

**American Rescue Plan
Elementary and Secondary School
Emergency Relief (ESSER) Fund
State Plan Requirements**

&

**ESSER and Governor's Emergency
Education Relief (GEER) Programs
Use of Funds FAQs**

Office Hours

May 27, 2021



Introductions

- Meredith Miller
- Jane Hodgdon
- Britt Jung
- Jane Simons
- Rachel Peternith



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 State Educational Agency (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)

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

June 7 – Deadline for submitting ARP ESSER State Plans



Covered Topics

- Use of Funds Guidance
- ARP ESSER State Plan Template
 - Review Process
 - Allocation of Funds
 - LEA Plans
 - SEA Oversight
 - Consultation
 - State Plan Template
 - Maintenance of Effort



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.



**Elementary and Secondary
School Emergency Relief
(ESSER)**

&

**Governor's Emergency
Education Relief (GEER)
Programs**

Use of Funds FAQs



ESSER & GEER FAQs Overview

- *Allowable SEA and LEA uses of funds under ESSER and GEER, including the CARES Act, CRRSA Act, and ARP Act (i.e., ESSER I, GEER I, ESSER II, GEER II, and ARP ESSER)*
- *Information on key Federal rules and regulations governing the use of ESSER and GEER funds*
- *Examples of how funds can be used to safely re-open schools and promote greater equity*
- *Link to FAQs:*
https://oese.ed.gov/files/2021/05/ESSER.GEER_FAQs_5.26.21_745AM_FINALbocd6833f6f46e03ba2d97d30aff953260028045f9ef3b18ea602db4b32b1d99.pdf

Note: The FAQs do not address how GEER funds can be used to provide emergency support to institutions of higher education.



ESSER & GEER FAQs Overview

- *The Department's guidance on the use of ESSER and GEER funds emphasizes that these resources are available for a wide range of activities to address diverse needs arising from or exacerbated by the COVID-19 pandemic, and to emerge stronger post pandemic.*
- *The FAQ document provides an overview of how the funds can be used and specifically addresses reopening schools safely and promoting the health and safety of students, staff, and the school community, including expanding access to vaccinations; advancing educational equity in COVID-19 response; and using ESSER and GEER funds to support educators and other school staff.*



ESSER & GEER FAQs Overview

The FAQs Are Divided Into 5 Sections and a Technical Appendix

- A. Overview of ESSER and GEER Funds*
- B. Reopening Schools Safely and Promoting the Health and Safety of Students, Staff, and the School Community*
- C. Advancing Educational Equity in COVID-19 Response*
- D. Using ESSER and GEER Funds to Support Educators and Other School Staff*
- E. Additional Fiscal Considerations*

Technical Appendix on Formula Subgrants to Local Educational Agencies (LEAs)



Section A

Overview of ESSER and GEER Funds

- **A-3.** *"How may an LEA use ESSER Funds?" And FAQ A-15.* *"How may an LEA use GEER Funds?"*
- **A-16.** *"Do the requirements in the Uniform Guidance apply to ESSER and GEER Funds?"*
- **A-22.** *"May an SEA or LEA use ESSER and GEER funds to develop or implement an innovative approach to providing instruction to accelerate learning and mitigate the effects of lost instructional time for those students most impacted by the COVID-19 pandemic?"*



Section B

Reopening Schools Safely and Promoting the Health and Safety of Students, Staff, and the School Community

- **B-1.** *"What resources are available to support the safe reopening and sustained operations of schools?"*
- **B-3.** *"May ESSER and GEER funds be used to provide COVID-19 vaccinations to LEA teachers, staff, and eligible students?"*
- **B-5.** *"How might an LEA use ESSER and GEER funds to engage stakeholders to build confidence in an LEA's plan for safe return to in-person instruction and continuity of services?"*
- **B-6.** *"May ESSER and GEER funds be used for construction?"*



Section C

Advancing Educational Equity in COVID-19 Response

- **Subsection: "Overall Equity Considerations"**
 - **C-1.** "What should each State and LEA consider in order to ensure that ESSER and GEER funds are equitably allocated among schools?"
 - **C-2.** "How may an LEA use ESSER and GEER funds to support students who have lost instructional time due to the COVID-19 pandemic?"
- **Subsection: "Focusing on Student Groups Most Impacted by the Pandemic"**
 - **C-4.** "How may an LEA use ESSER and GEER funds to support English learners (also referred to as multilingual learners)?"
 - **C-7.** "How may ESSER and GEER funds be used to support students experiencing homelessness?"
- **Subsection: "Interventions and Strategies for Consideration"**
 - **C-13.** "How may an LEA use ESSER and GEER funds to support full-service community schools?"
 - **C-17.** "How may an LEA use ESSER and GEER funds to specifically support high school seniors?"
- **Subsection: "Summer Learning and Enrichment"**



