

**State Fiscal Stabilization Fund – Education Stabilization Fund (SFSF - ESF)
Assurances**

As authorized by the American Recovery and Reinvestment Act (ARRA) of 2009

General Assurances

A) The applicant assures that it will operate consistent with the requirements of Section 442 of the General Education Provisions Act (GEPA) (20 U.S.C. 1232e). The applicant assures that:

- 1)** It will administer each program covered by the application in accordance with all applicable statutes, regulations, program plans, and applications;
- 2)** The control of funds provided to the LEA under each program, 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)** It will use fiscal control and fund accounting procedures that will ensure proper disbursement of and accounting for, Federal funds paid to that agency under each program;
- 4)** It will make reports to the Michigan Department of Education (MDE) and to the Secretary of the U.S. Department of Education (hereinafter referred to as Secretary) or any other Federal agency as may reasonably be necessary to enable MDE and the Secretary to perform their duties and that the LEA will maintain such records, including the records required under section 1232f of 20 U.S.C. General Education Provisions Act (GEPA), and provide access to those records, as MDE, the Secretary, or other Federal agency deem necessary to perform their duties;
- 5)** It 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;
- 6)** Any application, evaluation, periodic program plan or report relating to each program will be made readily available to parents and other members of the general public;
- 7)** 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 794 of title 29 (29 U.S.C. Sec. 794) in order to ensure that facilities constructed with the

use of Federal funds are accessible to and usable by individuals with disabilities;

8) It 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

9) None of the funds expended under any applicable program 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.

B) To the extent applicable, depending on the applicant's planned use of the funds, the applicant assures compliance with Section 427 of GEPA (20 U.S.C. 1228a):

1) The purpose of this Section 427 of GEPA is to assist the U.S. Department of Education in implementing the Department's mission to ensure equal access to education and to promote educational excellence throughout the nation, by –

- ensuring equal opportunities to participate for all eligible students, teachers, and other program beneficiaries in any project or activity carried out under an applicable program; and
- promoting the ability of such students, teachers, and beneficiaries to meet high standards.

2) The applicant will take steps to ensure equitable access to, and equitable participation in, the project or activity to be conducted with SFSF-ESF grant funds, by addressing the special needs of students, teachers, and other program beneficiaries in order to overcome barriers to equitable participation, including barriers based on gender, race, color, national origin, disability, and age.

C) The applicant certifies that it will comply with all of the following general Federal program assurances:

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 a Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement. 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 grant or cooperative agreement, the undersigned shall complete and submit Standard Form – LL*Disclosure Form to Report Lobbying*, in accordance with its instructions. The undersigned shall require that the language of this certification be included in the awards documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in this transaction by any Federal department or agency. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

3) When issuing statements, press releases, requests for proposals, solicitations, and other documents describing this project, the recipient shall state clearly: (1) the dollar amount of Federal funds for the project, (2) the percentage of the total cost of the project that will be financed with Federal funds, and (3) the percentage and dollar amount of the total cost of the project that will be financed by nongovernmental sources. (Section 511 of the U.S. Department of Education Appropriation Act of 1990)

4) The grantee assures that the following statement will be included on any publication or project materials developed with funds awarded under this program, including reports, films, brochures, and flyers: "These materials were developed under a grant awarded by the Michigan Department of Education."

5) The applicant hereby agrees that it will comply with all Federal and Michigan laws and regulations prohibiting discrimination and, in accordance therewith, no person, on the basis of race, color, religion, national origin or ancestry, age, sex, marital status or handicap, shall be discriminated against, excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination in any program or activity for which it is responsible or for which it receives financial assistance from the U.S. Department of Education or the Michigan Department of Education.

6) The applicant hereby assures that it will provide the pass-through entity, i.e., the Michigan Department of Education, and auditors with access to the records and financial statements as necessary for the pass-through entity to comply with Section 400 (d) (4) of the U.S. Department of Education Compliance Supplement for A-133.

7) The grantee agrees to comply with all applicable requirements of all State statutes, Federal laws, executive orders, regulations, policies and award conditions governing this program. The grantee understands and agrees that if it materially fails to comply with the terms and conditions of the grant award,

the Michigan Department of Education may withhold funds otherwise due to the grantee from this grant program, any other Federal grant programs or the State School Aid Act of 1979 as amended, until the grantee comes into compliance or the matter has been adjudicated and the amount disallowed has been recaptured (forfeited). The Department may withhold up to 100% of any payment based on a monitoring finding, audit finding or pending final report.

8) The Americans with Disabilities Act (ADA) provides comprehensive civil rights protections for individuals with disabilities. Title II of the ADA covers programs, activities, and services of public entities. Title II requires that, "No qualified individual with a disability shall, by reason of such disability be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by such entity." In accordance with Title II ADA provisions, the applicant has conducted a review of its employment and program/service delivery processes and has developed solutions to correcting barriers identified in the review.

9) The Americans with Disabilities Act (ADA) provides comprehensive civil rights protections for individuals with disabilities. Title III of the ADA covers public accommodations (private entities that affect commerce, such as museums, libraries, private schools and day care centers) and only addresses existing facilities and readily achievable barrier removal. In accordance with Title III provisions, the applicant has taken the necessary action to ensure that individuals with a disability are provided full and equal access to the goods, services, facilities, privileges, advantages, or accommodations offered by the applicant. In addition, a Title III entity, upon receiving a grant from the Michigan Department of Education, is required to meet the higher standards (i.e., program accessibility standards) as set forth in Title III of the ADA for the program or service for which they receive a grant.

