

MEMORANDUM

TO: Superintendents, Business Managers
FROM: Daniel M. French, Ed.D., Secretary of Education 
SUBJECT: American Rescue Plan (ARP) Elementary and Secondary School Relief Fund
(ESSER) Phase I Application for SU/SDs
DATE: May 24, 2021

Purpose

By this memo you are notified that the Phase I application for American Rescue Plan (ARP) Elementary and Secondary School Relief Fund (ESSER) allocations for Vermont school districts and supervisory unions (SU/SDs) is now available in the Grant Management System (GMS). ARP ESSER (also known as ESSER III) funds are available as part of the ARP Act of 2021.

Background

On March 11, 2021 the American Rescue Plan (ARP) Act was signed into law. The ARP Act provides significant additional funding for educational entities to respond to the COVID-19 pandemic, including the ARP Elementary and [Secondary School Emergency Relief \(ESSER\) Fund](#) (also known as ESSER III).

Similar to the earlier CARES Act, states received ARP ESSER funds based on their share of Title I funding. Ninety percent of funds received by an SEA must be allocated to LEAs based on each LEA's Title I share, leaving 10% for SEA-level activities.

- Total award to Vermont: \$ 285,164,138.
- Total award to LEAs: \$ 256,647,724.
- The period of performance for ESSER II is March 13, 2020 – Sept. 30, 2024.
- There is no Supplement not Supplant requirement for ARP ESSER, but LEAs should ensure when replacing state or local funds with ARP ESSER funds that Maintenance of Effort (MOE) or match requirements for other federal programs are still met.
- There is no Equitable Services Requirement for ARP ESSER.

Phase I Application

In order to meet the federal requirement that ARP ESSER funds be “made available for obligation” by May 24, 2021, LEAs will complete a two-phase application in GMS.

Phase I will require LEAs to complete a very simple and short application consisting of:

Contact Information:

If you have questions about this document or would like additional information please contact:
Josh Souliere, Education Quality, at josh.souliere@vermont.gov

- A single budget line item for the full allocation.
- Specific programmatic assurances related to the [Interim Final Requirements for ARP ESSER](#).

Once the Phase I application is submitted, LEAs will receive a Grant Award Notification (GAN) for their full ARP ESSER allocation, but will not be able to seek reimbursement until they have an approved Phase II application.

Creating and Editing the Application in the Grant Management System

All district administrators (superintendents) and business managers have permissions in the GMS to create and edit the application. If desired, a district administrator can delegate the ability to create and edit the application to additional staff, by assigning the role "leaCARES" to any staff members with a GMS account. See the [GMS login page's](#) Training section for the four page instructions and the User Management for District Administrators training video to learn how to assign this role. Note that, as with all other grant applications, only the district administrator can agree to assurances and do the final submission to the Agency of Education.

Use of Funds

ARP ESSER funds are considered a federal formula grant. Due to the nature of these funds, the Agency is approving pre-award costs as of March 13, 2020, resulting in a period of performance start date of March 13, 2020 to Sept. 30, 2024. If you have any questions regarding accounting or coding pre-award costs, please contact [Robert Coathup \(robert.coathup@vermont.gov\)](mailto:robert.coathup@vermont.gov).

LEAs will be able to make amendments to their grant awards throughout the period of performance. In budgeting ARP ESSER funds, LEAs should treat the funds as non-recurring, emergency aid and avoid building in programmatic costs that may not be sustainable after the period of performance ends (Sept. 30, 2024). LEAs might consider how a need that is likely to be long term could be better met with other federal funding to ensure strategic and sustainable use. AOE will communicate the amendment deadline closer to Sept. 30, 2024. If you have any questions on this critical component to ARP ESSER funding, please contact [John Leu \(john.leu@vermont.gov\)](mailto:john.leu@vermont.gov).

LEAs should direct programmatic application questions to [Josh Souliere \(Josh.Souliere@vermont.gov\)](mailto:Josh.Souliere@vermont.gov). Any questions pertaining to budgets or other financial topics should be sent to [John Leu \(john.leu@vermont.gov\)](mailto:john.leu@vermont.gov). Any technical issues in GMS can be addressed to the [GMS Help Desk \(AOE.GMSHelp@vermont.gov\)](mailto:AOE.GMSHelp@vermont.gov).

Interim Final Requirements and Key Dates

Please note: AOE is awaiting detailed guidance from the US Department of Education on the requirements for LEAs under ARP ESSER. Please see [ARP ESSER Fact Sheet from the US DOE](#).

1. LEAs submit Phase I application to receive an initial Grant Award: May 24, 2021. Dates for the Phase II application to open and be submitted have yet to be determined.
2. [LEA Plan for Safe Return to In-Person Instruction and Continuity of Services](#): due 30 days after award of ARP ESSER funds. Please note, AOE anticipates that LEAs have already created these plans (for example, the Reopening Plans created in Fall 2020), and Phase II of

the ARP ESSER application will likely include a simple upload and attestation to satisfy this requirement. To satisfy the deadline above, LEAs will need to post their Reopening plans on their website for public comment, if they have not already done so.

3. [ARP ESSER LEA Plan](#): due 90 days after award of ARP ESSER funds (August 23, 2021). Please note, AOE anticipates that Phase II of the ARP ESSER application will include the required elements of this plan. AOE is working to integrate seamlessly the work LEAs are already doing in developing their Recovery Plans with the additional requirements of the ARP ESSER LEA Plan.

