

# 10192 - ESSER III 3/20-9/24 84.425U - 2021

## Contract Details

**Funding Opportunity:** 9830-ESSER III - Elementary and Secondary School Emergency Relief Fund III  
**Program Area:** CARES-CRRSA-ARP  
**Status:** Approved  
**Contract Number:** 002  
**Contract Template:** ARP ESSER III

**Contract Title:** Additional Redistributed ESSER III Funds  
**Contract Period:** -  
**Executed Date:**

## Contract Text

### Contract Text



# NORTH DAKOTA DEPARTMENT OF PUBLIC INSTRUCTION

**Grant Award**  
NORTH DAKOTA DEPARTMENT OF PUBLIC INSTRUCTION  
OFFICE OF FISCAL MANAGEMENT

## Basic Information and Signatory Sheet

**Program Title**  
ESSER III 3/20-9/24 84.425U

**Program Number**  
10192

### Grantor

**North Dakota Department of Public Instruction**  
600 E. Boulevard Avenue Dept 201  
Bismarck, ND 58505-0440

**Grantor Telephone Number**  
701-328-4051

**Grantor Contact Person**  
Valerie Willis

**Grantor Email Address**  
vawillis@nd.gov

**Grantee**

**Grantee Name**

Hope-Page Public School District Number 85

**Grantee SAM.gov Entity ID**

193456803

**Grantee Address**

630 May Ave

**Grantee City and State**

Page, North Dakota

**Grantee Zip Code +4**

58064-0000

**Grant Award Information**

**Type of Award**

Federal Grant

**Project Period (MM/DD/YYYY)**

From: 3/13/2020

To: 9/30/2024

**Basis for Award**

Formula

**Funding Source**

**FAIN Number (Award Number)**

S425U210007

**CFDA Number**

84.425U

**Federal Awarding Agency**

US Dept of Education

**Federal Award Date**

3/24/21

**CFDA Project Name/Description**  
American Rescue Plan – Elementary and Secondary Schools Emergency Relief Fund

**Total Amount to State under FAIN Number**

(Award Amount)  
\$305,266,879.00

**Is this an R&D Grant?**

no

**Indirect Cost rate for Award**

0.0%

**Financial Information**

**1. Amount of Grant Award**

\$333.00

**2. Previous Funds Awarded for Project**

\$218,435.00

**Total Funds Awarded (Box 1 plus Box 2)**

\$218,768.00

**A local educational agency that receives funds under this title may use the funds for any of the following:**

1. Any activity authorized by the ESEA of 1965, including the Native Hawaiian Education Act and the Alaska Native Educational Equity, Support, and Assistance Act (20 U.S.C. 1400 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) ("IDEA"), the Adult Education and Family Literacy Act (20 U.S.C. 1101 et seq.), and the Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) ("the Perkins Act"), or subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) ("the McKinney-Vento Act"),
2. Coordination of preparedness and response efforts of local educational agencies with State, local, Tribal, and territorial public health departments to improve coordinated responses among such entities to prevent, prepare for, and respond to coronavirus.
3. Providing principals and other school leaders with the resources necessary to address the needs of their individual schools.
4. Activities to address the unique needs of low-income children or students, children with disabilities, English learners, racial and ethnic minorities, and foster care youth, including how outreach and service delivery will meet the needs of each population.
5. Developing and implementing procedures and systems to improve the preparedness and response efforts of local educational agencies.
6. Training and professional development for staff of the local educational agency on sanitation and minimizing the spread of infectious diseases.
7. Purchasing supplies to sanitize and clean the facilities of a local educational agency, including buildings operated by such agency.
8. Planning for and coordinating during long-term closures, including for how to provide meals to eligible students, how to provide technology for students, and how to provide guidance for carrying out requirements under the Individuals with Disabilities Education Act (20 U.S.C. 1401 et seq.) and how to ensure that services to be provided consistent with all Federal, State, and local requirements.
9. Purchasing educational technology (including hardware, software, and connectivity) for students who are served by the local educational agency to improve educational interaction between students and their classroom instructors, including low-income students and students with disabilities, which may include adaptive equipment.
10. Providing mental health services and supports.
11. Planning and implementing activities related to summer learning and supplemental afterschool programs, including providing classroom instruction during summer months and addressing the needs of low-income students, students with disabilities, English learners, migrant students, students experiencing homelessness, and students in foster care.
