



Montana

Office of Public Instruction

ARP ESSER Q & A Session

June 15, 2021

Montana Office of Public Instruction



Zoom Meeting Rules

This meeting will be recorded.

- When speaking, please identify yourself and speak clearly.
- You may be asked to repeat your comments or questions if there is a delay or issue with the audio.



Q & A Session Purpose

- To address questions related to ARP ESSER requirements and allowable uses.
- To provide LEAs information about the **two** required district plans.
 - Publish on their website a **Safe Return to In-Person Instruction and Continuity of Services Plan** by June 24, 2021
 - Develop and submit to the OPI a **District ARP ESSER Plan** by August 24, 2021.



Q & A Session Format

- **Part 1:** The OPI will answer questions that were received by the close of business each Friday.
- **Part 2:** We will take live questions to be answered during the session.
- Please use the chat feature to ask clarifications about the responses we are providing or to raise additional questions.

OPI and Attendee Introductions



WELCOME!



OPI Staff

- Jeff Kirksey, ESSER Program Manager
- Mindi Askelson, Program Analyst
- Tracy Moseman, Chief Program Officer
- Michael Sweeney, Chief Data Officer
- David Williams, Chief Financial Officer
- Chris Averill, Communications Director
- Jay Phillips, Senior Manager of Centralized Services
- Julie Murgel, Senior Manager of School Improvement and Innovation



Key Dates

- **June 8, 15, 22, & 29, 2021.** Weekly virtual **Q & A Sessions** to address questions related to ARP ESSER district plans and budgets.
- **June 15, 2021. Education Advocates** Monthly Partnership Meeting
- **June 18, 2021.** Final day to submit cash requests for June payment for all Federal programs, including ESSER.
- **June 24, 2021.** Districts must make publicly available the **Return to In-Person Instruction and Continuity of Services Plan.**
- **June 24-25, 2021.** The virtual **Montana Education Summit (MTEdx-21)** to support districts with educational planning opportunities.
- **July 1, 2021.** The **District ARP ESSER Plan** template will open through the TEAMS



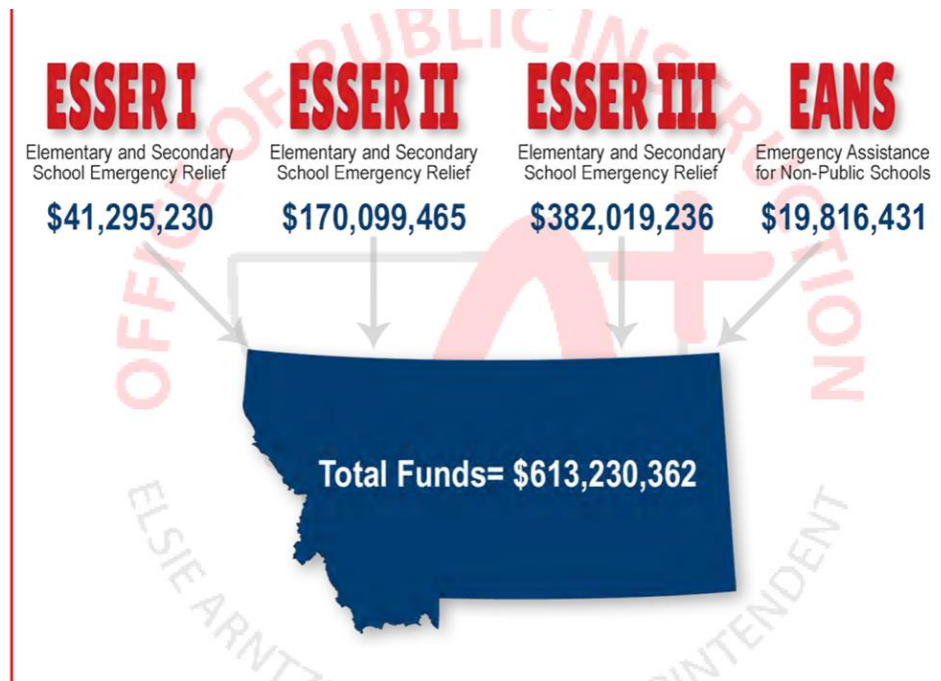
Key Dates

- **July 13, 20, & 27, 2021. ARP ESSER Webinars** to assist districts in developing and submitting District ARP ESSER Plans.
- **August 3-5, 2021. Regional Summit** for all schools in Comprehensive Status. There will be designated times for school leadership teams to meet, plan, and coordinate programming and funding from Title I, ESSER II, ESSER III, Impact Aid, and School Improvement Support.
- **August 24, 2021.** Districts must submit the ARP ESSER Plan to the OPI through TEAMS.
- **September 1, 2021.** Due date to complete and submit ESSER II and ESSER III applications in the E-grants system.

