AMERICAN RESCUE PLAN (ARP)-ELEMENTARY AND SECONDARY SCHOOLS EMERGENCY RELIEF FUND (
LEA APPLICATION (80% ALLOCATION)

Key Information

Program Information

Elementary and Secondary School Emergency Relief (ESSER III-ARP) funds, were authorized in Section 2(American Rescue Plan (ARP) Act of 2021, enacted March 11, 2021. The funds are provided to state educ agencies (SEAs) and school districts to help safely reopen and sustain the safe operation of schools and impact of the coronavirus pandemic on the Nation's students. **Funds to Local Educational Agencies (LE/ allocated on the basis of their respective shares of funds received under Title I, Part A of the Element Secondary Education Act of 1965 in fiscal year 2020. Therefore, districts will not receive the same pro share of ESSER III-ARP funds as they did for the first round of ESSER funds (ESSER I).**

ESSER funds are allowable to fund costs incurred on or after March 13, 2020, when COVID 19 was dec national emergency, and **all funds must be obligated by September 30, 2024**. This includes one-year ca allowed under the Tydings Amendment (34 CFR 76.709). **These are one-time funds that should not be to ongoing financial obligations.**

Allowable Activities

This form package is for the remaining 80 percent of the total ESSER III-ARP allocation. The 20 percen to address student learning recovery and acceleration (learning loss) is in iGrants form package 153.

LEAs may use the remaining 80 percent allocation of ARP ESSER funds for activities allowable under sec of the ARP. These allowable activities are outlined in the table on page 2.

NOTE:

- The following activities are not explicitly listed in the ARP Act but are still an allowable use of ARP ESSER funds:

    - Activities authorized by subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (McKinney-Vento) (42 U.S.C. 11431 et seq.)

    - Providing principals and other school leaders with the resources necessary to address the needs of their individual schools.

- This activity is only listed in the ARP Act but is an allowable use of ESSER I and ESSER II funds:

    - Developing strategies and implementing public health protocols including, to the greatest extent practicable, policies in line with guidance from the CDC for the reopening and operation of school facilities to effectively maintain the health and safety of students, educators, and other staff.

The US Department of Education (DOE) encourages LEAs to use the funds to safely reopen schools, maximize in-person instructional time for all students, and provide opportunities to address the impacts of lost instructional time resulting from the COVID-19 pandemic. When making decisions about how to use ESSER funds, LEAs are encouraged to take into consideration how the funds can be used to address inequities, including focusing supports and services on students from low-income families, students of color, students with disabilities, English learners, students experiencing homelessness, children and youth in foster care, migratory students, children who are incarcerated, and other underserved students who have been disproportionately impacted by the pandemic.

Generally, in determining whether an activity is an allowable use of funds, a 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 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 award?

LEA Safe Return to In-Person Instruction Plan

An LEA that receives ARP ESSER funds must, within 30 days of receiving the funds, make publicly availab website a plan for the safe return to in-person instruction and continuity of services. Before making the publicly available, the LEA must seek public comment on the plan. Districts are required to post to their June 1 plan due to OSPI to meet the federal requirement outlined below. OSPI was intentional in the de of the plan template to ensure that it met requirements of both state and federal law.

ARP Section 2001 (i): SAFE RETURN TO IN-PERSON INSTRUCTION.— (1) IN GENERAL.—A local education receiving funds under this section shall develop and make publicly available on the local educational ag website, not later than 30 days after receiving the allocation of funds described in paragraph (d)(1), a pl safe return to in-person instruction and continuity of services. (2) COMMENT PERIOD.—Before making described in paragraph (1) publicly available, the local educational agency shall seek public comment or and take such comments into account in the development of the plan.

Fiscal Information

- There is no supplement not supplant requirement for the ESSER III-ARP funds. Therefore, the fe unrestricted indirect rate is used for this grant. Also, the 21-22 federal indirect rate is used for t since the form package is in the 21-22 fiscal period. Indirect rates for the upcoming school year uploaded prior to the annual launch of iGrants launch on May 1st of each year.

