

November 1, 2021



**Elementary and Secondary School
Emergency Relief (ESSER) Fund
under the American Rescue Plan (ARP) Act
Webinar**



Webinar Objectives

- Purpose and Further Considerations
- Allocation
- Timeline and Budget Period
- Application Process
- Implementation Plan
- Safe Return Plan Update
- 6 Assurances
- Budget
- Maintenance of Equity

Purpose of ESSER

- The ESSER funds under the ARP Act are provided to Local Educational Agencies (LEAs) to address the impact that the Novel Coronavirus Disease 2019 (“COVID-19”) has had, and continues to have, on elementary and secondary schools in Florida.
- This includes helping school districts and other LEAs safely reopen schools, restore and maintain high-quality learning environments, measure and effectively address significant learning loss and take other actions to mitigate the impact of COVID-19 on the students and families who depend on our K-12 schools.

Further Considerations

- In accordance with Section 45 of the General Appropriations Act, the Department will submit a legislative budget amendment that includes detailed information about how each LEA will be expending its funds in compliance with the provisions of the ARP ESSER program under ARP ACT.
- **Awards are contingent upon legislative approval of the budget amendment.**

Further Considerations

- The purpose of the ESSER fund is to provide LEAs with emergency relief funds to address the impact COVID-19 has had, and continues to have, on elementary and secondary schools. This includes both providing educational services and developing plans for normal operations.
- USED expects LEAs will use every effort to spend funds to address exigent student needs.
- USED encourages LEAs to focus on their most important educational needs as a result of COVID-19, including remote learning and assessing and addressing learning gaps resulting from disruptions in educational services.
- FDOE encourage LEAs to use ESSER funds in ways that meet the needs of low-income students, students with disabilities, English learners, migrant students, students experiencing homelessness, children in foster care and other vulnerable populations.

Allocation

- For Initial Release (two-thirds): \$4,222,947,863
- For Release upon approval of Florida's ARP State Plan (one-third): \$2,116,085,274

Total Current Allocation: \$6,339,033,137

- LEAs will submit a plan and budget reflecting the total allocation, with a breakdown of the initial release of 2/3 of the total and the 1/3 balance. Reference allocation chart for breakdown of funding amounts.
- All allocations are subject to the approval of a legislative budget amendment, in accordance with section 45 of the General Appropriations Act (2021).
- The preliminary allocation was based on the percentage of the LEA revised final 2020-21 Title I, Part A allocation.

Timeline

Application
due on or
before
**November 12,
2021**

Updated
Reopening/ICP
Plan due to
FDOE within
60 days of the
award

Last day for
obligation of
funds
**September 30,
2024**

ESSER funds are available for obligation by LEAs and other subrecipients through September 30, 2024, which includes the Tydings period (General Education Provisions Act § 421(b)(1)).

Application Process

- Districts shall submit its ARP ESSER application to the Office of Grants Management via ShareFile on or before **November 12, 2021**. ShareFile access has been established for the ARP ESSER Lump Sum program for each LEA. The complete application shall include:
 1. LEA ARP ESSER Plan, Application and Assurances utilizing the template;
 2. DOE 100A Project Application Form; and
 3. DOE 101 Budget Narrative Form, using the ARP ESSER template.

Part I: Implementation Plan

- The LEA will complete an implementation plan, outlining planned activities for uses of funds of the ARP Act.
 - Please number the sub-activities (items) within one of the allowable 20 activities to relate to the proposed budget.
 - If the LEA does not plan any items for one or more authorized activities, please indicate that there are none.

Part I: Allowable Activity 1

In accordance ARP Act, the allowable uses of these funds are as follows:

1. A LEA shall reserve **not less than 20 percent** of such funds to address learning loss 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, and emotional needs and address the disproportionate impact of the coronavirus on the student subgroups described in section 1111(b)(2)(B)(xi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(B)(xi)), students experiencing homelessness, and children and youth in foster care.