ESSER Summary

Elementary and Secondary School Emergency Relief Fund (ESSER):

- 3 Rounds of ESSER funds have been authorized by Congress in response to COVID-19 pandemic.





Q & A Details

- The requirements in section 2001(i) of the ARP Act relating to the ARP ESSER funds are published in the Federal Register and also outlined by the Department in the ESSER and GEER FAQ document.
- The OPI has developed a FAQ document to provide LEAs information about the grant, including eligibility, and grant requirements.
- An ESSER III guidance document is available on the OPI website, which outlines allowable uses for the grant.
- **Disclaimer:** Similar to the FAQ document issued by the USED, “the contents of this document do not have the force and effect of law and are not meant to bind the public in any way. The information is subject to change as additional information is released by the USED.



Key Topics

- Details on Safe Return to In-Person Instruction and Continuity of Services and District ARP ESSER Plans
- Construction and Capital Requests
- Allowable Uses relative to Staff Pay
- Maintenance of Equity



Details on District Plans

Q: What is the timeline for ESSER III submission?

A: Remember there are 3 key deadlines for Districts:

- **June 24, 2021.** District must make publicly available the **Return to In-Person Instruction and Continuity of Services Plan**.
- **August 24, 2021.** Districts must submit the **uniform** ARP ESSER **Template** to the OPI through the Terms of Employment, Accreditation, and Master Schedule (TEAMS). The **District ARP ESSER Plan** template will open July 1st and close on August 24th in TEAMS.
- **September 1, 2021.** Due date to complete and submit ESSER II and ESSER III applications in the E-grants system.

Details on District Plans

Q: Is OPI providing a template for the Safe Return to In-Person Instruction and Continuity of Services Plan?

A: No, the OPI is not providing a template for the Safe Return to In-Person Instruction and Continuity of Services Plan.

Note: The OPI recommends that LEAs build on existing plans. LEAs likely have plans that address many of the elements of the federal requirements. This may include health and safety plans developed in collaboration with local departments of health. LEAs may have existing remote learning plans, reopening plans submitted to the Governor in the Spring of 2020, or other strategic plans that encompass aspects of these requirements. Districts should consider using those previously developed plans to meet relevant requirements of the federal assurances and add additional elements (Stake-holder involvement) as necessary to meet the federal expectations.



Details on District Plans

Q: Is the OPI providing a template for the District ARP ESSER Plan?

A: Yes, the OPI is requiring districts to use a uniform template. LEAs must submit an ARP ESSER Plan to the OPI through the Terms of Employment, Accreditation, and Master Schedule (TEAMS). The **District ARP ESSER Plan** template will open July 1st and close on August 24th in TEAMS.

The OPI will continue to release information on the OPI [website](#) under the ESSER Info page, so that LEAs can begin work in anticipation of the opening of the template in TEAMS.



Details on District Plans

Q: Is it a requirement for a district to adopt CDC guidance as part of the development of the Return to In-Person Instruction and Continuity of Services Plan?

A: No, the Interim Final Rule (IFR) clarifies that: “the requirement 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.”



Details on District Plans

Q: Is a Return to In-Person Instruction and Continuity of Services plan required of all LEAs, even those who have already returned to in-person instruction.

A: Yes, LEAs are required to develop a plan or update an existing plan for the safe return to in-person instruction and continuity of services, consistent with statutory requirements of the ARP Act and the IFR. If an LEA has already returned students to 100 percent full-time-in-person instruction, its plan should focus on its current and future activities to keep students and staff safe and ensure continuity of services.

Details on District Plans

Q: Will there be special reporting requirements for ARP ESSER III grants?

A: The USED has not yet released the reporting requirement. However, LEAs should expect reporting on use of funds from USED, the OPI, or both. This is one of the key reasons for the uniform template for the LEA ARP ESSER Plan.

Details on District Plans

Q: What do the different allocations in E-Grants mean (ESSER Base, School District Supplemental, Special Needs)?

A:

- **ESSER Base Allocation** is funding directly from the Federal Government based on Title I funding calculations.
- **School District Supplemental** is also Federal Funding but it was distributed directly to the State. The OPI worked to ensure each district through ESSER I and II received funding.
- **Special Needs** has a similar allowable use to Base and SD Supplemental but additional must benefit special needs populations.



Details on District Plans

Q: Why am I only seeing 2/3rd of my ESSER III allocation in E-Grants?

A: Montana has only received 2/3 of the ESSER III funds from the USED to date. Once the remaining 1/3 is allocated to the State from the USED, we will adjust the allocations and then you will do a budget amendment to spend the rest of the funds. We expect to receive the final 1/3 after the State ESSER III plan is approved.

