



MISSOURI DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
 SCHOOL ADMINISTRATIVE SERVICES
 P.O. BOX 480
 JEFFERSON CITY, MISSOURI 65102-0480
 (573) 751-0357

State Fiscal Stabilization Fund Application

SCHOOL INFORMATION

COUNTY-DISTRICT CODE	DISTRICT/CHARTER SCHOOL NAME	Completed application must be received by 4:00 p.m., September 4, 2009.
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DIRECTIONS

MAIL/FAX/E-MAIL the completed form to:
School Administrative Services, Missouri Department of Elementary and Secondary Education
PO Box 480, Jefferson City, MO 65102
Fax: (573) 526-6898
webreplyadmsf@dese.mo.gov

QUESTIONS: Contact School Administrative Services, (573) 751-0357 or webreplyadmsf@dese.mo.gov.

STATEMENT OF ASSURANCES

The American Recovery and Reinvestment Act of 2009 (ARRA) provides funds to preserve and create jobs; promote economic recovery; assist those most impacted by the recession; provide investment needed to increase economic efficiency by spurring technological advances in science and health; invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits; and to stabilize state and local government budgets in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases. The Department of Elementary and Secondary Education (DESE) must insure that ARRA funds are expended in a manner that fully complies with the ARRA and any accountability requirements established by the U.S. Department of Education (USDOE) or the State of Missouri. Each public school district or charter school, as a local educational agency (LEA), must make the following assurances as a requirement for receipt of ARRA funds.

ADVANCING EDUCATIONAL REFORM

The LEA assures that it will cooperate with the efforts of DESE to advance educational reform in the areas of:

- Actions to improve teacher effectiveness and comply with section 1111(b)(8)(C) of the ESEA (20 U.S.C. § 6311(b)(8)(C)) in order to address inequities in the distribution of highly qualified teachers between high- and low-poverty schools, and to ensure that low-income and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers;
- Establishing a longitudinal data system that includes the elements described in section 6401(e)(2)(D) of the America COMPETES Act (20 U.S.C. § 9871);
- Enhancing the quality of the academic assessment administered pursuant to section 1111(b)(3) of the ESEA (20 U.S.C. § 6311(b)(3)) through activities such as those described in section 6112(a) of such Act (20 U.S.C. § 7301a(a));
- Complying with the requirements of paragraphs (3)(C)(ix) and (6) of section 1111(b) of the ESEA (20 U.S.C. § 6311(b)) and section 612(a)(16) of the IDEA (20 U.S.C. 1412(a)(16)) related to the inclusion of children with disabilities and limited English proficient students in state assessments, the development of valid and reliable assessments for those students, and the provisions of accommodations that enables their participation in State assessments;
- Improving academic content standards and student academic achievement standards consistent with section 6401(e)(1)(9)(A)(ii) of the America COMPETES Act; and
- Ensuring compliance with the requirements of section 1116(a)(7)(C)(iv) and section 1116(a)(8)(B) of the ESEA in support of struggling schools with respect to schools identified under such sections.

ACCOUNTABILITY AND TRANSPARENCY

The LEA assures that, not later than 5 days after the end of each calendar quarter, beginning on September 30, 2009, each recipient that received recovery funds from the USDOE shall submit a report to that agency, through DESE, that contains:

- (1) the total amount of recovery funds received from the State of Missouri;
- (2) the amount of recovery funds received that were expended or obligated to projects or activities; and
- (3) a detailed list of all projects or activities for which recovery funds were expended or obligated, including:
 - (A) the name of the project or activity;
 - (B) a description of the project or activity;
 - (C) an evaluation of the completion status of the project or activity;
 - (D) an estimate of the number of jobs created and the number of jobs retained by the project or activity; and
 - (E) for infrastructure investments made by State and local governments, the purpose, total cost, and rationale of the agency for funding the infrastructure investment with funds made available under this Act, and name of the person to contact at the agency if there are concerns with the infrastructure investment. (ARRA § 1512).

The LEA, pursuant to the Government Funding Transparency Act of 2008, shall report, as required by DESE, the following information regarding programs funded under ARRA:

- (1) the name of the entity receiving the award;
- (2) the amount of the award;
- (3) information on the award including transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source, and an award title descriptive of the purpose of each funding action;
- (4) the location of the entity receiving the award and the primary location of performance under the award, including the city, State, congressional district, and county;
- (5) a unique identifier of the entity receiving the award and of the parent entity of the recipient, should the entity be owned by another entity; and
- (6) the names and total compensation of the five most highly compensated officers of the entity if the LEA in the preceding fiscal year received: (1) 80 percent or more of its annual gross revenues in Federal awards; and (2) \$ 25,000,000 or more in annual gross revenues from Federal awards. (31 U.S.C. § 6101).

