

Learning Loss Mitigation Funds (LLMF) Assurances



The Learning Loss Mitigation Funds (LLMF) were created to support pupil academic achievement and mitigate learning loss related to COVID-19 school closures.

Submission Confirmation

East Bay Innovation Academy (CDS Code **01612590129932**) successfully completed submission for LLMF funds on **7/24/2020 2:49:09 PM**.

You may print a copy of this confirmation for your records.

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East Bay Innovation Academy

Contact Information

LEA:

East Bay Innovation Academy

DUNS Number:

079400927

First Name:

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Last Name:

Cho

Job Title:

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Question:

What is your favorite sport?

Answer:

soccer

Certification

The checkbox was selected, certifying that I have read the applicable certifications, assurances, terms, and conditions identified on this grant application and I agree to comply with all requirements as a condition of funding.

On behalf of East Bay Innovation Academy, I hereby apply to the California Department of Education for LLMF funds and agree to all of the following assurances:

Learning Loss Mitigation Funds

PART I: General Assurances for Learning Loss Mitigation Funds

East Bay Innovation Academy assures that:

Funds apportioned to LEAs from the GEER Fund are to be used from March 13, 2020, to September 30, 2022, inclusive, and all other funds apportioned pursuant to the Learning Loss Mitigation Funds shall be used from March 1, 2020, to December 30, 2020, for activities that directly support pupil academic achievement and mitigate learning loss related to COVID-19 school closures, and shall be expended for any of the following purposes:

- (1) Addressing learning loss or accelerating progress to close learning gaps through the implementation, expansion, or enhancement of learning supports that begin before the start of the school year and the continuation of intensive instruction and supports into the school year.
- (2) Extending the instructional school year by making adjustments to the academic calendar, increasing the number of instructional minutes provided during each week or school day, or taking any other action that increases the amount of instructional time or services provided to pupils based on their learning needs.
- (3) Providing additional academic services for pupils, such as diagnostic assessments of pupil learning needs, intensive instruction for addressing gaps in core academic skills, additional instructional materials or supports, or devices or connectivity for the provision of in-classroom and distance learning.

- (4) Providing integrated pupil supports to address other barriers to learning, such as the provision of health, counseling, or mental health services, professional development opportunities to help teachers and parents support pupils in distance-learning contexts, access to school breakfast and lunch programs, or programs to address pupil trauma and social-emotional learning.

PART II: Other Assurances for Learning Loss Mitigation Funds

East Bay Innovation Academy assures that:

(1) As a condition of receipt of these funds:

- (a) An eligible LEA shall certify that funding received will be used in full compliance with federal law, as detailed in the GEER and CR Fund assurances below, and shall adopt, on or before September 30, 2020, at a regularly scheduled meeting of the governing board or body of the LEA, a learning continuity and attendance plan pursuant to Section 43509 of the Education Code.
- (b) This does not preclude an eligible LEA from receiving or expending funds before the adoption of its learning continuity and attendance plan for the 2020–21 school year.
- (c) Each eligible LEA shall maintain a file of all receipts and records of expenditures made pursuant to this section for a period of no less than three years, or, where an audit has been requested, until the audit is resolved, whichever is longer. Receipts and records that are required to be retained by each eligible local educational agency shall be made available to the Superintendent, upon request. The Superintendent shall take action to recoup any federal disallowances of funds allocated to eligible local educational agencies, as applicable.
- (d) An eligible LEA shall report, on or before August 31, 2020, the balance of any unexpended funds received from the CR Fund to the Superintendent. Funds that are not expended by December 30, 2020, shall be reported to the Superintendent within 30 days, and the Superintendent shall initiate collection proceedings.
- (e) An eligible local educational agency shall report, on or before August 31, 2021, the balance of any unexpended funds received from the GEER Fund to the Superintendent. Funds that are not expended by September 30, 2022, shall be reported to the Superintendent within 30 days, and the Superintendent shall initiate collection proceedings.

GEER Fund

PART I: General Assurances for Local Educational Agencies (LEAs)

For any GEER funds received, East Bay Innovation Academy will comply with the requirements in Section 442 of the General Education Provisions Act (GEPA) (20 U.S.C. 1232e):

- (1) The LEA 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) 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 each program;
- (4) The LEA will make reports to the State agency or board and to the U.S. Secretary of Education, as requested, as may reasonably be necessary to enable the State agency or board and the Secretary to perform their duties and that the local educational agency will maintain such records, including the records required under Section 1232f of this title, and provide access to those records, as the State agency or board or the Secretary deem necessary to perform their 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;
- (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 LEA will provide reasonable assurances that—
 - (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 prescribed by the Secretary 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;
- (8) 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;
- (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. (20 U.S.C. 1232e)

PART II: GEER Usage of Funds Assurances

East Bay Innovation Academy assures that any GEER funds received will be used in accordance with section 18002(c) of Division B of the Coronavirus Aid, Relief, and Economic Security (CARES) Act, which provides in relevant part that grants awarded under the Governor's Emergency Education Relief Fund be used to continue to provide educational services to their students in any of the following ways:

- (1) Any activity authorized by the Elementary and Secondary Education Act (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 others 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 and coordinating during long-term closures, including for how to provide meals to eligible students, how to provide technology for online learning to all students, 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 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 students 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, students with disabilities, English learners, migrant students, students experiencing homelessness, and children 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 existing staff of the local educational agency.
- (13) Child care and early childhood education.
- (14) Social and emotional support.
- (15) The protection of education-related jobs.