- There is no maintenance of effort requirement for the ESSER III-ARP funds for LEAs. **However, t new "maintenance of equity" requirement for the ESSER III-ARP funds for LEAs**. The US Depar Education has provided an FAQ on this topic, see at **Resources - Office of Elementary and Seco Education**. Also, below is the information from Section 2004 (c) and (d) of the ARP:

    - (c) LOCAL EDUCATIONAL AGENCY MAINTENANCE OF EQUITY FOR HIGHPOVERTY SCHO GENERAL.—As a condition of receiving funds under section 2001, a local educational ag not, in fiscal year 2022 or 2023— (A) reduce per-pupil funding (from combined State ar funding) for any high poverty school served by such local educational agency by an amo exceeds— (i) the total reduction in local educational agency funding (from combined St local funding) for all schools served by the local educational agency in such fiscal year (i divided by (ii) the number of children enrolled in all schools served by the local educati in such fiscal year; or (B) reduce per-pupil, full-time equivalent staff in any high-poverty an amount that exceeds— (i) the total reduction in full-time equivalent staff in all scho such local educational agency in such fiscal year (if any); divided by (ii) the number of cl enrolled in all schools served by the local educational agency in such fiscal year. (2) EXC

Paragraph (1) shall not apply to a local educational agency in fiscal year 2022 or 2023 that meets at least 1 of the following criteria in such fiscal year: (A) Such local educational agency has a total enrollment of less than 1,000 students. (B) Such local educational agency operates a single school. (C) Such local educational agency serves all students within each grade span with a single school. (D) Such local educational agency demonstrates an exceptional or uncontrollable circumstance, such as unpredictable changes in student enrollment or a precipitous decline in the financial resources of such agency, as determined by the Secretary of Education.

- d) DEFINITIONS.—In this section:

1. ELEMENTARY EDUCATION; SECONDARY EDUCATION.—The terms “elementary education” and “secondary education” have the meaning given such terms under State law.12

2. HIGHEST POVERTY LOCAL EDUCATIONAL AGENCY.—The term “highest poverty local educational agency” means a local educational agency that is among the group of local educational agencies in the State that— (A) in rank order, have the highest percentages of economically disadvantaged students in the State, on the basis of the most recent satisfactory data available from the Department of Commerce (or, for local educational agencies for which no such data are available, such other data as the Secretary of Education determines are satisfactory); and (B) collectively serve not less than 20 percent of the State’s total enrollment of students served by all local educational agencies in the State.

3. HIGH-NEED LOCAL EDUCATIONAL AGENCY.— The term “high-need local educational agency” means a local educational agency that is among the group of local educational agencies in the State that— (A) in rank order, have the highest percentages of economically disadvantaged students in the State, on the basis of the most recent satisfactory data available from the Department of Commerce (or, for local educational agencies for which no such data are available, such other data as the Secretary of Education determines are satisfactory); and (B) collectively serve not less than 50 percent of the State’s total enrollment of students served by all local educational agencies in the State.

4. HIGH-POVERTY SCHOOL.— (A) IN GENERAL.—The term “high-poverty school” means, with respect to a school served by a local educational agency, a school that is in the highest quartile of schools served by such local educational agency based on the percentage of economically disadvantaged students served, as determined by the State in accordance with subparagraph (B). (B) DETERMINATION.—In making the determination under subparagraph (A), a State shall select a measure of poverty established for the purposes of

this paragraph by the Secretary of Education and apply such measure consistently to all schools in the State.

5. OVERALL PER-PUPIL REDUCTION IN STATE FUNDS.—The term "overall per pupil reduction in State funds" means, with respect to a fiscal year— (A) the amount of any reduction in the total amount of State funds provided to all local educational agencies in the State in such fiscal year compared to the total amount of such funds provided to all local educational agencies in the State in the previous fiscal year; divided by (B) the aggregate number of children enrolled in all schools served by all local educational agencies in the State in the fiscal year for which the determination is being made.

6. STATE.—The term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

- An LEA that receives ESSER III-ARP funds under this grant is not required to provide equitable services to non-public schools. Non-public schools may be eligible to receive Emergency Assistance to Non-Public Schools (EANS).

- ESSER III-ARP funds are subject to subrecipient monitoring and audit requirements under the Single Audit Act.

- For employees that are only charged to ESSER grants and working on ESSER allowable activities, time and effort is not required. However, time and effort is required if employees charged to ESSER are also charged to other federal programs. This exception only applies to ESSER II and III grants.

- ESSER III-ARP funds must be tracked separately from ESSER I and ESSER II funds. Accounting guidance will be provided in the School District Accounting Manual.

- Lost revenue will not be allowed to be claimed for ESSER III-ARP funds.

- Specific uses of ESSER funds must comply with the Cost Principles in subpart E of 2 CFR Part 200 of the Uniform Guidance. This requires, among other things, that every grant expenditure be necessary and reasonable to carry out the performance of the award (2 CFR 200.403-200.404). Consistent with requirements in the Cost Principles, all expenditures must be properly documented (2 CFR 200.403(g)).

