

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

Office Hours

May 13, 2021



Introductions

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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 released

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Key Dates (continued)

May 14 – The Department requests 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)

- Provide notification to ESSERF@ed.gov

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 award 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

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



Review Process

- **Are these slides posted on the Department's website?**
 - *Yes. All slides from these Office Hours will be made available at: <https://oese.ed.gov/offices/american-rescue-plan/american-rescue-plan-elementary-and-secondary-school-emergency-relief/resources/>. Last week's slides are also available at this web address.*
 - *To the extent possible, the Department will post the slides prior to the webinar. Otherwise, the slides will be posted immediately after the Office Hours session.*



Review Process

- **If an SEA is unable to submit its ARP ESSER State Plan by June 7 due to State requirements that preclude submission by that date, how should it notify the Department?**
 - *An SEA should notify the Department via email to ESSERF@ed.gov and [\[State\].oese@ed.gov](mailto:[State].oese@ed.gov) by Friday, May 14, 2021.*



Review Process

- **If an SEA is unable to submit its ARP ESSER State Plan by June 7 due to State requirements that preclude submission by that date, must the SEA still meet the requirement to post the data on school operational status by June 21 as required in A.5.ii. and Appendix A of the ARP ESSER State Plan template?**
 - *Yes, all SEAs are required to post school operational status by June 21. If an SEA has specific questions about meeting the requirement for posting on school operational status by June 21, the State should contact the Department 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 you to continue sending specific use of funds questions to your State mailbox, [State].oese@ed.gov.*



Review Process

- **Will the Department share the criteria that will be applied to State Plans as part of the review/approval process?**
 - *The State Plan template will serve as the Department's review criteria for each SEA's ARP ESSER State Plan. Each SEA should carefully address each question, including each subpart and, as applicable, each subgroup in its response.*



Review Process

- **How does the timeline for submitting ARP ESSER State Plans align with the public comment period on the ARP ESSER Interim Final Requirements (IFR)?**
 - *The requirements set forth in the IFR are effective immediately and apply to the ARP ESSER State Plan application. Comments on the IFR must be received on or before May 24, 2021. You may access the IFR on the ARP website: <https://oese.ed.gov/offices/american-rescue-plan/american-rescue-plan-elementary-and-secondary-school-emergency-relief/>.*



Review Process

- **May an SEA revise its ARP ESSER State Plan over the next few years?**
 - *Yes. The Department considers ARP ESSER State Plans to be living documents and understands that plans change and that an SEA may need to amend its State Plan in the future. Additional information about the expectations for any revisions and the amendment process will be shared once all State Plans have been fully approved.*



Allocation of Funds

- **Should an SEA notify each of its LEAs of its entire ARP ESSER allocation, even though the SEA has only received the first two-thirds of its award?**
 - *Yes. As required in the ARP ESSER grant conditions listed in Attachment T of each State's Grant Award Notification (GAN), an SEA must notify each of its LEAs of the entire allocation that it will receive out of both the first two-thirds that the SEA has received and the remaining portion that the SEA will receive upon approval of its ARP ESSER State Plan.*



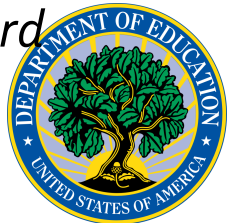
Allocation of Funds

- **With CARES and CRRSA funds, the Department advised SEAs to withhold some of the 90% of funds allocated to LEAs for any new or expanding charter schools. Is that still correct with ARP funds?**
 - *Yes. The technical appendix available at <https://oese.ed.gov/files/2020/05/ESSER-Fund-Frequently-Asked-Questions.pdf> that addresses this question with respect to ESSER I funds also applies to ARP ESSER and ESSER II funds. The one change for ARP ESSER and ESSER II funds is that the most recent fiscal year for these programs is FY 2020, which is the relevant fiscal year for purposes of calculating subgrants under ESSER II and ARP ESSER.*



Allocation of Funds

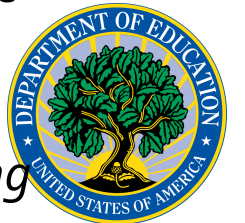
- **Please explain the timeline for the LEA application and awarding funds to LEAs. Does an SEA have the latitude to require the LEA plans for use of ARP ESSER funds prior to the awarding of funds (rather than after awarding of funds)?**
 - *Under the General Education Provisions Act (GEPA), an SEA must require each LEA to submit an application to the SEA prior to receiving ARP ESSER funds. That application must include assurances set forth in GEPA ([20 USC 1232e](#)).*
 - *Recognizing the urgency of reopening and sustaining safe operation of schools and addressing the academic impact of lost instructional time, the ARP Act requires that subgrants be made as soon as possible, and no later than 60 days after an SEA receives its ARP ESSER funds, to the extent practicable.*
 - *An SEA must comply with both the GEPA LEA application requirements and the ARP ESSER timing requirements. To meet both requirements, an SEA might require its LEAs to submit a streamlined application containing required assurances and then award subgrants (i.e., permit the LEA to begin to draw down funds) based on those assurances.*