Construction and Capital Costs

Q: What is the guidance on construction costs?

A: The [ESSER and GEER FAQ](#) addresses uses of ESSER and GEER funding for construction. (See [section B-6 & B-7](#)).

Construction and Capital Costs

Q: Is Construction an allowable use of ESSER Funds?

A: Construction is authorized under Title VII of the ESEA (Impact Aid) and therefore is an allowable use of GEER and ESSER funds under sections 18002(c)(3) and 18003(d)(1) of the CARES Act, sections 312(c)(3) and 313(d)(1) of the CRRSA Act and section 2001(e)(2) of the ARP Act.

- However, the Department discourages LEAs from using ESSER and GEER funds for new construction. This use of funds may limit an LEA's ability to support other essential needs or initiatives. Remodeling, renovation, and new construction are often time-consuming, which may not be workable under the shorter timelines associated with ESSER and GEER funds. These types of activities are also subject to several additional Federal requirements.

Construction and Capital Costs

Q: What are the federal requirements for approved Construction projects?

A: Approved construction projects (i.e., remodeling, renovation, and new construction) must comply with applicable Uniform Guidance requirements, Davis-Bacon prevailing wage requirements, and all of the Department's applicable regulations regarding construction at 34 CFR § § 76.600 and 75.600-75.618. Some of the relevant part 75 requirements that must be considered before a new construction project is initiated.



Construction and Capital Projects

Q: Why is pre-approval needed?

A: The USED requires the State to ensure that all grant stipulations related to the use of ESSER funds for capital expenditures are disclosed and understood prior to an LEA starting a capital project or purchasing equipment. The USED also requires the state to review these potential capital expenditures to determine allowable use.



Construction and Capital Projects

Q: How do I get pre-approval for capital expenditures for ESSER II and ESSER III?

A: All capital expenditures that meet state capital expense thresholds must be preapproved before the project commences or equipment is purchased. You can find the pre-approval form located in E-Grants on the Property and Equipment Budget Page (Category 700) or you can follow this link.

- Please complete the capital expenditure preapproval form at:
https://docs.google.com/forms/d/e/1FAIpQLSdp7YZU_ksHyOOFic_oHMJgLiGEceAknUYBMacuMCqAgFrChg/viewform?usp=sf_link



Construction and Capital Projects

Q: When can an LEA start the procurement for construction projects or capital purchases?

A: Once pre-approval has been granted from the OPI, districts can proceed by following local procurement processes and all federal regulations for construction and capital purchases.

Q: Can ARP-ESSER Funds be used for new construction?

A: YES, provided that pre-approval and all the federal guidelines are met in the project and that the new construction meets the primary purposes of the ESSER funding.

Q: Can ARP-ESSER Funds be used for renovations?

A: Yes, provided that the renovations meet the primary purposes of the ESSER funding (i.e., prepare, prevent and respond to COVID-19.)



Construction and Capital Costs

Q: Can the deferred maintenance of a district be paid for with the ESSER funds?

A: No, An LEA may only use ESSER funds for any allowable expenditure incurred on or after March 13, 2020



Allowable Uses

Q: Are educator and school staff salaries allowable expenditures under ARP ESSER?

A: Yes. An LEA may use ESSER funds to stabilize and support the educator and staff workforce and to support the conditions that will allow schools to return to in-person instruction. This may include using funds to pay teacher and staff salaries to avoid layoffs. Funds may also be used to address educator shortages exacerbated by the pandemic by hiring new teachers, including expanding student access to a well-prepared and diverse educator workforce (FAQ D-1).



Allowable Uses

Q: What are examples of strategies that could be employed to stabilize and support the educator workforce include:

A:

- Supporting partnerships with educator preparation programs to expand opportunities for extensive clinical experience to teaching candidates, including leveraging candidates to provide additional support to students and address the impact of lost instructional time as students return to in person instruction;
- Providing ongoing support to recruit, hire, and retain a diverse school staff, including through high-quality induction and mentoring programs;
- Offering supplemental financial support for educators who commit to working in a high-need field or school for a minimum number of years (e.g., four years);



Allowable Uses

Continued. Q: What are examples of strategies that could be employed to stabilize and support the educator workforce include:

A:

- Providing teachers professional learning opportunities on strategies for the effective use of technology for remote, hybrid, and accelerating learning; or
- Creating and/or supporting educational assistance programs that pay off student loans on behalf of staff as a component of recruitment and retention efforts in response to the pandemic.

