

STATE OF RHODE ISLAND  
COMMISSIONER OF EDUCATION

I2A

**Grantee Assurances for Learn365RI**

TOWN COUNCIL  
NOV 15 2023  
MEETING

## 1. GRANTEE Information

**Name:** \_\_\_\_\_

**Mayor:** \_\_\_\_\_  
**Town Manager, Town Administrator or equivalent**  
(Print name)

**Mailing Address:** \_\_\_\_\_

\_\_\_\_\_

**Phone:** \_\_\_\_\_

**Email:** \_\_\_\_\_

## 2. EANS Funds Assurances

Assurances form a binding agreement between the Name of Municipality (“GRANTEE”), the Rhode Island Department of Elementary and Secondary Education (“RIDE”), and the U.S. Department of Education (“USDE”) that assures all legal requirements are met in accordance with state and federal laws, regulations, and rules.

These assurances apply to program activities and expenditures of funds from the Emergency Assistance to Non-Public Schools (“EANS Funds”) of the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act of 2021, Pub. Law 116-260 and of the American Rescue Plan Act of 2021 (ARP), Pub. Law 117-2 (March 11, 2021).

### a. Programmatic, Fiscal, and Reporting Assurances

- A. The GRANTEE will comply with all reporting requirements at such time and in such manner and containing such information as RIDE or USDE may reasonably require including on matters such as:
  1. How it is developing strategies and implementing public health protocols including, to the greatest extent practicable, policies and plans in line with the Center for Disease Control and Prevention (“CDC”) guidance related to addressing the coronavirus (“COVID-19”) in schools;
  2. Its Uses of Funds to meet students’ social, emotional, and academic needs, including through afterschool enrichment programming and other evidence-based interventions, and how they advance equity for underserved students;
  3. Impacts and outcomes (disaggregated by student subgroup) through use of CRSSA EANS Funds and of ARP EANS Funds (e.g., quantitative and qualitative results of EANS Funds); Requirements under the Federal Financial Accountability Transparency Act (FFATA); and
  4. Additional reporting requirements as may be necessary to ensure accountability and transparency of CRSSA and ARP Funds.
- B. Records pertaining to the CRSSA and ARP award under 2 C.F.R. § 200.334 and 34 C.F.R. § 76.730, including financial records related to use of Grant Funds will be retained separately from other Grant Funds. The GRANTEE will cooperate with any examination of records with respect to such funds by making records available for inspection, production, and examination, and authorized individuals available for interview and examination, upon the request of (i) USDE and/or its Inspector General; or (ii) any other Federal agency, commission, or department in the lawful exercise of its jurisdiction and authority.

**b. General Education Provisions Act (“GEPA”) Assurances**

- A. The GRANTEE will administer the grant program in accordance with all applicable statutes, regulations, program plans, and applications.
- B. Control of Funds provided to the GRANTEE, and title to property acquired with those Funds, will be with the GRANTEE and the GRANTEE will administer those funds and property.
- C. The GRANTEE will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds.
- D. The GRANTEE will make reports to RIDE and to USDE as may reasonably be necessary to enable RIDE and USDE to perform their duties and GRANTEE will maintain such records, including the records required under 20 U.S.C. 1232f, and provide access to those records, as RIDE or USDE deem necessary to perform their duties
- E. The GRANTEE will provide reasonable opportunities for the participation by teachers, parents, and other interested agencies, organizations, and individuals in the planning for and operation of the Program.
- F. Any application, evaluation, periodic program plan or report relating to a USDE program allowed under CRSSA EANS and ARP EANS will be made readily available to parents and other members of the general public.
- G. The GRANTEE has adopted effective procedures for acquiring and disseminating to staff participating in the Program significant information from educational research, demonstrations, and similar projects, and for adopting, where appropriate, promising educational practices developed through such projects.
- H. None of the Funds expended 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.