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Allocation of Funds

- **Please explain the timeline for the LEA application and awarding funds to LEAs. Does an SEA have the latitude to require the LEA plans for use of ARP ESSER funds prior to the awarding funds (rather than after awarding of funds)? (continued)**
 - *For example, an SEA may allocate the funds to LEAs within 60 days on the basis of an LEA application that meets the requirements of GEPA and subsequently require that the LEA submit its plan for use the ARP ESSER funds. The LEA's plan for the use of ARP ESSER funds would supplement the initial application.*
 - *An SEA for which it is not practicable to allocate funds within 60 days, for example because of State procedures for allocating Federal funds that require additional time, must inform the Department of the date by which it will allocate the funds. An SEA should make all efforts to allocate funds as quickly as possible to ensure that these funds are available to LEAs as necessary to meet immediate needs.*
 - *The SEA establishes the deadline by which the LEA must submit its ARP ESSER plan, which must be reasonable and should be no later than 90 days after receiving the LEA's ARP ESSER allocation.*



Allocation of Funds

- **May an LEA application for funds be used as the mandated LEA ARP ESSER plan if the application incorporates all of the required elements detailed in the IFR?**
 - *Yes, if the application incorporates all of the required elements in the IFR, an SEA may choose to consider the LEA application an LEA ARP ESSER Plan.*



LEA Plans

- **Must the LEA plan for the use of ARP ESSER funds include a budget, or may an SEA permit LEAs additional time to flesh out the details of budgets for the use of funds over the award period?**
 - *The Department does not require that an LEA's ARP ESSER Plan include a budget; however, the ARP Act requires that in describing uses of funds the LEA include, at minimum:*
 - i. 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;*
 - ii. How the LEA will use at least 20 percent of its funds that it must reserve to address the academic impact of lost instructional time;*
 - iii. How the LEA will ensure that the interventions it implements with ARP ESSER funds will respond to the needs of all students and particularly underserved students disproportionately impacted by COVID-19; and*
 - iv. How the LEA will use its remaining ARP ESSER funds.*
 - *An SEA may choose to require LEAs to submit a budget in support of their application for ARP ESSER funds, at the State's discretion.*



LEA Plans

- **What are the Department's expectations for an SEA when an LEA does not meet a deadline or a required component of the Safe Return to In Person Instruction and Continuity of Services Plan?**
 - *The Department expects each SEA to develop or revise its existing monitoring and oversight plan for ARP ESSER funds to ensure the LEAs are using the funds in accordance to program requirements and meeting their obligations under the law. Where an LEA is not meeting requirements, such as by missing a deadline, the Department would expect the SEA to work with the LEA and take steps, as appropriate, to ensure compliance.*



Consultation

- Does an SEA need to specifically describe in its State Plan how it engaged in meaningful consultation with EACH group listed in C.1.?
 - *Yes. An SEA must specifically describe how it engaged in meaningful consultation with **each** stakeholder group listed in the ARP ESSER State Plan template and IFR. For example, each SEA should include a description of how it consulted with stakeholder groups representing the interests of each of the following groups of students: children with disabilities, English learners, children experiencing homelessness, children and youth in foster care, migratory students, children who are incarcerated, and other underserved students.*



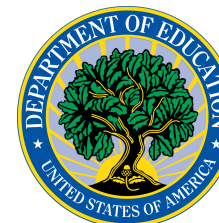
Consultation

- **In States where collective bargaining with teachers' unions is not required, does the requirement to engage in meaningful consultation with teachers' unions/affiliates still apply?**
 - *Yes. Regardless of whether collective bargaining is required, the SEA must describe how it engaged in meaningful consultation with stakeholders, including teachers, principals, school leaders, other educators, school staff, and their unions. The SEA must also ensure that its LEAs engage in meaningful consultation with these groups for purposes of developing their plans for use of ARP ESSER funds.*



State Plan Template

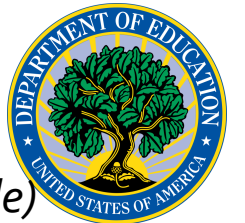
- **Is the expectation that the SEA provides responses for every question in the ARP ESSER State Plan template? Our State has been working for almost two months on how these funds can best support the needs of our State before the template was released.**
 - *An SEA must address each question in the ARP ESSER State Plan template.*
 - *Certain questions request information "to the extent available" or "present" in a particular State, which require a description only to the extent that the SEA has available relevant information (e.g., A.5.iii, asking for information to the extent available on the planned operational status for the summer and next school year).*



State Plan Template

- **What does the Department mean by “evidence-based interventions and practices?”**
 - *“Evidence-based interventions and practices” are defined under section 8101(21)(A) of the ESEA. Specifically, “evidence-based,” when used with respect to a State, LEA, or school activity, means an activity, strategy, or intervention that demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on –*
 - *Strong evidence from at least one well-designed and well-implemented experimental study (“tier 1”); or*
 - *Moderate evidence from at least one well-designed and well-implemented quasi-experimental study (“tier 2”); or*
 - *Promising evidence from at least one well-designed and well-implemented correlational study with statistical controls for selection bias (“tier 3”); or*
 - *Demonstrates a rationale based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes and includes ongoing efforts to examine the effects of such activity, strategy, or intervention (“tier 4”).*

