

Utah GEER II Application

# Certification and Agreement for Funding under the Education Stabilization Fund Program: Governor's Emergency Education Relief Fund II (GEER II)

## BACKGROUND

### Purpose

The Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSA), was signed into law on December 27, 2020 and provides an additional \$4,053,060,000 for the Governor's Emergency Education Relief (GEER) Fund. The CRRSA Act provides that \$1,303,060 of those funds to be used to supplement the Governor's Education Relief Fund (GEER II Fund) awarded to each state with an approved GEER application under the Coronavirus Aid, Relief, and Economic Security (CARES) Act enacted on March 27, 2020.

Under the Governor's Emergency Education Relief II Fund (GEER II), Governor Cox has authority to award emergency assistance as a result of the Coronavirus Disease 2019 (COVID-19) to local education agencies (LEAs).

In the event that an education foundation exists for the LEA, we would like the district to work with the foundation to identify needs for the school community.

Although the uses of funds for GEER II awards are similar to those for GEER awards under the CARES Act, there are important distinctions, including the period of funds availability and the removal of the requirement to provide equitable services to non-public schools for GEER II. Please consult the [accompanying fact sheet](#) to learn more about the GEER II program.

### Eligibility

All LEAs that had students enrolled for the 2020-21 school year are eligible for GEER II awards. Please note the "Funding" section of this application provides additional guidance regarding award allocations.

### Federal Allowable Use Cases

Generally, in determining whether an activity is an allowable use of funds, a 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?

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A local educational agency (LEA) may use funds it receives under section 313(d) of the CRRSA Act for any activity listed in section 313(d) (described below):

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. 6301 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. 1400 et seq.), the Carl D. Perkins Career and 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.).
2. 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.
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, students experiencing homelessness, 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, 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 IDEA and ensuring other educational services can continue 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 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.
10. Providing mental health services and supports.
11. 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.
12. 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
  - a. 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.
  - 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.
13. 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.
14. 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.
15. 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.

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### **Non-allowable Use Cases**

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

- 1) subsidizing or offsetting executive salaries and benefits of individuals who are not employees of the LEAs or
- 2) expenditures related to state or local teacher or faculty unions or associations.
- 3) GEER II funds generally will not be used for bonuses, merit pay, or similar expenditures that are not related to COVID-19.

### **Funding**

The Governor intends to award funding to eligible LEAs based on the following methodology:

#### *Base Award*

LEAs will receive a \$20,000 base award.

#### *Supplemental Award*

LEAs will receive supplemental funding in proportion to their shares of the special education students and students included in the Enhancement for At-Risk Students program for the 2019 school year.

#### *One-Time Funding*

LEAs should note that the GEER II 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 09/30/23 date referenced in the fact sheet.)*

#### *Equitable Services:*

An LEA that receives GEER II funds under this grant is not required to provide equitable services to non-public school students and teachers with the GEER II 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 see support directly from USBE.

#### *Administrative Cost Limit:*

No more than 5% of the recipient's award may be used for direct administrative costs.

#### *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 GEER I funds awarded in 2020.

**Application Deadline:** September 30, 2021 at 5:00 PM in the Utah Grants Management System

### **Points of Contact:**

Sara Harward  
CARES Educational Specialist,  
USBE  
[sara.harward@schools.utah.gov](mailto:sara.harward@schools.utah.gov)

Sarah Young  
Director of Strategic Initiatives,  
USBE  
[sarah.young@schools.utah.gov](mailto:sarah.young@schools.utah.gov)

Jacob Wright  
Governor's Office of Planning  
and Budget  
[jacobwright@utah.gov](mailto:jacobwright@utah.gov)

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## LEA Application

Please complete the fields below on pages 4-7 that are highlighted for response and upload to the Utah Grants Management System along with the budget request:

### Contact Information

John Hancock Charter School

Contact Information for LEA Representative

Name: Craig Frank

Position & Office: Business Administrator

Address: 125 North 100 East, Pleasant Grove, UT 84062

Telephone: 801-796-5646

Email address: craigfrank@johnhancockcs.org

## PROPOSED USE OF FUNDS

Please provide a detailed explanation of how the LEA intends to use the GEER II 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.

### Intended Use of Funds:

Please provide a narrative response that details your LEA GEER II plan 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.

In compliance with acceptable use, John Hancock Charter School intends to use the GEER II funding for the following:

1. Allowable activities under the ESEA of 1965, specifically Sec. 1424 and 3202 (Paraprofessionals), and the IDEA 20 USC 1400 et seq. for children with special education needs.