Part I: Allowable Activities 2(A)-(E)

- (A) Any activity authorized by the Elementary and Secondary Education Act of 1965.
- (B) Any activity authorized by the Individuals with Disabilities Education Act (IDEA).
- (C) Any activity authorized by the Adult Education and Family Literacy Act.
- (D) Any activity authorized by the Carl D. Perkins Career and Technical Education Act of 2006.
- (E) Coordination of preparedness and response efforts of LEAs 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.

Part I: Allowable Activities 2(F)-(I)

- (F) 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.
- (G) Developing and implementing procedures and systems to improve the preparedness and response efforts of LEAs.
- (H) Training and professional development for staff of the LEA on sanitation and minimizing the spread of infectious diseases.
- (I) Purchasing supplies to sanitize and clean the facilities.

Part I: Allowable Activities 2(J)-(K)

(J) Planning for, coordinating, and implementing activities during long-term closures, including providing meals to eligible students, providing technology for online learning to all students, providing guidance for carrying out requirements under the IDEA and ensuring other educational services can continue to be provided consistent with all Federal, State and local requirements.

(K) Purchasing educational technology (including hardware, software, and connectivity) for students who are served by the LEA that aids in regular and substantive educational interaction between students and their classroom instructors, including low-income students and children with disabilities, which may include assistive technology or adaptive equipment.

Part I: Allowable Activities 2(L)-(M)

(L) Providing mental health services and supports, including through the implementation of evidence-based full-service community schools.

(M) 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, children with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.

Part I: Allowable Activity 2(N)

(N) Addressing learning loss among students, including low-income students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and children and youth in foster care, of the LEA, including by—

- (i) administering and using high-quality assessments that are valid and reliable, to accurately assess students' academic progress and assist educators in meeting students' academic needs, including through differentiating instruction;
- (ii) implementing evidence-based activities to meet the comprehensive needs of students;
- (iii) providing information and assistance to parents and families on how they can effectively support students, including in a distance learning environment; and
- (iv) tracking student attendance and improving student engagement in distance education.

Part I: Allowable Activities 2(O)-(P)

(O) School facility repairs and improvements to enable operation of schools to reduce risk of virus transmission and exposure to environmental health hazards and to support student health needs.

(P) Inspection, testing, maintenance, repair, replacement and upgrade projects to improve the indoor air quality in school facilities, including mechanical and nonmechanical heating, ventilation, and air conditioning systems, filtering, purification and other air cleaning, fans, control systems and window and door repair and replacement.

Part I: Allowable Activities 2(Q)-(R)

(Q) Developing strategies and implementing public health protocols including, to the greatest extent possible, and not inconsistent with state law, policies in line with guidance from the Centers for Disease Control and Prevention for the reopening and operation of school facilities to effectively maintain the health and safety of students, educators, and other staff.

(R) 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.

Part I: Allowable Activity 2(S)

(S) Administration. LEAs may take reasonable and necessary administrative costs, to include direct and indirect costs. Indirect costs may be taken up to the negotiated, unrestricted indirect cost rate. However, to ensure that the total administrative costs are reasonable, the total direct and indirect costs may not exceed five percent (5%) of the LEA's total award.

Part II: Ensuring Effectiveness of Interventions

Describe 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. In your response, please include a description of interventions and strategies that are aligned to the LEA's data (disaggregated by subgroup), and describe how the LEA will measure the effectiveness of the selected interventions.

Part III: Safe Return Plan Update Requirement

- Each LEA developed and made publicly available on the LEA's website a plan for the safe return of in-person learning in Reopening Plan in the Fall of 2020. This was before the enactment of the ARP Act. This plan must be updated to address the requirements of the U.S. Department of Education's Interim Final Rule, 88 FR 21195.
- The requirements of the Interim Final Rule are summarized in Appendix A.

Part III: Safe Return Plan Update Requirement (cont.)

- Each LEA shall seek public comment on the updated plan and take such comments into account prior to the submission of the final plan to the Department.
- No later than 60 days from receipt of its DOE 200, Project Award Notice, each LEA shall email its updated final plan to recoveryplan@fldoe.org.
- The subject line of the email must include district name and Plan for the Safe Return of In-person Instruction. Upon the Department's approval, the LEA shall post this plan on the LEA's website within 90 days of the award.