State Level Priorities and Recovery Planning

As LEAs contemplate the use of ARP ESSER and ESSER II funds, they should have their [Recovery Plan](#) firmly in mind and, per the [ARP ESSER Interim Final Requirements](#), be engaging with all required stakeholders during the planning process. In addition, we encourage LEAs to think about how to braid their other federal funds with ARP ESSER to meet the goals of their Recovery Plans and to plan for future needs that may go beyond the Sept. 30, 2024 period of performance. We encourage LEAs to utilize the [Federal Education Funding Planning Guidance](#) document as a quick reference in determining which source(s) of funding may be most appropriate. As a reminder, while ESSER funds do not have a Supplement not Supplant restriction, other federal funds do.

As a part of this planning process, LEAs should bear in mind Recovery Plan state-wide priorities which are outlined in [Vermont's Education Recovery Introductory Framework](#).

- Socioemotional functioning, mental health, and well-being
- Student engagement and truancy
- Academic achievement and success

In addition, AOE has identified a fourth area of focus: Safe Operations, that LEAs may also wish to consider.

Allowable Costs for ARP ESSER Funds

LEAs that receive ARP ESSER funds may spend them on the following allowable uses:

1. Purchase educational technology (including hardware, software, connectivity, and assistive technology) for students, including:
 - a. District, school, or student level technology (including hardware, software, connectivity, assistive technology, platforms for Personal Learning Plans, learning management systems, etc.) 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.
2. Purchase supplies to sanitize and clean the facilities of an LEA, including buildings operated by such agency.
3. **[Updated from ESSER I and II]** Provide mental health services and supports, including through the implementation of evidence-based full-service community schools.

4. **[Updated from ESSER I and II]** Plan and implement 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, including:
 - a. Costs associated with summer, afterschool, or extended, learning programming for students, to address learning loss and social-emotional-behavioral-mental health (SEB/MH) needs, including materials, staffing, space, etc.
5. Support other activities necessary to maintain LEA operations, continuity of services, and continued employment of existing staff, including:
 - a. Costs associated with paying Family and Medical Leave or Emergency Paid Sick Leave benefits mandated in the Families First Coronavirus Response Act (both of which expired on 12/31/20) or for extending such benefits after 1/1/21 for staff who cannot work due to need to care for self or family or isolation/quarantine requirements due to COVID-19;
 - b. Replacement of local funds for any allowable activity, including salaries for staff paid with local funds, including: staffing costs beyond contract - e.g., not budgeted, extra days, overtime, extra duty, etc. and/or salary and benefits for hourly staff who were paid despite not working (unscheduled time);
 - c. Costs associated with need for increased non-professional staffing (such as food service, transportation, and custodial) necessitated by COVID-19 response and recovery, including new hires and contract changes;
6. Plan for and coordinate continuity of learning and continuity of operations during long-term closures, including:
 - a. providing meals to eligible students, providing technology for online learning to all students;
 - b. providing guidance for carrying out requirements under IDEA; and
 - c. ensuring other educational services can continue to be provided consistent with all Federal, State, and local requirements.
7. 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.
8. Provide professional development and training for LEA staff on sanitation and minimizing the spread of infectious disease.
9. Coordination of preparedness and response efforts of local educational agencies 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.
10. **[Updated Allowable Cost #10 for ARP ESSER]** Develop strategies and implement public health protocols including, to the greatest extent practicable, 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.

11. Develop and implement procedures and systems to improve LEA preparedness and response efforts.
12. (a-j) Support any activity authorized by the Elementary and Secondary Education Act of 1965 as amended (ESEA), the Individuals with Disabilities Education Act (IDEA), the Adult Education and Family Literacy Act; the Carl C. Perkins Career and Technical Education Act (Perkins); or the McKinney-Vento Homeless Assistance Act, that is not addressed above.
13. Address 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 local educational agency, by:
 - a. 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;
 - b. Implementing evidence-based activities to meet the comprehensive needs of students;
 - c. Providing information and assistance to parents and families on how they can effectively support students, including in a distance learning environment;
 - d. Tracking student attendance and improving student engagement in distance education;
 - e. Tracking student academic progress with evaluating and comparing to pre-pandemic grades and progress to identify students that experienced learning loss.
14. Costs associated with construction projects including inspection, testing, maintenance, repair, replacement and upgrade to:
 - a. Improve indoor air quality including mechanical and non-mechanical heating, ventilation, and air conditioning systems; filtering, purification and other air cleaning; fans, control systems, and window and door repair and replacement.
 - b. **[Updated from ESSER I and II]** 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.
 - i. Per EDGAR 34 CFR §75.605(b), the LEA must receive approval, from the Vermont Secretary of Education, of final working drawings and specifications prior to advertising or placing the project on the market for bidding. In addition, for construction contracts over \$2,000 using laborers and mechanics and financed by ESSER II funds, LEAs must meet all Davis-Bacon prevailing wage requirements and include language in the construction contracts that all contractors or subcontractors must pay wages that are not less than those established for the locality of the project (prevailing wage rates) for all construction contracts financed with ESSER II funds. (See 20 U.S.C. 1232b Labor Standards.)
 - ii. For construction projects started or completed prior to your award, please contact <mailto:aoe.federalconstruction@vermont.gov>.

Please note: The previous allowable cost category, *“Provide principals and other school leaders with resources to address individual school needs”* was not specifically listed in ARP ESSER. However,

these costs would still be potentially allowable under one of the other specific allowable cost categories above.

The US Department of Education has said LEAs may not spend ARP ESSER funds on:

1. Bonuses, merit pay, or similar expenditures, unless related to disruptions or closures caused by COVID-19,
2. Subsidizing or offsetting executive salaries and benefits of individuals who are not LEA employees, or
3. Expenditures related to state or local teacher or faculty unions or associations.