Section D

Using ESSER and GEER Funds to Support Educators and Other School Staff

- **D-1.** *"May an LEA use ESSER and GEER funds to stabilize and support the educator workforce?"*
- **D-2.** *"May an LEA use ESSER and GEER funds to hire additional health support staff?"*
- **D-6.** *"May an LEA use ESSER and GEER funds to provide "premium pay" or other additional compensation for teachers, principals, and other school personnel, including school nutrition staff and custodians?"*



Section E

Additional Fiscal Considerations

- **Subsection:** *"Timelines for Obligating Funds"* addresses the timelines under all three acts.
- **Subsection:** *"Administrative Funds and Indirect Costs"*
- **Subsection:** *"Revenue Loss"*
 - **E-10.** *"May an SEA or LEA use ESSER and GEER funds to supplement or restore its "rainy day" fund rather than use the funds for specific purposes?"*
- **Subsection:** *"Fiscal Considerations for Other Programs"*



FAQs: Technical Appendix

The *Technical Appendix* includes information on making ESSER formula subgrants to LEAs under the American Rescue Plan Act and the Coronavirus Response and Relief Supplemental Appropriations Act of 2021. The methodology is consistent with the methodology presented in the original ESSER FAQs.



If you have questions that are not addressed in this FAQ document, please send them to your State email box, [STATE].oese@ed.gov



ARP ESSER State Plan Questions and Answers



Review Process

- How would the Department like to receive ARP ESSER State Plan submissions (e.g., hosted on a shared drive, email)?
 - *Each SEA is required to submit the information included in the ARP ESSER State Plan template, which should be emailed to the SEA State mailbox, [STATE].oese@ed.gov and ESSERF@ed.gov.*
 - *An SEA may submit additional supporting documents as attachments to its email submission.*
 - *If an SEA is concerned about file size, it should contact ESSERF@ed.gov and its State mailbox, [STATE].oese@ed.gov, as soon as possible so we can work with you to identify a solution.*



Review Process

- **In what format should an SEA submit the State plan and supporting documents (e.g., links, attachments) to the Department?**
 - *An SEA should submit its ARP ESSER State plan as a Word document.*
 - *Any supporting documents should be included as attachments with submitted State plans rather than links to other websites, except when providing information about URL(s) where the public can access certain information.*



Allocation of Funds

- **Do ESSER II funds have to be spent before ARP ESSER funds?**
 - *No. Nothing in the CRRSA Act or ARP Act requires that ESSER II funds be expended before ARP ESSER funds. Please see Use of Funds FAQ **A-19** for additional information.*



LEA Plans

- **Is there a required timeline for when an LEA must submit its plan for use of ARP ESSER funds to the SEA?**
 - *Each SEA must establish a deadline for LEA ARP ESSER use of funds plans. As noted in the IFR, the SEA establishes the deadline by which the LEA must submit its ARP ESSER plan. This deadline must be reasonable.*
 - *In addition, the deadline **should be no later than 90 days** after the LEA receives its ARP ESSER allocation – although as noted above, this decision is left to each SEA.*
 - *Please note that there is a separate timeline for the LEA’s statutorily required plan for the safe return to in-person instruction and continuity of services (i.e., an LEA must make this plan publicly available within 30 days of receiving ARP ESSER funds).*



LEA Plans

- **Will LEAs be able to periodically review and revise their ARP ESSER use of funds plans?**
 - *As with ARP ESSER State Plans, the Department believes that ARP ESSER LEA use of funds plans are living documents. It is the Department's expectation that these plans may need to be reviewed and revised periodically.*
 - *SEAs have discretion to determine the amendment process for their LEAs as long as the amended plans continue to meet statutory and regulatory requirements for such plans.*



LEA Plans

- **Is the safe return to in-person instruction and continuity of services plan mentioned in the ARP Act the same as the ARP ESSER plan mentioned in the IFR? If no, is it the expectation that an LEA submit two separate plans?**
 - *The IFR contains requirements for two LEA plans: (1) the safe return to in-person instruction and continuity of services plan (which is required in statute) and (2) an LEA Plan for use of ARP ESSER funds.*
 - *Each of these plans has a different set of requirements (e.g., the LEA ARP ESSER use of funds plan must be submitted and approved by the SEA; the safe return to in-person instruction plan is not required to be submitted to the SEA) and different timelines.*
 - *An SEA may allow an LEA to develop a single plan to address both the uses of ARP ESSER funds and the safe return to in-person instruction and continuity of services. The single plan must be submitted within the timeline established by the State for the LEA plans for the use of ARP ESSER funds. An LEA is still required to meet the requirement that it make publicly available a plan for the safe return to in-person instruction and continuity of services within 30 days of receiving ARP ESSER funds.*



