

American Rescue Plan Elementary and Secondary School Emergency Relief Fund State Plan Requirements

Office Hours

May 20, 2021



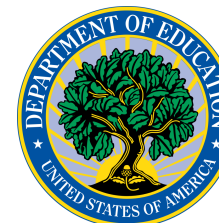
Introductions

- Meredith Miller
- Ariel Jacobs
- Britt Jung
- Jane Simons
- Rachel Peternith



Office Hours

- The Department will answer questions that were received during the prior week and in previous webinar sessions.
 - Questions should be sent to: ESSERF@ed.gov
- All slides will be posted on the Department's website at: <https://oese.ed.gov/offices/american-rescue-plan/american-rescue-plan-elementary-and-secondary-school-emergency-relief/resources/>.
- The Department will take a limited number of live questions during each session, as we are able, and include those questions and answers in the next week's presentation.
- Please use the chat function to ask questions – either clarifications about the questions we are discussing or to raise new or additional questions.



Key Dates

March 11 – American Rescue Plan Act (ARP) enacted

March 17 – State allocations announced

March 24 – States received access to two-thirds of ARP ESSER funds, totaling \$81 billion

April 21 – ARP ESSER State Plan template and interim final requirements (IFR) released

May 14 – The Department requested that the SEA provide notification if the SEA will not meet June 7 deadline due to State requirements that preclude submission by that date (e.g., because of pre-existing State board approval requirements)

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Key Dates (continued)

May 24 – Date by which the SEA must allocate ARP ESSER funds to LEAs, to the extent practicable under section 2001(d)(2) of the ARP Act

- An SEA that is not able to allocate funds within 60 days because it is not practicable (e.g., because of pre-existing State board approval requirements) was required to provide an explanation to the Department by April 23 (30 days of receiving its ARP ESSER funds).
- If an SEA has not yet notified the Department that it is unable to allocate the funds by May 24, please do so as soon as possible via email at [State].OESE@ed.gov, including a description of specific actions the SEA is taking to provide ARP ESSER funds to LEAs in an expedited and timely manner and the SEA's expected timeline for doing so.

June 7 – Deadline for submitting ARP ESSER State Plans



Covered Topics

- Allocation of Funds
- Review Process
- LEA Plans
- Consultation
- State Plan Template
- Reporting Requirements
- Other



Allocation of Funds

What must an SEA include in its LEA ARP ESSER application to meet requirements under GEPA and EDGAR?

- *Under the General Education Provisions Act (GEPA) and 34 CFR 76.708 (EDGAR), an SEA must require each LEA to submit a substantially approvable application prior to obligating ARP ESSER funds. At a minimum, that application must include assurances set forth in GEPA ([20 USC 1232e](#)).*
- *The SEA may subsequently require that the LEA submit its plan for use of the ARP ESSER funds consistent with the IFR. The LEA's plan for the use of ARP ESSER funds would supplement the initial application.*



Allocation of Funds

What does it mean for an SEA to “make allocations” of ARP ESSER funds to LEAs within 60 days?

- *Under the ARP Act an SEA must allocate ARP ESSER funds to LEAs within 60 days to the extent practicable.*
- *Our expectation is that LEAs will be approved to **obligate** and **draw down** funds by 5/24, consistent with cash management requirements.*
- *If it is not practicable, due to applicable state requirements, for a State to make the ARP ESSER funds available to its LEAs to draw down by 5/24, the SEA must make the funds available to LEAs for obligation consistent with GEPA and EDGAR requirements no later than 5/24 to the extent practicable.*
- *An SEA that is unable to make the funds available to be drawn down by 5/24 must notify the Department how it will ensure that LEAs can draw down ARP ESSER funds in an expedited manner. This could include making a reasonable portion of funds immediately available for drawing down, as well as making clear that districts can be reimbursed for pre-award costs.*



Review Process

What steps should an SEA take if it needs additional time beyond June 7 to submit its ARP ESSER State Plan?

- *An SEA should notify the Department via email to ESSERF@ed.gov and [\[State\].oese@ed.gov](mailto:[State].oese@ed.gov) as soon as possible if it will be unable to submit its State plan by the June 7 submission date.*
- *In the email, the SEA should notify the Department that the State will not be able to meet the June 7 submission date and provide an explanation (e.g., the State requirements that preclude submission of the plan by that date) and a proposed submission date.*



Review Process

If an SEA notifies the Department that it requires additional time beyond the June 7 deadline to submit the ARP application, does the SEA also get additional time beyond the June 21 deadline to make the requisite data on school operational status available on its website?