- DOE has authorized (i.e., provided prior written approval) that ESSER funds may be used for pre-award costs (2CFR 200.458) dating back to March 13, 2020, when the national emergency was declared.

- The Uniform Guidance at 2 CFR 200.407 requires LEAs to obtain prior written approval from OSPI for certain costs, such as the purchase of real property; equipment and other capital expenditures. Please see page 3 for more information, including the form to request prior approval for these types of expenditures.

- **REMINDER:** As a condition of payment of funds, LEAs must report expenditures both in the EDS claims system and in the OSPI ESSER III Expenditure Smartsheet tool on the OSPI website: **Novel Coronavirus (COVID-19) Guidance & Resources**.

  These are monthly requirements that must occur prior to each grant payment. Contact **Eileen Frimberger** if you have questions on this topic.

Assurances

INSTRUCTIONS: Please check each box after review of the assurance.

☑ With respect to the certification regarding lobbying in Department Form 80-0013, no Federal apprc funds have been paid or will be paid to any person for influencing or attempting to influence an off employee of any agency, a Member of Congress, an officer or employee of Congress, or an employe Member of Congress in connection with the making or renewal of Federal grants under this prograı

☑ The LEA will comply with all applicable reporting requirements at such time and in such manner anı such information as the Secretary may reasonably require, including on matters such as: overall pla policies related to State support for return to in-person instruction and maximizing in-person instru including how funds will support a return to and maximize in-person instruction time, and advance inclusivity in participation in in-person instruction; data on each school's mode of instruction (remc in-person) and conditions; uses of funds to meet students' social, emotional, and academic needs, i through summer enrichment programming and other evidence-based interventions, and how they equity for underserved students; uses of funds to sustain and support access to early childhood edu programs; impacts and outcomes (disaggregated by student subgroup) through use of ARP ESSER fu quantitative and qualitative results of ARP ESSER funding, including on personnel, student learning, budgeting at the school and district level); student data (disaggregated by student subgroup) relate COVID-19 pandemic has affected instruction and learning; and additional reporting requirements a necessary to ensure accountability and transparency of ARP ESSER funds.

- [x] The LEA may be required to participate in Subrecipient Monitoring to ensure that funds are used for allowable purposes in accordance with cash management principles.

- [x] Records pertaining to the ARP ESSER award under 2 C.F.R. § 200.334 and 34 C.F.R. § 76.730, including financial records related to use of grant funds, will be retained separately from other grant funds, including funds that an SEA or LEA receives under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) and the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSA Act). The SEA will ensure that it and every subrecipient of ARP ESSER funds 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 Department and/or its Inspector General; or (ii) any other federal agency, commission, or department in the lawful exercise of its jurisdiction and authority.

- [x] The LEA will comply with all applicable assurances in OMB Standard Forms 424B and D (Assurances for Non-Construction and Construction Programs), including the assurances relating to the legal authority to apply for assistance; access to records; conflict of interest; merit systems; nondiscrimination; Hatch Act provisions; labor standards; flood hazards; historic preservation; protection of human subjects; animal welfare; lead-based paint; Single Audit Act; and the general agreement to comply with all applicable Federal laws, executive orders and regulations.

- [x] Any LEA receiving funding under this program will have on file with the SEA a set of assurances that meets the requirements of Section 442 of the General Education Provisions Act (GEPA) (20 U.S.C. 1232e). These assurances are included in the General Assurances agreed to in the iGrants Required Pages.

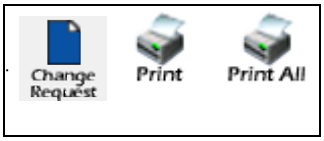
- [x] To the extent applicable, an LEA will include a description of how the LEA will comply with the requirements of Section 427 of GEPA (20 U.S.C. 1228a). The description must include information on the steps the LEA proposes to take to permit students, teachers, and other program beneficiaries to overcome barriers (including barriers based on gender, race, color, national origin, disability, and age) that impede equal access to, or participation in, the program.

- [x] LEAs, including Charter schools that are LEAs, must assure that they are using ARP ESSER funds for purposes that are reasonable, necessary, and allocable under the ARP.

- [x] LEAs will comply with the provisions of all applicable acts, regulations and assurances; the following provisions of Education Department General Administrative Regulations (EDGAR) 34 CFR parts 76, 77, 81, 82, 84, 97, 98, and 99; the OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485; and the Uniform Guidance in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.

Checking this box indicates the LEA has read, understands and agrees with these assurances.	
Authorized Representative Name:	Bang Parkinson

Authorized Representative Title:	Chief Financial Officer
Date: (MM/DD/YY)	8-25-21



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