacher Distribution Assurance)
2. The State in cooperation with LEA(s) will establish a longitudinal data system that includes the elements described in section 6401(e)(2)(D) of the America COMPETES Act (20 U.S.C. 9871(e)(2)(D)). (Improving Collection and Use of Data Assurance)
3. The State in cooperation with LEA(s) will—
 - (3.1) Enhance the quality of the academic assessments it administers pursuant to section 1111(b)(3) of the ESEA (20 U.S.C. 6311(b)(3)) through activities such as those described in section 6112(a) of the ESEA (20 U.S.C. 7301a(a)); (Improving Assessments Assurance)
 - (3.2) Comply with the requirements of paragraphs (3)(c)(ix) and (6) of section 1111(b) of the ESEA (20 U.S.C. 6311(b)) and section 612(a)(16) of the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. 1412(a)(16)) related to the inclusion of children with disabilities and limited English proficient students in State assessments, the development of valid and reliable assessments for those students, and the provision of accommodations that enable their participation in State assessments; (Inclusion Assurance) and
 - (3.3) Take steps to improve State academic content standards and student academic achievement standards consistent with section 6401(e)(1)(A)(ii) of the America COMPETES Act. (Improving Standards Assurance)
4. The State in cooperation with LEA(s) will ensure compliance with the requirements of section 1116(b)(7)(C)(iv) and section 1116(b)(8)(B) of the ESEA with respect to schools identified under these sections. (Supporting Struggling Schools Assurance)

SECTION IV: Accountability, Transparency and Reporting Assurances

1. For each year of the program, the LEA will submit a report to the State, at such time and in such manner as the Governor and/or the SDE may require, to comply with requirements from the US Secretary of Education, that describes:
 - A. the uses of funds within the State;
 - B. how the State distributed the funds it received;
 - C. the number of jobs that the Governor estimates were saved or created with the funds;
 - D. tax increases that the Governor estimates were averted because of the funds;
 - E. the State's progress in reducing inequities in the distribution of highly qualified teachers, implementing a State longitudinal data system, and developing and implementing valid and reliable assessments for limited English proficient students and children with disabilities;
 - F. a description of each new construction, modernization, renovation or repair project funded,

including the amounts awarded and project costs. (ARRA Division A, Section 14008)

2. The LEA will provide the assistance as necessary for the State to submit reports within 10 days after the end of each calendar quarter, that contain the information required under section 1512(c) of the ARRA in accordance with any guidance issued by Office of Management and Budget or the US Department of Education. (ARRA Division A, Section 1512(c))
3. The LEA will cooperate with any Comptroller General evaluation of the uses of funds and the impact of funding on the progress made toward closing achievement gaps. (ARRA Division A, Section 14009)
4. If the LEA, as applicable, uses funds for any infrastructure investment, the LEA will certify that the investment received the full review and vetting required by law and that the chief executive accepts responsibility that the investment is an appropriate use of taxpayer funds. This certification will include a description of the investment, the estimated total cost, and the amount of covered funds to be used. The certification will be posted on the State's Web site and linked to <http://www.recovery.gov>. A State or local agency may not use funds under the ARRA for infrastructure investment funding unless this certification is made and posted. (ARRA Division A, Section 1511)
5. The LEA will cooperate with any Inspector General examination of records under the program. (ARRA Division A, Section 1515)

SECTION V: Other Assurances

1. 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.
2. With respect to the certification regarding lobbying in US Department of Education Form 80-0013, 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; the State will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," when required (34 C.F.R. Part 82, Appendix B); and the State will require the full certification, as set forth in 34 C.F.R. Part 82, Appendix A, in the award documents for all subawards at all tiers.
3. The LEA will comply with all of the operational and administrative provisions in Title XV and XIV of the ARRA, including Buy American Requirements (ARRA Division A, Section 1605), Wage Rate Requirements (ARRA Division A, Section 1606), and any applicable environmental impact requirements of the National Environmental Policy Act of 1970 (NEPA), as amended, (42 U.S.C. 4371 **et seq.**) (ARRA Division A, Section 1609). In using ARRA funds for infrastructure investment recipients will comply with the requirement regarding Preferences for Quick Start Activities (ARRA Division A, Section 1602).
4. Any LEA receiving funding under this program will have on file a set of assurances that meets the requirements of section 442 of the General Education Provisions Act (GEPA) (20 U.S.C. 1232e).
5. The State and other entities will comply with the following provisions of Education Department General Administrative Regulations (EDGAR), as applicable: 34 CFR Part 74—Administration of Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations; 34 CFR Part 76—State-Administered Programs, including the construction requirements in section 75.600 through 75.617 that are incorporated by reference in section 76.600; 34 CFR Part 77—Definitions that Apply to

Department Regulations; 34 CFR Part 80—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, including the procurement provisions; 34 CFR Part 81 -- General Education Provisions Act—Enforcement; 34 CFR Part 82—New Restrictions on Lobbying; 34 CFR Part 85—Governmentwide Debarment and Suspension (Nonprocurement).

Name of LEA or Charter School directly receiving ARRA funds

Number

Signature of Superintendent / Charter Administrator or Board Chair

Date of Signature