10) The applicant assures that it has in effect a policy requiring the expulsion from school for a period of not less than one year of any student who is determined to have brought a weapon to school under the jurisdiction of the agency except such policy may allow the chief administering officer of the agency to modify such expulsion requirements for student on a case-by-case basis. (The term "weapon" means a firearm as such term is defined in Section 92 of Title 18, United States Code.)

The district has adopted a policy requiring referral to the criminal or juvenile justice system of any student who brings a firearm or weapon to a school served by the agency.

11) All grant recipients who spend \$500,000 or more in Federal funds from one or more sources during any one fiscal year are required to have an audit performed in compliance with the Single Audit Act (*effective July 1, 2003*).

Further, the applicant hereby assures that it will direct its auditors to provide the Michigan Department of Education access to their audit work papers to upon the request of the Michigan Department of Education.

Use of Funds

SFSF-ESF monies are paid on a reimbursement basis. You will be asked to provide detailed information on your SFSF-ESF grant expenditures.

A) The applicant assures that it will **not** use SFSF-ESF funds for any of the following:

- 1)** To increase endowments (ARRA Division A, Section 14003);
- 2)** For payment of maintenance costs (ARRA Division A, Section 14003);
- 3)** For casinos, gambling establishments, aquariums, zoos, golf courses, or swimming pools (ARRA Division A, Section 1604);
- 4)** Purchase or upgrade of vehicles (ARRA Division A, Section 14003);
- 5)** Improvement of stand-alone facilities whose purpose is not the education of children, including central office administration or operations or logistical support facilities (ARRA Division A, Section 14003);
- 6)** For maintenance of systems, equipment, or facilities (ARRA Division A, Section 14003);
- 7)** To engage in school modernization, renovation, or repair that is inconsistent with State law (ARRA Division A, Section 14003); or
- 8)** For modernization, renovation, or repairs of certain types of facilities:
 - Athletic stadiums;
 - Facilities that charge admission to the general public; and/or
 - Facilities used for sectarian or religious instruction or purposes (ARRA Division A, Section 14003).

B) Applicants **may** use SFSF funds for any activity authorized by the:

- 1)** Elementary and Secondary Education Act of 1965 (ESEA) (20 U.S.C. 6301 et seq.);
- 2)** Individuals with Disabilities Education Act (IDEA) (20 U.S.C. 1400 et seq.);

3) Adult Education and Family Literacy Act (AEFLA) (WIA--P.L. 105-220);

4) Carl D. Perkins Career and Technical Education Act (Perkins Act) (20 U.S.C. 2301 et seq.); or

5) For modernization, renovation or repair of public school facilities including modernization, renovation, and repair that is consistent with a recognized green building rating system (ARRA Division A, Section 14003).

C) The applicant assures that if it uses SFSF-ESF funds for modernization, renovation, or repair activities consistent with the requirements of ARRA Division A, Section 14003 that it will comply with specific requirements relating to the use of American iron, steel, and manufactured goods (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 as amended (42 U.S.C. 4371 et seq.) (ARRA Division A, Section 1609).

D) The applicant assures that it will use funds consistent with the intent and overall goals of the ARRA: to create and save jobs and to advance the following educational reforms:

1) making improvements in teacher effectiveness and in the equitable distribution of qualified teachers for all students, particularly students who are most in need;

2) establishing pre-K-to-college-and-career data systems that track progress and foster continuous improvement;

3) making progress toward rigorous college and career-ready standards and high-quality assessments that are valid and reliable for all students, including limited English proficient students and students with disabilities; and

4) providing targeted, intensive support and effective interventions for the lowest performing schools.

E) The applicant assures that no SFSF funds will be used to provide financial assistance to students to attend private elementary or secondary school, unless the funds are used to provide special education and related services to children with disabilities as authorized by IDEA (ARRA Division A, Section 14011).

G) The applicant assures that it will not use the funds to restore or supplement a "rainy day" fund.

Accountability, Transparency, and Reporting

The U.S. Department of Education has not yet issued final guidance on the detailed reporting requirements for the use of SFSF-ESF funds. The U.S. Office of Management and Budget is also expected to issue government-wide guidance on

ARRA reporting requirements and procedures. MDE will only require ARRA reporting that is consistent with Federal guidance and requirements.

A) The applicant assures that it will comply with all of the accountability, transparency, and reporting requirements that apply to the program, including but not limited to the following:

1) The applicant assures that it will submit report(s) to the State at such time and manner as the Governor and/or the Michigan Department of Education (MDE) may require, to comply with any requirements from the U.S. Secretary of Education and Office of Management and Budget. Such requirements may include, but are not limited to, reporting on the following:

- The number of jobs that were saved or created with the funds;
- Tax increases that were averted because of the funds;
- Descriptions of each new construction, modernization, renovation, or repair project funded including the amounts awarded and project costs (ARRA Division A, Section 14008); and
- How the funds were used to advance the educational reforms set forth in the ARRA.

2) The applicant assures that it 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).

3) The applicant assures that it will submit reports to MDE 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 the Office of Management and Budget, the U.S. Department of Education, or MDE (ARRA Division A, Section 1512(c)).

4) The applicant assures that it will cooperate with any Inspector General examination of records under the program (ARRA Division A, Section 1515).

5) The applicant assures that it will maintain separate records and separately track and account for its ARRA funds.

6) The applicant assures that it will cooperate with any state examination of records under the program.