

California Department of Education

Executive Office

SBE-003 (REV. 11/2017)

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# California State Board of Education July 2021 Agenda Item #02

## Subject

California's Draft State Plan for the American Rescue Plan Elementary and Secondary School Emergency Relief Fund

## Type of Action

Action

## Summary of the Issue(s)

The American Rescue Plan (ARP) Act is the third round of federal relief in response to COVID-19, following the Coronavirus Aid, Relief, and Economic Security (CARES) Act signed into law on March 27, 2020, and the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSA Act) signed into law on December 27, 2020. The ARP Act contained the ARP Elementary and Secondary School Emergency Relief Fund (ARP ESSER), which is one of the key funding sources dedicated to K–12 education.

* Each of the Acts signed into law provided a new funding source for California schools:
  + The CARES Act created the Elementary and Secondary School Emergency Relief (ESSER I) fund; $1.65 billion total funding
  + The CRRSA Act created the Elementary and Secondary School Emergency Relief (ESSER II) fund; $6.71 billion total funding
  + The ARP Act created the Elementary and Secondary School Emergency Relief (ESSER III) fund; $15.07 billion total funding

California’s allocation of ARP ESSER funding is $15,079,696,097. The U.S. Department of Education (ED) released two-thirds of each state’s allocation on March 24, 2021. California is required to submit a State Board of Education-approved ARP ESSER State Plan to the ED; the ED must approve the State Plan in order for the state to receive the remaining one-third of our ARP ESSER allocation.

## Recommendation

The California Department of Education (CDE) and the State Board of Education (SBE) staff recommend that the SBE approve the draft California State Plan for the American Rescue Plan Elementary and Secondary School Emergency Relief Fund submission to the ED, pending the SBE Executive Director approval of final revisions requested by the SBE and correction of any typographical errors.

## Brief History of Key Issues

In response to the COVID-19 pandemic, the U.S. Congress passed the ARP Act, which was signed into law on March 11, 2021.

Similar to previous federal relief packages, the ARP Act provided funding for the ARP ESSER Fund which accounts for nearly $122 billion of emergency K–12 education funding for all states. California’s allocation from the ARP ESSER is $15,079,696,097. The ED instructed states to work collaboratively with stakeholders, including community members and State legislators to ensure that these unprecedented resources are quickly put to work so that students have sustained access to in-person instruction by fall 2021.

On April 21, 2021, the ED released a State Plan Template that guides states in answering required prompts that California is utilizing to complete the requirements for this plan. Further, on April 22, 2021, the ED released an Interim Final Rule stating that among other things, states must develop a plan that describes the current education needs within the state, the state's intended uses of ARP ESSER funds, and how the state will support local educational agencies (LEAs) in their planning for, and use of, ARP ESSER funds. The template and Interim Final Rule specify timelines for the submission of state plans and the two LEA plans described below that include a 30-day timeline for LEAs to complete the Safe Return to In-Person Instruction and Continuity of Services Plan and 90 days to complete the ARP ESSER Expenditure Plan. The ARP ESSER statute requires each state to engage in meaningful consultation with various stakeholder groups on its Plan, give the public an opportunity to provide input on the development of the Plan, and take such input into account.

The CDE and SBE staff collaborated with California stakeholders, including community members, to draft a State Plan for the use of ARP ESSER funds, as required by the ED. This plan was created in June 2021 based on the current data, policies, information available at that time, and stakeholder input that was provided throughout the development of the State Budget. Additional information about the agency’s response to COVID-19 can be found on CDE’s website: <https://www.cde.ca.gov/fg/cr/#arpact>

**California’s ARP ESSER State Plan**

After three months, with outreach to, and input from, a wide range of education stakeholders and with approval of the SBE, California will submit its ARP ESSER State Plan that addresses all of the required elements to the ED on August 2, 2021. ED allowed for extensions to the initial due date of June 7, 2021, providing the CDE and SBE time to secure input from stakeholders, align the State Plan with State Budget priorities, and seek approval from the SBE. CDE and SBE staff worked in close collaboration with the goal of obtaining the approval of the State Plan as expeditiously as possible so that California–the CDE and LEAs–receive the remainder of the ARP ESSER funds as quickly as possible.

The State Plan features seven critical areas of emphasis and each area of emphasis includes multiple prompts requiring responses:

* Describing the State’s Current Status and Needs
* Safely Re-Opening Schools and Sustaining Their Safe Operation
* Planning for the Use and Coordination of ARP ESSER Funds
* Maximizing State-Level funds to Support Students
* Supporting LEAs in Planning for and Meeting Students’ Needs
* Supporting the Educator Workforce
* Monitoring and Measuring Progress

The information included in this State Plan has been reviewed by the Executive Director of the SBE and the State Superintendent of Public Instruction.