In using these funds, an LEA should consider ways that will build short- and long-term capacity and be sustained after the funding is no longer available. Evidence-based approaches to stabilizing the educator workforce are further described in Volume 2 of the Department's COVID-19 Handbook available at:

<https://www2.ed.gov/documents/coronavirus/reopening-2.pdf>.



Allowable Uses

Q: May an LEA use ESSER and GEER funds to hire additional health support staff?

A: Yes. Funds may be used to hire new counselors, nurses, social workers, and other health support staff to help students and staff with their emotional and physical well-being and help students and staff deal with the impact of the COVID-19 pandemic. An LEA should consider how to use the funds in ways that will build its short- and long-term capacity and be sustained after the funding is no longer available.



Allowable Uses

Q: 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?

A: Yes. Premium pay must be reasonable and necessary and consistent with 2 CFR § 200.430(f), and given pursuant to an established plan (which could be established in response to the COVID-19 pandemic), consistent with applicable collective bargaining agreements and other relevant policies and requirements.



Maintenance of Equity

Q: What is Maintenance of Equity?

A: The USED released guidance on 6/9/21 for SEAs and LEAs as they implement these new requirements:

<https://oese.ed.gov/files/2021/06/21-0099-MOEq-FAQs.-FINAL.pdf>

Section 2004 of the ARP Act includes new maintenance of equity (MOEquity) provisions that are a condition for SEAs and LEAs to receive funds under ARP ESSER. In addition, Appendix A includes information on baseline and initial MOEquity data that each SEA must submit by July 30, 2021 for FY 2022

- It covers both SEA and LEA level of MOEquity requirements.
- MOEquity Requirements apply to: Fiscal Year 2022 (SY2021-2022) and Fiscal Year 2023 (SY2022-2023).

Maintenance of Equity

Q: What are the State MOEquity Tests?

A: There are two: High Need and Highest-Poverty LEAs

High-Need LEAs

- ⌘ In FYs 2022 and 2023, states cannot disproportionately reduce per-pupil state funding to high-need LEAs.
- ⌘ High-need LEAs are:
 - LEAs with highest percentages of economically disadvantaged students based on SAIPE data provided by Census Bureau (or derived data for LEAs not on the census list), and
 - Collectively serve at least 50% of the state's total enrollment.

Highest-Poverty LEAs

- ⌘ In FYs 2022 and 2023, states cannot reduce per-pupil state funding to its highest poverty LEAs below what they received in FY 19.
- ⌘ Highest-poverty LEAs are:
 - LEAs with highest percentages of economically disadvantaged students based on SAIPE data (or derived data for LEAs not on the census list), and
 - Collectively serve at least 20% of the state's total enrollment.

Maintenance of Equity

Q: How will MOEquity apply to LEAs?

A: MOEquity applies to all LEAs that receive ARP ESSER funds (except for those with less than 1,000 student, only one school, or only one school per grade span).

In FYs 2022 and 2023, LEAs may not reduce:

- Per pupil state and local funding to high poverty schools more than the total reduction in per-pupil funding to all schools, and
- Per-pupil FTEs to high-poverty school more than the total reduction in per-pupil FTEs in all school.

Q: What are High-Poverty Schools?

A: High-poverty schools are not the same as Title I or Title I eligible schools. High-poverty schools are school in the highest quartile of schools served by the LEA based on the percentage of economically disadvantaged students.



Open Questions

- What questions do you have?
- Do you have any clarifying questions about the responses we are provided?



Resources

OPI Website-ARP ESSER: **opi.mt.gov**



[2021 Legislative Priorities](#)

- BASE Aid plus inflation
- Adding special education to BASE Aid plus inflation
- Fund in-state residential treatment for at-risk students
- Transfer the Broadband for Montana Schools program from the Department of Commerce to the Office of Public Instruction

Program 9 (funding to schools) [comparison](#)

Program 6 (state-level activities) [comparison](#)

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INFORMATION

Federal COVID-19 Waivers

- Summer Food Service Program: extended through Summer 2021.
- Report Card: still required for available data points
- Assessment: ED has not made a decision on spring standardized assessments. The OPI is pursuing a waiver or determining how local interim data could be used instead
- The OPI continues to advocate an extension of the CRF deadline while encouraging the Governor to allocate additional funds to education.



Next Steps

- A recording of this session will be available on the OPI webpage.
- FAQs will be updated weekly and posted on the OPI webpage, on the ESSER tab.
- To the extent possible, please submit questions to jeffrey.kirksey@mt.gov by the close of business each Friday. Submitted questions will be addressed during the upcoming session each Tuesday 9:30am.
- The weekly Q&A sessions will be held through Zoom; the link and dial-in number will be the same every week.

Thank you!

For questions or additional information please contact Jeff
Kirksey @ Jeffrey.Kirksey@mt.gov