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State Plan Template

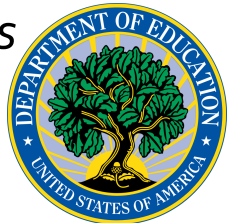
- **What does the Department mean by “evidence-based interventions and practices?” (continued)**
 - *Given the novel context created by the COVID-19 pandemic, an activity need not have generated such evidence during the COVID-19 pandemic to be considered evidence-based. The Department’s What Works Clearinghouse (available at <https://ies.ed.gov/ncee/wwc/>) identifies the tier of evidence that reviewed studies meet, as applicable. As part of the “demonstrates a rationale (tier 4)” level of evidence, grantees may develop and use approaches that are novel if they are consistent with theoretical and empirical findings from research and the grantee will continue to review the effects of the practice to build the evidence base. Developing a logic model can help to demonstrate a rationale. Logic model resources are available at: <https://ies.ed.gov/ncee/edlabs/regions/pacific/elm.asp>.*
 - *Interventions and strategies included in the ARP ESSER State Plan need to align with these four tiers of evidence and, when an SEA identifies a specific intervention in its State Plan, it should identify the corresponding tier of evidence.*



Reporting Requirements

- **What information must an SEA post on its website with respect to ARP ESSER?**

- *As described in ARP ESSER State Plan template, the assurances attached to the template, and the IFR, an SEA must, by June 21, post data on school operational status (i.e., remote or online only, hybrid, or full-time in-person instruction), including, disaggregated by subgroup, enrollment data, and (where available) attendance data.*
- *Each SEA must also provide to the Department: (1) the URL(s) where school operating status is posted and (2) the URL(s) for the SEA and/or LEA websites where the public can find the LEA plans for a) the safe return to in-person instruction and continuity of services required under section 2001(i) of the ARP Act, and b) use of ARP ESSER funds. SEAs should consider using a standardized URL format (e.g., xxx.gov/COVIDplan).*
- *We also recommend that each SEA post its submitted ARP ESSER State Plan on its website.*
- *The Department will post APR ESSER State Plans after submission and after approval.*



Other

- **What is the definition of learning loss?**
 - *The ARP ESSER State Plan template uses the term “academic impact of lost instructional time” to refer to learning loss. Generally, the academic impact of lost instructional time is the impact experienced by students as a result of the COVID-19 pandemic and which may have impacted whether students are meeting grade-level standards. Information about addressing the impact of lost instructional time can be found in the ED COVID-19 Handbook Volume 2: Roadmap to Reopening Schools Safely and Meeting All Students' Needs (April 9, 2021, pgs 18-37) available at: <https://www2.ed.gov/documents/coronavirus/reopening-2.pdf>.*



Other

- **How is the Department implementing the requirements for Maintenance of Effort and Maintenance of Equity?**
 - *The Department issued Guidance on Maintenance of Effort (MOE) for ARP ESSER at https://oese.ed.gov/files/2021/04/MOE-Chart_with-waiver-FAQs_FINAL_4.21.21Update.pdf. The Department's approach to MOE waiver requests will be rooted in the consideration of the impact on students. The purpose of ARP ESSER, ESSER I, ESSER II, GEER I, GEER II, and EANS 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. As a result, in determining whether to grant a State an MOE waiver, the Secretary may consider factors such as:*
 - *Has the State increased support for education?*
 - *Are there exceptional circumstances that caused the State to be unable to maintain support for education?*
 - *Has the State used or will it use ESSER, GEER, or Higher Education Emergency Relief (HEER) funding to replace State funding for education?*
 - *See FAQ 8 in updated MOE guidance for additional considerations for each of these factors.*



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Other

- **How is the Department implementing the requirements for Maintenance of Effort and Maintenance of Equity? (continued)**
 - *We will be issuing guidance on the Maintenance of Equity (MOEquity) requirements soon. The Department strongly supports the new Maintenance of Equity provisions included in the ARP Act and looks forward to working with SEAs and LEAs to ensure the successful implementation of these protections.*



Other

- **Is there a separate process to receive the ARP-HCY (Homeless/McKinney-Vento) funding? To what extent do we need to include our plans for ARP-HCY in our ARP ESSER application?**
 - *The ARP ESSER State Plan template asks each SEA to describe how it has and will coordinate Federal COVID-19 pandemic funding and other Federal funding, to the extent it has coordinated funds. In particular, we strongly encourage the SEA to discuss how it will coordinate its ARP ESSER funds with other Federal funds, including ARP-HCY funds, to support the needs of homeless children and youth.*
 - *The Department separately awarded the first portion of grants (\$200 million) under ARP-HCY to each SEA in late April and will award the second portion of grants (\$600 million) for the remaining ARP-HCY funds as soon as June, once the Department finalizes its rule for the distribution of these funds. For more information, see the Department's website: <https://oese.ed.gov/offices/american-rescue-plan/american-rescue-plan-elementary-secondary-school-emergency-relief-homeless-children-youth-arp-hcy/>.*



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/?key=604bc93d9d597>
- 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.**