12. Other activities that are necessary to maintain the operation of and continuity of services in local educational agencies and continuing to employ staff in the local educational agency.
13. Addressing learning loss among students, including low-income students, children with disabilities, English learners, racial and ethnic minorities, and children and youth in foster care, of the local educational agency, including by:
  - a. Administering and using high-quality assessments that are valid and reliable, to accurately assess students' academic progress and assess individual academic needs, including through differentiating instruction.
  - b. Implementing evidence-based activities to meet the comprehensive needs of students.
  - c. Providing information and assistance to parents and families on how they can effectively support students, including in a distance learning environment.
  - d. Tracking student attendance and improving student engagement in distance education.
14. School facility repairs and improvements to enable operation of schools to reduce risk of virus transmission and exposure to environmental health hazards and health needs.
15. Inspection, testing, maintenance, repair, replacement, and upgrade projects to improve the indoor air quality in school facilities, including mechanical ventilation, and air conditioning systems, filtering, purification and other air cleaning, fans, control systems, and window and door repair and replacement.
16. Developing strategies and implementing public health protocols to align with the guidance from the CDC for the reopening and operation of schools to ensure the health and safety of students, educators, and other staff.
17. Additional Pay – for example, a local educational agency (LEA) might use local ESSER funds to provide employees with additional pay to: address the impact of the pandemic; provide additional compensation to teachers and other staff that work in-person; provide additional compensation to teachers for new duties because of COVID; incentivize effective teachers to move to schools with vulnerable students that have been disproportionately impacted by the pandemic; provide additional pay to substitute teachers where there is a shortage. Other pay strategies could also be permissible if the LEA can connect the strategy to a specific need.
18. Transportation – An LEA could use local ESSER funds for a variety of transportation costs like running additional bus routes with fewer students per bus; providing appropriate, reimbursing families for mileage expense, if families provide transportation.
19. High Quality Instructional Materials and Curricula and Related Professional Development – for example, an LEA could use local ESSER funds to purchase reading curriculum districtwide and related professional development to address unfinished learning and accelerate early literacy skills; districtwide or individual person options; additional materials and teacher training to implement Advanced Placement (AP) classes in schools, and where necessary provide for students, particularly vulnerable students, can access and succeed in AP classes, social and emotional learning programs; Multi-Tier System of Supports (MTSS) or Multi-Tier System of Interventions (MTSI) aligned to strong Tier 1 curriculum, as well as related screening tools; and career and technical education programs.
20. Acquisition of Real Property or Modular Classrooms – an LEA could use local ESSER funds to acquire real property or modular classrooms if necessary. For example, additional space might help an LEA to re-open schools in-person consistent with CDC guidelines.
21. Construction and Renovation – ESSER funds can be used for construction and renovation costs when reasonable and necessary to prevent, prepare for, and respond to the COVID-19 pandemic. For example, an LEA might use ESSER local funds to undertake construction or renovation to help an LEA to clean effectively, limit transmission, and get into compliance with fire and safety codes to create more space.
22. Budgetary Shortfalls – ESSER local funds can be used to assist with budget shortfalls resulting from the pandemic. Specifically, as with all uses of funds must be "to prevent, prepare for, and respond to" COVID-19. This Means that ESSER funds may be used to bridge budget shortfalls if and the ESSER funds are needed for education-related expenses.

## Terms and Conditions

### 1. Federal Requirements

The school district authorized representative assures the following:

1. Local educational agencies receiving elementary and secondary school emergency relief funds shall provide two narrative summary reports to the Secretary including information regarding learning losses of students identified within the district, including subgroup gaps; school district plans to accelerate learning including closing subgroup gaps; uses of elementary and secondary school emergency relief funds, including the percentage of those funds used for each program; and the impact elementary and secondary school emergency relief fund expenditures had on accelerated learning students.
2. The local educational agency will administer the ESSER III program in accordance with all applicable statutes, regulations, program plans, and any other applicable requirements.
3. The control of funds provided to the local educational agency under each program, and title to property acquired with those funds, will be in a program that the LEA will administer those funds and property.
4. The local educational agency will make available reports to the State agency or board and to the Secretary as may reasonably be necessary to enable the Secretary to perform their duties and that the local educational agency will maintain such records, including the records required under section 2001(i)(1) of the ARP, and provide access to those records as the State agency or board or the Secretary deem necessary to perform their duties.
5. Any application, evaluation, periodic program plan or report relating to each program will be made readily available to parents and other members of the community.
6. That in the case of any project involving construction-
  - a. the project is not inconsistent with overall State plans for the construction of school facilities, and
  - b. in developing plans for construction, due consideration will be given to excellence of architecture and design and to compliance with standards under section 794 of title 29 in order to ensure that facilities constructed with the use of Federal funds are accessible to and usable by individuals with disabilities.
7. The local educational agency has adopted effective procedures for acquiring and disseminating to teachers and administrators participating in the program from educational research, demonstrations, and similar projects, and for adopting, where appropriate, promising educational practices developed through such projects.
8. That none of the funds expended under any applicable program will be used to acquire equipment (including computer software) in any instance where such equipment provides direct financial benefit to any organization representing the interests of the purchasing entity or its employees or any affiliate of such an organization.
9. Local educational agencies receiving ARP ESSER funds will either: (a) within 30 days of receipt of the funds, will develop and make publicly available a plan that meets statutory requirements for the safe return of in-person instruction and continuity of services as required in section 2001(i)(1) of the ARP, or (b) have developed and made publicly available such a plan that meets statutory requirements before the enactment of the ARP.
10. Local educational agencies shall, to the greatest extent practicable, continue to compensate its employees and contractors during the period of the COVID-19, based on the unique financial circumstances of the entity.
11. The LEA will comply with the maintenance of equity provision in section 2004(c) of the ARP.
12. Not less than 20 percent of the LEA's total ARP ESSER allocation will be used to address learning loss through the implementation of evidence-based interventions that respond to students' academic, social, and emotional needs and address the disproportionate impact of COVID-19 on student subgroups, children from low-income families, children with disabilities, English learners, gender, migrant students, students experiencing homelessness, and students in foster care).
13. The LEA Superintendent acknowledges and agrees that failure to comply with all assurances and certifications in this recovery plan, all related to the Coronavirus Response and Relief Supplemental Appropriations Act, 201 (CRRSA Act), Pub. L. No. 116-260 (December 27, 2020), or any other applicable law, or in liability under the False Claims Act, 31 U.S.C. § 3729, et seq.; OMB Guidelines to Agencies on Governmentwide Debarment and Suspension adopted and amended as regulations of the Department in 2 CFR Part 3485; and 18 U.S.C. § 1001, as appropriate, and other enforcement actions.
14. The LEA will cooperate with any SEA monitoring policies and/or procedures with regards to the allowability of expenditures.
15. The LEA will use ESSER III funds for purposes that are reasonable, necessary, and allocable under the ARP Act.
16. The LEA will cooperate with any examination of records with respect to such funds by making records available for inspection, production, examination, interview and examination, upon request.
17. The LEA will comply with the provisions of all applicable acts, regulations, and assurances; the following provisions of Education Department of Education (EDGAR) 34 CFR Parts 76, 77, 81, 82, 84, 97, 98, and 99; the OMB Guidelines to Agencies on Governmentwide Debarment and Suspension 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 in 2 CFR Part 3474.
18. The LEA will comply with General Education Provision Act (GEPA) Sections 427 and 442.
19. The LEA will take all necessary steps to allow every student, teacher, and other program beneficiary to participate in the ESSER III program. If access to, or participation, in the program, the LEA will quickly address and resolve those issues. (GEPA 427)
20. The LEA will comply with the maintenance of effort provision in Section 317(b) thereof.
21. The LEA will comply with all reporting requirements and submit required quarterly reports to the NDDPI at such time and in such manner as the Secretary may subsequently require. Additional reporting may be required in the future, which may include: the methodology LEAs will use to monitor and staff in both public and non-public schools, the uses of funds by the LEAs or other entities and demonstration of their compliance with Section 317(b) of the ARP Act addressing the digital divide, including securing access to home-based connectivity and remote-use devices, related issues in supporting rural and disadvantaged populations.
22. The LEA will comply with all applicable assurances in OMB Standard Forms 424B and D (Assurances for Non-Construction and Construction) relating to the legal authority to apply for assistance; access to records; conflict of interest; merit systems; nondiscrimination; Hatch Act provisions.

historic preservation; protection of human subjects; animal welfare; lead-based paint; Single Audit Act; and the general agreement to comply with orders and regulations.

23. The LEA will comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance Federal Award Requirements (2 CFR §§200.300-345) and Subpart E—Cost Principles (2 CFR §§200.400-475) to ensure that LEAs, including ESSER funds for purposes that are reasonable, necessary, and allocable under the CARES Act.
24. The LEA will use such fiscal control and accounting procedures as will ensure proper disbursement of, and accounting for, federal funds.
25. The LEA will comply with federal civil rights laws that prohibit discrimination based on race, color, national origin, sex, disability, and age. Title VI of the Civil Rights Act of 1964 (34 CFR 100), the Title IX of the Education Amendments of 1972 (34 CFR 106). Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973 (34 CFR 104), and the Age Discrimination Act (34 CFR 110).
26. The LEA will keep such records as may be reasonably required for a fiscal audit and permit NDDPI and auditors to have access to grantee's records for this grant, as necessary.
27. The LEA will conduct background checks of all personnel who will have direct contact/interaction with students involved in the program.

## **2. Additional Requirements**

Requests for Reimbursement/Claims must be submitted in the WebGrants system. Ledgers, receipts, invoices, and a summary report must be submitted with all claims.

School districts receiving elementary and secondary school emergency relief funds shall provide two narrative summary reports to the superintendent: one providing information regarding learning losses of students identified within the district, including subgroup gaps; school district plans to accelerate learning recovery for subgroup gaps; use of funds, including the percentage of those funds expended in categories determined by the superintendent of public instruction; and the other accelerating the learning recovery for the district's students.

## **3. The indirect cost rate is the rate approved by NDDPI or your cognizant Federal Agency**

## **4. Grantee is to permit NDDPI and auditors to have access to grantee's records and financial statements related to this grant as necessary**

## **5. Grant Closeout Requirements**

LEAs will be required to submit a ledger documenting the 20 percent of ESSER III funds spent on learning loss when closing out the grant.