SEA Oversight

- **What happens if an SEA does not fully expend the required State set-asides?**
 - *The State funding reservations are required by the ARP Act section 2001(f). The Department is eager to continue to support States in utilizing these resources to provide the important evidence-based interventions required in each set-aside. A State should contact the Department if it has questions about how to meet these requirements or is seeking technical assistance to do so.*
 - *One of the important functions of the State plan due on June 7 is to promote strategic thinking and transparency about these set-asides to ensure that the resources can be efficiently and effectively deployed during the grant period.*



SEA Oversight

- **What happens if an LEA spends ARP ESSER funds on unallowable activities?**
 - *SEAs are responsible for conducting oversight that includes monitoring of their LEAs and subgrantees for compliance with ARP ESSER requirements, including proper use of funds, as well as ensuring that ARP ESSER funds are used for purposes that are reasonable, necessary, and allocable, per Uniform Guidance 2 CFR Part 200.*
 - *Section G. Monitoring and Measuring Progress of the APR ESSER State Plan template requires the SEA to describe how it is building capacity at the SEA and LEA levels to ensure high-quality data collection and reporting and to safeguard funds for their intended purposes. Specifically, the SEA must:*
 - *Describe how the SEA will implement appropriate fiscal monitoring of and internal controls for the ARP ESSER funds (e.g., by updating the SEA's plan for monitoring funds and internal controls under the CARES and CRRSA Acts; addressing potential sources of waste, fraud, and abuse; conducting random audits; or other tools). In this response, please describe the SEA's current capacity to monitor ARP ESSER; steps, if needed, to increase capacity; and any foreseeable gaps in capacity, including how the SEA will provide its LEAs with technical assistance in the anticipated areas of greatest need.*



SEA Oversight

- **What happens if an LEA does not fully expend the minimum 20% of its ARP ESSER funds to address the academic impact of lost instructional time?**
 - *Similar to uses of funds, SEAs are responsible for monitoring their LEAs and implementing corrective action(s) as necessary to ensure that not less than 20 percent of the LEA allocation is used 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 afterschool programs, or extended school year programs, and ensure that such interventions respond to students' academic, social, emotional, and mental health needs and address the disproportionate impact of the coronavirus on the student subgroups described in section 1111(b)(2)(B)(xi) of the ESEA, students experiencing homelessness, and children and youth in foster care.*
 - *The Department is eager to continue to be a resource to States and LEAs in meeting this important responsibility. Please see: [COVID-19 Handbook Vol. 2](#) and [ESSER and GEER Use of Funds FAQ](#).*



Consultation

- **What is the Department's expectation for how an SEA and LEAs will seek public comment and engage in "meaningful" outreach/community engagement in the development of the SEA and LEA plans for use of ARP ESSER funds?**
 - *Stakeholder engagement is a core element of the State and LEA planning process for the use of ARP ESSER funds. The IFR and the ARP ESSER State Plan template include a specific list of stakeholders with which an SEA or LEA must consult.*
 - *In its ARP ESSER State Plan, each SEA must describe the specific consultation that is conducted for each of these groups. We believe that it is important that each SEA ensures that consultation is broad and represents the diversity of the community within the State.*

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Consultation

- **What is the Department's expectation for how an SEA and LEAs will seek public comment and engage in "meaningful" outreach/community engagement in the development of the SEA and LEA plans for use of ARP ESSER funds? (continued)**
 - *There are many ways to engage in meaningful consultation for the ARP ESSER State and LEA Plans. We recognize and respect the work that States and school districts are already doing and have been doing throughout the pandemic to engage their communities. The description included in the State Plan must include how the SEA sought meaningful input from each listed stakeholder group, provided the public the opportunity to provide input in the development of the plan, a summary of the input (such as any letters of support), and how the SEA took such input into account.*
 - *We also recognize that consultation is ongoing, 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

- **How does the Department define "most recent time period available" for which an SEA must include data when providing school operating status in section A.5.ii of the ARP ESSER State Plan template?**
 - *The "most recent time period available" is a period of time determined by the SEA based on its data collection processes and procedures. For example, depending on your SEA, the most recent time period could be the most recent day these data were collected (e.g., May 3, 2021), or a time period spanning multiple days (e.g., May 1-31, 2021).*
 - *When completing the tables in Appendix A, please:*
 - *Indicate the date or time period represented by the data.*
 - *Provide the number of schools in the State that offered each mode of instruction (Table 1); and*
 - *Provide the number of students enrolled and the mode of instruction for all students and each subgroup (Table 2).*
 - *If available, please also provide data on attendance for all students and each subgroup for each mode of instruction.*