**c. Other Assurances and Certifications**

- A. The GRANTEE 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.
- B. To the extent applicable, the municipality will comply with the requirements of section 427 of GEPA (20 U.S.C. 1228a) and take steps to permit students 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 municipality will comply with all applicable requirements of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (sometimes referred to as the Uniform Guidance, or the Uniform Grant Guidance (UGG)).
- C. The municipality will comply with the provisions of all applicable acts, regulations and assurances; the following provisions of Education Department General Administrative Regulations (EDGAR) 34 CFR parts 76, 77, 81, 82, 84, 97, 98, and 99; the OMB Guidelines to Agencies on 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 the Uniform Guidance in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.

### **CIVIL RIGHTS ASSURANCES**

**All recipients of assistance under these grants made pursuant to the ESEA shall comply with the following Federal and State civil rights statutes and regulations:**

- a) 42 USC, Sections 1981 and 1983 (...acts prohibited on the basis of race);
- b) Title VI and VII of the Civil Rights Act of 1964 (...acts prohibited on the basis of race, color, religion, sex, or national origin);
- c) Title IX of the Education Amendments of 1972, as amended, 20 United States Code 1681 et. Seq. (acts prohibited on the basis of sex);
- d) 42 USC, Section 1601 et seq. (...acts prohibited on the basis of age);
- e) Section 504 of the Rehabilitation Act of 1973, as amended, 20 USC 794 (...acts prohibited on the basis of handicap);
- f) 24 USC, Section 12100 et seq. [The Americans with Disabilities Act] (...acts prohibited on the basis of disability);
- g) Section 16-38-1 of the Rhode Island General Laws, as amended (discrimination because of race or age);
- h) Section 16-38-1.1 of the Rhode Island General Laws, as amended (discrimination because of sex);
- i) Chapter 42-87 of the Rhode Island General Laws, as amended (Civil Rights of People with Disabilities); and
- j) Sections 28-5.1-13 and 28-5.1-14 of the Rhode Island General Laws, as amended (Private education institutions – compliance with state policy of non-discrimination and affirmative action).

## **ASSURANCES – NON-CONSTRUCTION PROGRAMS**

**As the duly authorized representative of the applicant, and by signing the application cover page, I certify that the applicant:**

- 1) Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.
- 2) Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- 3) Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
- 4) Will initiate and complete the work within the applicable timeframe after receipt of approval of the awarding agency.
- 5) Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
- 6) Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee) 3), as amended, relating to confidentiality of

alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

- 7) Will comply, or has already complied, with the requirements of Titles II and III of the uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
- 8) Will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328), which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
- 9) Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §§874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction sub agreements.
- 10) Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
- 11) Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
- 12) Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1721 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.



- 13) Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
- 14) Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
- 15) Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
- 16) Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.), which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
- 17) Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, Audits of States, Local Governments, and Non-Profit Organizations.
- 18) Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

## **CERTIFICATIONS REGARDING LOBBYING**

**If the applicant is engaged in lobbying pursuant to 31 USC 1352, then they should disclose those activities using OMB Form 0348-0045, Disclosure of Lobbying Activities.**

**Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of the Application Cover Page provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.**

### **LOBBYING**

**As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:**

- a) 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 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 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;
- b) 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 - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
- c) The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including sub grants, contracts under grants and cooperative agreements, and subcontracts) and that all sub recipients shall certify and disclose accordingly.

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION — LOWER TIER COVERED TRANSACTIONS**

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

**Instructions for Certification**

- 1) By submitting this Application, the prospective lower tier participant is providing the certification set out below.
- 2) The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
- 3) The prospective lower tier participant shall provide immediate written notice to the person to whom this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- 4) The terms “covered transaction,” “debarred,” “suspended,” “ineligible,” “lower tier covered transaction,” “participant,” “person,” “primary covered transaction,” “principal,” “proposal,” and “voluntarily excluded,” as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
- 5) The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
- 6) The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled “Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transactions,” without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
- 7) A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or

voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

- 8) Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- 9) Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

#### **Certification**

- 1) 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 participation in this transaction by any Federal department or agency.
- 2) 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.

**Signature of Authorized GRANTEE representative:**

\_\_\_\_\_

**Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Dated:** \_\_\_\_\_