Part III: Safe Return Plan Update Requirement (cont.)

- Any updated LEA plan must be consistent with state law, including any applicable executive order, any agency emergency order, or any agency regulation or rule.
- Note specifically that LEA policies must comply with section 381.00316, Florida Statutes, and that any policies implemented after August 9, 2021, must comply with Florida Department of Health Rule 64DER21-12, F.A.C., and any policies implemented after September 22, 2021, must comply with Florida Department of Health Rule 64DER21-15, F.A.C.

Part IV: 6 Assurances

■ Assurance 1: LEA Periodic Plan Update with Public Comment.

Each LEA developed and made publicly available on the LEA's website a plan for the safe return of in-person learning in the Fall of 2020. This was before the enactment of the ARP Act. This plan must be updated to address the requirements of the U.S. Department of Education's Interim Final Rule, 88 FR 21195. The Interim Final Rule "does not mandate that an LEA adopt the CDC guidance, but only requires that the LEA describe in its plan the extent to which it has adopted the key prevention and mitigation strategies identified in the guidance." 88 FR at 21200. Any updated LEA plan must be consistent with state law, including any applicable executive order, any agency emergency order, or any agency regulation or rule. Note specifically that LEA policies must comply with section 381.00316, Florida Statutes, and that any policies implemented after August 9, 2021, must comply with Florida Department of Health Rule 64DER21-12, F.A.C., and any policies implemented after September 22, 2021, must comply with Florida Department of Health Rule 64DER21-15, F.A.C. (continued on next slide)

Part IV: 6 Assurances (cont.)

- **Assurance 1: LEA Periodic Plan Update with Public Comment (cont.)**

... Each LEA must seek public comment on the plan and take such comments into account prior to submission of the final plan to the Department within 60 days of the award. Upon the Department's approval, the LEA shall post this updated plan on the LEA's website within 90 days of the award.

Part IV: 6 Assurances (cont.)

- **Assurance 2: Continue progress monitoring and interventions.**

The district agrees to provide robust progress monitoring and requisite interventions must be extended to all students with tiered support for students who are performing below grade level and are not making adequate progress. Students who are receiving instruction through innovative teaching methods must transition to another teaching method if they fail to make adequate progress. The district agrees to provide monthly progress monitoring reports to parent/guardians for students identified as performing below grade level and/or demonstrating decline on the district's progress monitoring system.

Part IV: 6 Assurances (cont.)

■ **Assurance 3: Allowable Uses of Funds.**

The LEA will use funds for activities allowable under section 2001(e) of the ARP Act.

■ **Assurance 4: Maintenance of Equity.**

The LEA will comply with all requirements relating to Maintenance of Equity, in accordance with section 2004(c) of the ARP Act.

■ **Assurance 5: Reporting.**

The LEA will comply with all reporting requirements, and submit required reports to the Florida Department of Education at such time and in such manner and containing such information as the department may subsequently require.

Part IV: 6 Assurances (cont.)

- Assurance 6: Audits, Inspections or Examinations.

The LEA 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 Florida Department of Education, the Florida Auditor General; (ii) the Department and/or its Inspector General; or (iii) any other federal or state agency, commission, or department in the lawful exercise of its jurisdiction and authority.



Budget Section

Budget Period

- November 12, 2021 through September 30, 2024
- Pre-Award costs are authorized for any allowable expenditure incurred on or after March 13, 2020, the date the President declared the national emergency due to COVID-19.

FLORIDA DEPARTMENT OF EDUCATION ARP ESSER BUDGET NARRATIVE FORM

Use of Funds Number**	Activity Number**	Account Title	FTE Position	Amount for 2/3 allocation	Amount for 1/3 allocation	Total allocation
1	2(M)	Summer School Teachers- hire 10 HE or E teachers to teach 2022-23 and 2023-24 summer school for Tier 3 MTSS K-2 students at	10	\$400,000.00	\$200,000.00	\$600,000.00
2	2(M)	Benefits for 10 summer school teachers		\$120,000.00	\$60,000.00	\$180,000.00

For the following columns:

Activity Number-correlate with ARP allowable use as defined in Part I of the Implementation Plan. For example, for Activity 2 (A), complete with 2(A).