If the LEA intends, within the limitations imposed by ARRA, and other federal or state statutes, to use funds for infrastructure investments, the chief executive of the school district or charter school shall certify that the infrastructure investment has received the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars. This certification shall include a description of the investment, the estimated total cost, and the amount of covered funds to be used, and shall be submitted to DESE for review and for public posting by website and linked to the website established by the Recovery Accountability and Transparency Board pursuant to ARRA 1526. The LEA acknowledges that infrastructure investment expenditures may not be made until this certification is made and posted. (ARRA § 1511).

USE OF FUNDS

The LEA assures that ARRA funds received will be used for activities authorized by the Elementary and Secondary Education Act of 1965 (20 U.S.C. § 6301 et seq.) (ESEA), the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.) (IDEA), the Adult and Family Literacy Act (20 U.S.C. § 1400 et seq.), or the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. § 2301 et seq.) (Perkins Act) or for modernization, renovation, or repair of public school facilities, including modernization, renovation, and repairs that are consistent with a recognized green building rating system. (ARRA § 14003).

The LEA acknowledges that ARRA funds shall not be used for the following: (1) payment of maintenance costs; (2) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public (including any aquarium, zoo, golf course, or swimming pool); (3) purchase or upgrade of vehicles; (4) improvement of stand-alone facilities whose purpose is not the education of children, including central office administration or operations or logistical support facilities; or (5) any casino or other gambling establishment. Nothing in this paragraph authorizes an LEA to engage in school modernization, renovation, or repair in a manner that is inconsistent with laws of the State of Missouri. (ARRA §§ 1604 and 14003).

INSPECTION OF DOCUMENTS

The LEA assures that it will cooperate with any representative of the State of Missouri, Comptroller General, or appropriate inspector general appointed under §§ 3 or 8G of the Inspector General Act of 1978 in the examination of records that pertain to transactions relating to ARRA funds, and agrees that it and its personnel can be interviewed by said entities regarding the expenditures of ARRA funds. (ARRA §§ 902, 1514, 1515, and 14009).

BUY AMERICAN

The LEA assures that it will not use ARRA funds for a project for the construction, alteration, maintenance, or repair of a public building or public work, unless all of the iron, steel and manufactured goods used in the project are produced in the United States in a manner consistent with United States obligations under international agreements. The LEA acknowledges that this requirement may only be waived, in limited situations, by the U.S. Department of Education. (ARRA § 1605).

WAGE RATE REQUIREMENTS

The LEA assures that all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in part by ARRA funds shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (Davis-Bacon Act). (ARRA § 1606).

ENVIRONMENTAL IMPACT

The LEA assures that it will comply with any applicable environmental impact requirements of the National Environmental Policy Act of 1970 (NEPA), as amended (42 U.S.C. § 4371, *et seq.*). The LEA assures that it will submit information on the status and progress of those projects and activities using ARRA funds subject to NEPA pursuant to any requirements of the Council on Environmental Quality (CEQ) and Office of Management and Budget (OMB). (ARRA § 1609).

WHISTLEBLOWER PROTECTION

The LEA assures that no employee shall be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing, including a disclosure made in the ordinary course of an employee's duties, to the federal government or any representative thereof, the State of Missouri, a person with supervisory authority over the employee (or such other person working for the employer who has the authority to investigate, discover, or terminate misconduct), to a court or grand jury any information that the employee reasonably believes is evidence of: 1) gross mismanagement of a contract or grant relating to ARRA; 2) a gross waste of ARRA funds; 3) a substantial and specific danger to public health or safety related to the implementation or use of ARRA funds; 4) an abuse of authority related to the implementation or use of ARRA funds; or 5) a violation of law, rule, or regulation related to ARRA funds. The LEA assures that it will post a notice of the rights and remedies provided under the Whistleblower Protection provisions of the ARRA. (ARRA § 1553).

TIMELINE FOR EXPENDITURES

The LEA assures that, if ARRA funds are allocated for infrastructure, it will give preference to activities that can be started and completed expeditiously, including a goal of using at least 50 percent of the funds for activities that can be initiated not later than 120 days after the enactment of ARRA and in a manner that will maximize job creation and economic benefit, with all funds obligated no later than September 30, 2011. (ARRA § 1602).