- *No. All SEAs are required to post school operational status by June 21, regardless of whether an SEA requested an extension of the June 7 deadline for submitting its ARP ESSER State Plan.*
- *If any SEA has specific questions about meeting the requirement for posting on school operational status by June 21, the SEA should contact the Department via email to ESSERF@ed.gov and through its State mailbox, [State].oese@ed.gov.*



Review Process

When does the Department anticipate releasing non-regulatory guidance on the uses of ESSER and GEER funds?

- *Please see the Fact Sheet that outlines allowable uses of funds at https://oese.ed.gov/files/2021/03/FINAL_ARP-ESSER-FACT-SHEET.pdf.*
- *The Department will release the Use of Funds Guidance as soon as possible. We will host Office Hours to discuss the Use of Funds Guidance once it has been released. We encourage SEAs to continue sending specific use of funds questions to its State mailbox, [State].oese@ed.gov.*



LEA Plans

Does the Department plan to publish an ARP ESSER LEA Plan template for the use of ARP ESSER Funds?

- *No. The Department does not intend to publish an ARP ESSER LEA Plan template. The ARP ESSER State Plan template (see E.1: LEA Plans for the Use of ARP ESSER Funds) and Interim Final Requirements include several requirements for LEA plans, including, at a minimum:*
 - *The extent to which and how the funds will be used to implement prevention and mitigation strategies consistent, to the greatest extent practicable, with CDC guidance, in order to continuously and safely operate schools for in-person learning;*
 - *How the LEA will use the funds it reserves under section 2001(e)(1) of the ARP (totaling not less than 20 percent of the LEA's total allocation of ARP ESSER funds) to address the academic impact of lost instructional time through the implementation of evidence-based interventions, such as summer learning or summer enrichment, extended day, comprehensive after school programs, or extended school year programs;*



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LEA Plans

Does the Department plan to publish an ARP ESSER LEA Plan template for the use of ARP ESSER Funds? (continued)

- *How the LEA will spend its remaining ARP ESSER funds consistent with section 2001(e)(2) of the ARP Act; and*
- *How the LEA will ensure that the interventions it implements, including but not limited to the interventions under section 2001(e)(1) of the ARP Act to address the academic impact of lost instructional time, will respond to the academic, social, emotional, and mental health needs of all students, and particularly those students disproportionately impacted by the COVID-19 pandemic, including students from low-income families, students of color, English learners, children with disabilities, students experiencing homelessness, children and youth in foster care, and migratory students.*



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LEA Plans

Does the Department plan to publish an ARP ESSER LEA Plan template for the use of ARP ESSER Funds? (continued)

- *In its ARP ESSER State Plan, each SEA must describe:*
 - *What the SEA will require its LEAs to include in LEA plans consistent with the requirements described on the previous slides;*
 - *How the SEA will require such plans to be made available to the public; and*
 - *The deadline by which LEAs must submit ARP ESSER plans (which must be a reasonable timeline and should be within no later than 90 days after receiving its ARP ESSER allocation).*



Consultation

The ARP ESSER State Plan template asks SEAs to discuss consultation that has already happened as required by the law and IFR. Is it acceptable for an SEA to also include in its application ongoing consultation it intends to engage in?

- *Yes. The SEA must describe how it (1) engaged in meaningful consultation with **each stakeholder group** included in the template and (2) provided the public the opportunity to provide input on the State Plan, prior to submission of its State Plan.*
- *The Department expects consultation to have occurred with each group before the State Plan is submitted.*
- *In the State Plan, the SEA should describe how it incorporated any input in the State Plan and include any letters of support with the State Plan.*
- *We also recognize that consultation is on-going, and we encourage that practice. To the extent that the SEA has plans to continue consultation, we encourage the SEA to also include that information in the State plan.*



State Plan Template

What is the definition of “underserved students” as it is used in the ARP ESSER state plan template?

- *For ARP ESSER, under the statute, underserved student groups include, at a minimum, the subgroups listed below:*
 - *Students from low-income families,*
 - *Students from each racial or ethnic group,*
 - *Gender,*
 - *Children with disabilities,*
 - *English learners,*
 - *Migratory students,*
 - *Students experiencing homelessness, and*
 - *Children and youth in foster care.*

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State Plan Template

What is the definition of “underserved students” as it is used in the ARP ESSER state plan template? (continued)

- *For example, the ARP Act specifically requires that the funds the SEA and LEA is required to reserve for the academic impact of lost instructional time address the disproportionate impact of COVID-19 on these groups of students, which include the subgroups listed in ESEA section 1111(b), as well as students experiencing homelessness and children and youth in foster care.*
- *The ARP ESSER State Plan template asks SEAs to consider what other groups of students might be identified by the SEA as being an underserved group of students. For example, this could include the students who have had the most lost instructional time as a result of school building closures during the pandemic or students who have been least able to participate in remote instruction during periods when remote instruction was offered. It could be students in the criminal justice system or LGBTQ+ students. It could be other groups of students that an SEA identifies.*



State Plan Template

Table A1 in the ARP ESSER State Plan template states, “please add a row for each racial or ethnic group” and “please add a row for each gender.” Are SEAs required to add rows for each racial or ethnic group and gender or can we summarize the groups into a single narrative?