Use of Funds-identify the number of the sub-activity described within the Implementation Plan.



USED Guidance on Allowable Uses of Funds

U.S. Department of Education's Frequently Asked Questions regarding allowable uses of ESSER Funds:

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

USED Guidance on Allowable Uses of Funds

Generally, in determining whether an activity is an allowable use of funds, a State or LEA must determine:

- Is the use of funds intended to prevent, prepare for, or respond to the COVID-19 pandemic, including its impact on the social, emotional, mental health, and academic needs of students?
- Does the use of funds fall under one of the authorized uses of ESSER or GEER funds?
- Is the use of funds permissible under the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance, 2 CFR Part 200)? In particular, is it necessary and reasonable for the performance of the ESSER or GEER award?



Administrative Costs

- Districts may use their unrestricted indirect cost rate.
- Total administrative costs may not exceed 5% of the LEA's total award.
- Total Administrative Costs include:
 - Direct administrative costs; and
 - Indirect administrative costs = negotiated rate x eligible expenditures.

Allocations to Charter Schools

- Allocations must be provided to charter schools.
- Unless otherwise agreed, based on proportion of unweighted FTE in 2020-21 Survey 3.
- Must take into account new or significantly expanded charters.
- LEA's plan and budget include charter expenses, rolled-up at district level.

Budgets for LEAs, Charter Schools

Due to the urgent nature of the ESSER program, for charter school expenses on the proposed budget and program narrative, Districts may choose to:

- List charter expenditures in the same detail as other district expenditures, rolled-up at the district level; or
- (charter flexibility option) List only the charter allocation for Activity 1 and Activity 2, and provide a description of the district's internal operating procedures (IOPs) for approval of charter expenditures



Budgets for LEAs, Charter Schools

For Approval of the Charter Flexibility Option, Districts must demonstrate:

- District's payment of charter expenditures are on a reimbursement basis, after review by district;
- District's IOPs provide reasonable assurance that all expenditures will be allowable, reasonable, necessary and allocable;
- District's description of IOPs includes that District will obtain FDOE pre-approval for charter expenses that require such pre-approval (such as construction/remodeling and equipment over \$5,000).

Charter School Requirements

- Charter schools must still complete the following for their LEA sponsors:
 - The ARP Plan, Application and Assurances template
 - The ARP Budget Narrative Form
- FDOE does not require completion of these documents prior to District's submission of District's application, but FDOE recommends that the District require charter plans and budgets prior to reimbursement
- Completion of the template is necessary so that LEAs know what activities charter schools will undertake, and so that the charter school can document that it agrees to the assurances



Charter School Requirements - ICPs

Charter schools also must update their instructional continuity plans from fall 2020, and open them to public comment, in the same manner as LEAs.



Items requiring Pre-Approval

- 2 CFR § 200.407 outlines items requiring pre-approval by FDOE
 - Real property;
 - Construction/remodeling; and/or
 - Equipment & capital expenditures over \$5,000 per unit.

Items listed specifically on approved budget shall meet the pre-approval criteria.



Federal Procurement Requirements

- Procurements in ESSER must meet federal UGG standards.
- Federal standards have different thresholds and exceptions than state or local standards.
- Technical assistance will follow.

Maintenance of Equity

For 2021-22 and 2022-23, an LEA may NOT:

- Reduce state and local per-pupil funding in high-poverty schools by an amount that exceeds the total reduction, if any, of combined state and local per-pupil funding for all schools in the LEA.
- Reduce the number of full-time equivalent (FTE) staff per-pupil in high-poverty schools by an amount that exceeds the total reduction, if any, of FTE staff per-pupil in all schools in the LEA.

Maintenance of Equity

- The USED has released guidance at https://oese.ed.gov/files/2021/10/Maintenance-of-Equity-updated_10_1_21-FAQs.Final_.pdf.
- Technical assistance will follow.



Questions?



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