GEER II funding allows for uses under ESEA and IDEA. John Hancock Charter School (JHCS) will use precious funding resources to address the needs of its above average needs for students with disabilities, specifically our special education students. Funding will be used to pay the salaries and allowable benefits of our special education director, teachers, and paraprofessionals.

John Hancock Charter School's special education population (specifically IEP holders) have increased from 11.3% in FY19, to 16.6% in FY20, to 17.2% in FY21, to 21.5% in FY22. The impact on general funds for services related to special education students has placed a "strain" on the school's general

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fund. JHCS receives special education funding on a 3-year lag, as you are aware. So, current budget funding from the State of Utah doesn't cover today's special education services.

3. Providing principals and others school leaders with the resources necessary to address the needs of their individual schools.

John Hancock Charter School administrators are always looking under "couch cushions" to find funding for its increasing special education resources needs. GEER II funding will be allocated to special education program areas to address our specific school staffing needs.

12. Addressing learning loss among students, including...children with disabilities...racial and ethnic minorities...including by

- a. 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.
- b. Implementing evidence-based activities to meet the comprehensive needs of students.

One of the severe consequences of the pandemic (COVID-19) is the need for focused remediation of many of our students due to learning loss, caused by classroom disconnection and distance learning during FY20 (SY19-20) and FY21 (SY20-21). Although JHCS Special Education Department did a remarkable job providing services to students with disabilities, many students suffered from traditional education environment learning interruption. JHCS's Special Education Dept. will use GEER II funding to remediate specific "at-risk" learners.

15. 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.

John Hancock Charter School will use GEER II funding to maintain, as well as provide increased service coverage, for special education students.

### **GEPA Section 427 (20 U.S.C. 1228a) 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 on page 9-10 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:

The charter school director assures the following:

- that the LEA will administer GEER II funds in accordance with all applicable statutes, regulations, program plans, and applications, specifically program requirements that may impede equitable access or participation based on gender, race, national origin, color, disability or age;
- that 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;

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- that the LEA will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, GEER II funds paid to that agency; 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 Utah State Board of Education LEA GEER II 16 ADA Compliant 07/01/2021
- that 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, and provide access to those records, as the governor or the Secretary deem necessary to perform their duties;
- that 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 GEER II fund expenditures;
- that any application, evaluation, periodic program plan or report relating to GEER II will be made readily available to parents and other members of the general public;
- that 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
- that none of the funds expended under GEER II 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.

## ASSURANCES

### Programmatic, Fiscal, and Reporting Assurances

The superintendent or charter school director assures the following:

- The LEA will only use the GEER II 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)
- Funds will be used to support allowable use cases under section 313(d) of the CRRSA Act for any activity listed in section 313(d).
- No more than 5% of the recipient's award may be used for direct administrative costs.
- The LEA, and any other entity that receives GEER II funds will, to the greatest extent practicable, continue to compensate its employees and contractors during the period of any disruptions or closures related to COVID-19 in compliance with section 315 of Division M of the CRRSA Act. In addition, each entity that accepts funds will continue to pay employees and contractors to the greatest extent practicable based on the unique financial circumstances of the entity. GEER II funds generally will not be used for bonuses, merit pay, or similar expenditures.

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- 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 GEER I funds (awarded in 2020).
- The LEA will cooperate with any examination of records with respect to GEER II 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.
- An LEA that receives GEER II funds under this grant is not required to provide equitable services to non-public school students and teachers with the GEER II funding.
- 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.
- Federal grant recipients, sub recipients and their grant personnel are prohibited from text messaging while driving a government owned vehicle, or while driving their own privately owned vehicle during official grant business, or from using government supplied electronic equipment to text message or email when driving. Recipients must comply with these conditions under Executive Order 13513, “Federal Leadership on Reducing Text Messaging While Driving,” October 1, 2009.
- 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.

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

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

The superintendent or charter school director assures the following:

- that the LEA will administer GEER II funds in accordance with all applicable statutes, regulations, program plans, and applications;
- that 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;
- that the LEA will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, GEER II funds paid to that agency;
- that 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;

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- that 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 GEER II fund expenditures;
- that any application, evaluation, periodic program plan or report relating to GEER II will be made readily available to parents and other members of the general public;
- that 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;
- that 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
- that none of the funds expended under GEER II 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.



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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.

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 Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSA), was signed into law on December 27, 2020, 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.

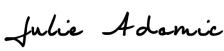
Superintendent or Charter School Director (Typed Name):

Julie D Adamic

Telephone:

801-796-5646

Signature of Superintendent or Charter School Director\*:

DocuSigned by:  
  
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Date:

10/27/2021

*\*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.*