CONTRACTING PROCEDURES

The LEA assures that, to the maximum extent possible, it will award contracts funded in whole or in part with ARRA funds as fixed-price contracts through the use of competitive procedures. Further, the LEA assures that it will provide, on request, a summary to DESE of any contract awarded by the LEA that is not fixed-price and not awarded using competitive procedures for posting in a special section of the web site established for that purpose. (ARRA §§ 1526 and 1554).

CENTRAL CONTRACTOR REGISTRATION

The LEA assures that it will register in the Central Contractor Registration (CCR) database and maintain current registration during the pendency of any contract or grant relating to ARRA funds. The LEA acknowledges that registration in the CCR requires a valid Dun and Bradstreet Data Universal Numbering System (DUNS) number. (ARRA § 1512(h)).

EMPLOYMENT OF UNAUTHORIZED ALIENS PROHIBITED

The LEA assures that it will not knowingly employ, hire for employment, or continue to employ an unauthorized alien to perform work within the State of Missouri. The LEA assures that it will execute and maintain on file for public inspection said assurance, stating that the LEA will participate in the federal work authorization programs with respect to the employees working in connection with the contracted services under the Immigration Reform and Control Act of 1986. (8 U.S.C § 1101).

LOBBYING

The LEA assures that no federal appropriated funds will be paid to any person for influencing or attempting to influence an officer or employee of any federal or state agency, officer, employee or member of Congress, in connection with the making or renewal of federal grants under the ARRA. (31 U.S.C. § 1352).

OMB REPORTING STANDARDS

The LEA assures that it will comply with all applicable assurances in OMB Standard Form 424B, 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. (31 U.S.C. § 503).

GEPA ASSURANCE

The LEA assures that it will maintain on file and provide public access to written assurances meeting the requirements of Section 442 of the General Education Provisions Act (GEPA) (20 U.S.C. § 1232e) stating:

- (1) that the local educational agency will administer the program covered by the application in accordance with all applicable statutes, regulations, program plans, and applications;
- (2) that the control of funds provided to the local educational agency under this 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) that the local educational agency will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, federal funds paid to that agency under this program;
- (4) that the local educational agency will make reports to the State agency or board 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 443 of this Act, and provide access to those records, as the State agency or board or the Secretary deem necessary to perform their duties;
- (5) that the local educational agency will provide reasonable opportunities for the participation by teachers, parents, and other interested agencies, organizations, and individuals in the planning for and operation of this program;
- (6) that any application, evaluation, periodic program plan or report relating to this program will be made readily available to parents and other members of the general public;
- (7) 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 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 and usable by individuals with disabilities;
- (8) that the local educational agency has adopted effective procedures for acquiring and disseminating to teachers and administrators participating in this program significant information from educational research, demonstrations, and similar projects, and for adopting, where appropriate, promising educational practices developed through such projects; and
- (9) that none of the funds expended under this 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.

The LEA assures that it will provide a statement, pursuant to Section 427 of the General Education Provisions Act (GEPA) (20 U.S.C. § 1228a) stating the steps such applicant proposes to take to ensure equitable access to, and equitable participation in, the project or activity to be conducted with such assistance, 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.

EDGAR ASSURANCE

The LEA assures that it will comply with the following provisions of Education Department General Administrative Regulations (EDGAR), as applicable: 34 CFR Part 74 – Administration of Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations; 34 CFR Part 76 – State-Administered Programs, including the construction requirements in Section 75.600 through 75.617 that are incorporated by reference in Section 76.600; 34 CFR Part 77 – Definitions that Apply to Department Regulations; 34 CFR Part 80 – Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, including the procurement provisions; 34 CFR Part 81 – General Education Provisions Act—Enforcement; 34 CFR Part 82 – New Restrictions on Lobbying; and 34 CFR Part 85 – Government-wide Department and Suspension (Nonprocurement).

FUTURE GUIDANCE

Further, it is understood that contracts and grants funded through the ARRA are subject to future guidance on requirements for tracking and reporting expenditures of funds issued by the OMB, USDOE or the State of Missouri. Each LEA specifically assures that it will comply with all such requirements as published at any time during the contract period in order to allow for the accountability of ARRA funds in a manner that ensures transparency and accountability in accordance with all program and ARRA requirements.

ENFORCEABILITY

The LEA acknowledges that failure on the part of the LEA to comply with applicable federal and state requirements governing ARRA funds shall result in DESE withholding or suspending, in whole or in part, funds awarded under the program, or the recovery of misspent funds following an audit. This provision is in addition to all other remedies provided to DESE for recovery of misspent funds.

AUTHORIZED SIGNATURE

SUPERINTENDENT OF SCHOOLS/CHIEF OPERATING OFFICER – CHARTER SCHOOL

DATE