State Plan Template

- **Must an SEA include specific evidence-based interventions in its ARP ESSER State Plan, or may an SEA describe overall strategies (e.g., X dollars into strategies to address educator talent)?**
 - *Each SEA should pay close attention to the information that each question in the template is requesting. An SEA might also include information to indicate which evidence-based tier is addressed.*
 - *We also recognize that over time, an SEA may add and/or change the evidence-based interventions that it intends to implement. The SEA should provide as much detail as possible now. As the Department has stated, we view these plans as living documents that the Department expects to be reviewed and revised periodically, as necessary.*

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State Plan Template

- **Must an SEA include specific evidence-based interventions in its ARP ESSER State Plan, or may an SEA describe overall strategies (e.g., X dollars into strategies to address educator talent)? (continued)**
 - *Some sections of the State plan template do not ask for a description of specific evidence-based interventions. For those sections, an SEA may provide a description of its planned strategies rather than list specific evidence-based interventions. For example, section F. Supporting the Educator Workforce, asks the SEA to describe the actions the SEA will take to fill anticipated gaps in certified teachers for the start of the 2021-2022 school year and to what extent the SEA will further support its LEAs in expanding the educator pipeline and educator diversity while addressing the immediate needs of students disproportionately impacted by the pandemic (e.g., recruiting teaching candidates to provide high-dosage tutoring or implementing residencies for teacher candidates) (section F.1.iii).*
 - *In this instance, an SEA may include a description of the State's plans and strategies instead of specific evidence-based interventions.*



State Plan Template

- **Please confirm that the 20% LEA set-aside to address the impact of lost instructional time may be used during school hours, as well as the specified afterschool/summer options.**
 - *Yes. ARP ESSER funds, including those that an LEA is required to set aside to address the academic impact of lost instructional time, may also be used during the school day.*



State Plan Template

- **May ARP ESSER be used to support pre-Kindergarten or early childhood program?**
 - *Yes. Because an early childhood education program is an allowable use of funds under the ESEA and IDEA, it is allowable under ARP ESSER. An "early childhood education program" is a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.), including a migrant or seasonal Head Start program, an Indian Head Start program, or a Head Start program or an Early Head Start program that also receives State funding; a State licensed or regulated child care program; or a program that serves children from birth through age six that addresses the children's cognitive (including language, early literacy, and early mathematics), social, emotional, and physical development; and is a State prekindergarten program; a program authorized under section 619 or Part C of the IDEA; or a program operated by an LEA. (See section 8101(16) of the ESEA.) In addition, ARP ESSER funds may be used for other activities that are necessary to maintain the operation of and continuity of services in LEAs and continuing to employ existing staff of the LEA. As a result, ESSER funds could be used to prevent layoffs or service cuts to existing LEA early childhood education programs. (C-20 from the ESSER and GEER FAQs)*



Maintenance of Effort

- **My State is considering level-funding education spending in next year's budget. Would that violate maintenance of effort (MOE)?**
 - *It very well could. Under the CRRSA Act, States are required to:*
 - *Maintain State support for elementary and secondary education in FY 2022 at least at the proportional level of the State's support for elementary and secondary education relative to the State's overall spending, averaged over FYs 2017, 2018, and 2019; and*
 - *Maintain State support for higher education in FY 2022 at least at the proportional level of the State's support for higher education relative to the State's overall spending, averaged over FYs 2017, 2018, and 2019.*
 - *In addition, a State that receives ARP ESSER funds must meet this MOE requirement in each of FYs 2022 and 2023.*
 - *The Department has emphasized that its approach to MOE waiver requests will be rooted in the consideration of the impact on students. The purpose of Federal pandemic recovery funds is to expand resources for K-12 and postsecondary schools and students, not to replace existing State commitments to K-12 and postsecondary education.*



Additional Questions



Resources

Visit the following URLs for more information

- ARP ESSER: <https://oese.ed.gov/offices/american-rescue-plan/american-rescue-plan-elementary-and-secondary-school-emergency-relief>
- Maintenance of Effort requirements: https://oese.ed.gov/files/2021/04/MOE-Chart_with-waiver-FAQs_FINAL_4.21.21Update.pdf
- ESSER and GEER Use of Funds: https://oese.ed.gov/files/2021/05/ESSER.GEER_FAQs_5.26.21_745AM_FINALbo cd6833f6f46e03ba2d97d30aff953260028045f9ef3b18ea602db4b32b1d99.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.**