- *It is not required that an SEA add rows. However, if the SEA does not add rows, the single narrative that it provides must address separately each racial and ethnic group and each gender. The ARP ESSER State Plan template requires an SEA to identify disparities and focus on underserved groups for **each** racial or ethnic group used by the State for reporting purposes and by gender.*



State Plan Template

What data must the SEA include when making school operating status publicly available on its website no later than June 21, 2021 (section A.5.ii of the ARP ESSER State Plan)?

- *The ARP ESSER State Plan template and IFR require the SEA to include:*
 - *Mode of instruction: The number of schools in the State that are offering fully remote or online-only instruction; both remote/online and in-person instruction (hybrid model); and/or full-time in-person instruction;*
 - *Enrollment: Student enrollment for all students and disaggregated for each of the student groups described in A.3.i-viii for each mode of instruction; and*
 - *To the extent available, attendance: Student attendance for all students and disaggregated for each of the student groups described in A.3.i-viii for each mode of instruction.*



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State Plan Template

What data must the SEA include when making school operating status publicly available on its website no later than June 21, 2021 (section A.5.ii of the ARP ESSER State Plan)? (continued)

- *The SEA should include the data described in A.5.i.a (Mode of instruction) and b. (Enrollment) using the tables in Appendix A: School Operating Status and Instructional Mode Data Template of the ARP ESSER State Plan template (and, to the extent available, the data described in A.5.i.c (Attendance)), for the most recent time period available.*
- *When completing the tables in Appendix A, please provide the **number of schools** in the State that offered each mode of instruction (Table 1) and the **number of students enrolled** and the mode of instruction for all students and each subgroup (Table 2).*



State Plan Template

Some States have been open for in-person learning since the beginning of the 2020-2021 school year. How should these SEAs respond to questions in the State Plan template related to safely reopening schools?

- *An SEA must address all questions in the State Plan template with the most relevant information available. For example, if all schools in the State have been open for in-person instruction since the first day of school, an SEA should describe how it supports its LEAs in sustaining safe operation of its schools to effectively maintain the health and safety of students, educators, and other staff.*
- *Additionally, LEAs are required to develop a plan or update an existing plan for the safe return to in-person instruction and continuity of services, consistent with statutory requirements of the ARP Act and the IFR. The SEA is required to ensure that its LEAs are meeting these statutory and regulatory requirements. For example, if an LEA has already returned students to 100 percent full-time in-person instruction, its plan should focus on its current and future activities to keep students and staff safe and ensure continuity of services.*

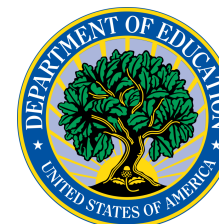
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State Plan Template

Some States have been open for in-person learning since the beginning of the 2020-2021 school year. How should these SEAs respond to questions in the State Plan template related to safely reopening schools? (continued)

- An SEA must also ensure that its LEAs receiving ARP ESSER funds are addressing the needs of all students. For example, while an LEA may have operated in-person for the entire 2020-2021 school year, supports of academic, social, emotional, and mental health are ongoing and the SEA and its LEAs must continue to provide those supports as they address the impact of the pandemic on all students.*



Reporting Requirements

Appendix B of the ARP ESSER State Plan template references reporting requirements. Will there be additional information about the data and indicators that will be required in annual or interim reporting?

- *Yes. The Department is working on establishing the reporting requirements for upcoming collections.*



Other

If a State or LEA chooses to implement mental health services as part of the statutory reservations that require evidence-based interventions, do the tiered levels of evidence from section 8101 of the ESEA apply to those mental health interventions?

- *Yes. The tiered levels of evidence defined in section 8101 of the ESEA apply to interventions that a State or LEA implements with the funds it is required to reserve for evidence-based interventions, including any mental health services it provides with those reserved funds.*



Additional Questions



Resources

For more information on,

- ARP ESSER, please visit: <https://oese.ed.gov/offices/american-rescue-plan/american-rescue-plan-elementary-and-secondary-school-emergency-relief>
- Maintenance of Effort requirements, see: https://oese.ed.gov/files/2021/04/MOE-Chart_with-waiver-FAQs_FINAL_4.21.21Update.pdf



**The live portion of this webinar
has ended.**

This presentation is posted at:

<https://oese.ed.gov/offices/american-rescue-plan/american-rescue-plan-elementary-and-secondary-school-emergency-relief/resources/>

**If you have additional questions,
please email ESSERF@ed.gov.**