The U.S. Department of Education generally does not consider the following to be an allowable use of GEER funds, under any part of 18003: 1) subsidizing or offsetting executive salaries and benefits of individuals who are not employees of the state educational agency (SEA) or LEAs or 2) expenditures related to state or local teacher or faculty unions or associations.

Please note, while Section 18002(c) of Division B of the CARES Act permits the above uses, pursuant to SB 98 (Ch. 24, Statutes of 2020), the use of funds is limited to those described in the Learning Loss Mitigation Funds Section, (above).

PART III: Programmatic, Fiscal, and Reporting Assurances

For any GEER funds received, East Bay Innovation Academy will comply with all of the accountability, transparency, and reporting requirements that apply to the program, which the Governor has already assured.

- (1) LEAs receiving GEER funds will provide equitable services to students and teachers in non-public schools as required under 18005 of Division B of the CARES Act.
 - (a) A LEA receiving funds under sections 18002 or 18003 of this title shall provide equitable services in the same manner as provided under section 1117 of the ESEA of 1965 to students and teachers in non-public schools, as determined in consultation with representatives of non-public schools.
 - (b) The control of funds for the services and assistance provided to a non-public school under subsection (a), and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds, materials, equipment, and property and shall provide such services (or may contract for the provision of such services with a public or private entity).
- (2) The LEA and any other entity that receives GEER 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 18006 of Division B of the CARES 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. CARES Act funds generally will not be used for bonuses, merit pay, or similar expenditures, unless related to disruptions or closures resulting from COVID-19.
- (3) The LEA receiving GEER funds will comply with all reporting requirements, including those under Section 15011(b)(2) of Division B of the CARES Act. The SEA may require additional reporting in the future, which may include: the uses of funds by the LEAs or other entities and demonstration of their compliance with Section 18002(c), such as any use of funds addressing the digital divide and related issues in distance learning.
- (4) The LEA receiving GEER funds 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) the U.S. Department of Education and/or its Inspector General; or (ii) any other federal agency, commission, or department in the lawful exercise of its jurisdiction and authority.

PART IV: Other Assurances

East Bay Innovation Academy assures that, for any GEER funds received:

- (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 Department 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) 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).
- (4) To the extent applicable, an LEA will include a description of how the LEA will comply with the requirements of Section 427 of GEPA (20 U.S.C. 1228a) in future reports. The 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.
- (5) The State will comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) requirements in Subpart D—Post Federal Award Requirements (2 CFR §§200.300-345) and Subpart E—Cost Principles (2 CFR §§200.400-475) to ensure that LEAs, including charter schools that are LEAs, are using GEER funds for purposes that are reasonable, necessary, and allocable under the CARES Act.
- (6) The State and other entities 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 (Non-procurement) 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.

Coronavirus Relief (CR) Fund

PART I: General Assurances for CR Fund

East Bay Innovation Academy assures that any CR funds received will be used in accordance with section 601(d) of the CARES Act, which provides in relevant part that grants awarded will be used in any of the following ways:

- (1) Are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);

- (2) Were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
- (3) Were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

The following is a nonexclusive list of examples of costs that would not be eligible expenditures of payments from the CR Fund:

- (1) Damages covered by insurance.
- (2) Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
- (3) Expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds.
- (4) Reimbursement to donors for donated items or services.
- (5) Workforce bonuses other than hazard pay or overtime.
- (6) Severance pay.
- (7) Legal settlements

Please note, while Section 601(d) of the CARES Act permits the above uses, pursuant to SB 98 (Ch. 24, Statutes of 2020), the use of funds is limited to those described in the Learning Loss Mitigation Funds Section, (above).

PART II: Other Assurances for CR Fund

- (1) The CR Fund payments to subrecipients would count toward the threshold of the Single Audit Act and 2 C.F.R. part 200, subpart F re: audit requirements. Subrecipients are subject to a single audit or program specific audit pursuant to 2 C.F.R. § 200.501(a) when the subrecipients spend \$750,000 or more in federal awards during their fiscal year.
- (2) Fund payments are subject to the following requirements in the Uniform Guidance (2 C.F.R. Part 200): 2 C.F.R. § 200.303 regarding internal controls, 2 C.F.R. §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.
- (3) The LEA will make reports to the State agency or board and to the federal government, as requested.

Questions: Government Affairs Division | CARESAct@cde.ca.gov