**Ongoing Stakeholder Engagement**

The draft ARP ESSER State Plan contains staff and stakeholder recommendations on several topics. The CDE has conducted stakeholder engagement and gathered public comment through the California State Budget development process, CDE’s Tuesdays at 2 webinar, and the California Practitioners Advisory Group meeting on June 29, 2021. Additionally, throughout the spring of 2021, hundreds of letters were received by various state entities including the Governor’s Office, State Assembly, and State Senate that identified the budget priorities and policy positions of approximately 1,000 organizations that work with students and schools in California. This input and the letters received through these various means were both timely and relevant as they provided insight into local priorities and recommendations on how the state should allocate resources available for schools.

The draft ARP ESSER State Plan reflects the input provided through these various means. Additionally, stakeholder input will be gathered through the letters and testimony at the July SBE meeting.

**The State Plan may be considered a living document; outreach to stakeholders may continue throughout the life of this fund source. Additionally, the State Plan may be revised to reflect future priorities established in the State Budget. All** stakeholder input and public comment will be considered for inclusion in the State Plan prior to submission to the ED by August 2, 2021.

**LEA Requirements**

The CDE is committed to making ARP ESSER funds available to LEAs as soon as possible. ESSER III allocation amounts were posted and a resource code was provided on May 24, 2021. This allowed LEAS to begin charging expenditures to the ESSER III fund code. LEAs have until September 30, 2024 to expend the funds. The CDE posted General Assurances on June 7, 2021; all LEAs who returned their signed assurances by June 25, 2021, were included in the CDE’s “first apportionment” request for funding made to California’s State Controllers’ Office.

Once an LEA returned these assurances, the 30-day timeclock for the Safe Return to In-Person Instruction and Continuity of Services Plan began. This plan is one of two plans required by the ED. LEAs who adopted a safe return to schools plan, such as the COVID-19 Safety Plan required by the California Department of Public Health (CDPH) Guidance and Assembly Bill 86, prior to March 11, 2021, were allowed to use this existing plan to fulfill the requirement, provided consultation with stakeholders was conducted. To ease the burden on LEAs, the CDE created a template for LEAs to utilize if they choose. Those LEAs who had previous adopted plans only need to complete the assurances section. LEAs who did not adopt a safe return to schools plan, such as the COVID-19 Safety Plan, must complete a plan and the CDE will provide technical assistance on how to use the template to fulfill this requirement. The template is located at: <https://www.cde.ca.gov/fg/cr/documents/returnplantemplate.pdf>

Additionally, the return of these assurances started the 90-day period for LEAs to submit the second plan required by the ED, the ESSER III Expenditure Plan. This Plan, due September 30, 2021, requires LEAs to report how they will use their ARP ESSER funds, including the mandatory 20 percent set-aside for addressing learning loss, implementation of Centers for Disease Control recommended disease mitigation strategies, and ensuring interventions will respond to the academic, social, emotional, and mental health needs of all students. The CDE created an ESSER III Expenditure Plan template consistent with the obligations of the ARP Act, and will provide technical assistance on how to use the template to fulfill the various requirements. The template ensures that LEAs can meet the requirements of the ARP Act while also creating alignment, where appropriate, between California’s local planning processes. The template is located at: <https://www.cde.ca.gov/fg/cr/arpact.asp#esseriiiplan>

Throughout the course of the COVID-19 Pandemic, LEAs within California have been required to develop several LEA-level plans, all of which required LEAs to consult with students, parents and families, school and district administrators, teachers, principals, other school staff, and their unions.

For the Safe Return to In-Person Instruction Plan, LEAs must describe the policy or practice that provided the public with an opportunity to provide comments and feedback, as well as the collection process used. Furthermore, it asks for a description as to how any feedback was incorporated into the development of the plan. When an LEA revises its plan, which must be done at least every six months, it must provide the description on stakeholder engagement.

For the ESSER III Expenditure Plan, LEAs will be required to include a description of the LEA’s efforts to engage its community to inform development of the ESSER III Expenditure Plan. This includes efforts for meaningful consultation with the LEA’s community and a description of the process used; a description of the opportunities provided and how these were promoted; and how the development of the plan was influenced by community input including how the input was considered.

As with the State Plan, both the Safe Return to In-Person Instruction and Continuity of Services Plan and the ESSER III Expenditure Plan are intended to be living documents and engagement is intended to be ongoing.

## Summary of Previous State Board of Education Discussion and Action

In a June 2021 Information Memorandum, the CDE provided background information on the ARP ESSER State Plan and clarified key requirements of the plan, <https://www.cde.ca.gov/be/pn/im/infomemojun2021.asp>

## Fiscal Analysis (as appropriate)

The ESSER III state educational agency (SEA) Reserve funds account for $15,079,696,097. The use of these funds will be determined through the State Budget process. However, unlike ESSER I created under the CARES Act and ESSER II created under the CRRSA Act, the ESSER III SEA Reserve requires that the state spends these funds in the prescribed manner below:

* 5% for activities related to learning loss
* 1% for summer enrichment activities
* 1% for after school programs
* 2.5% to be spent at the discretion of the state
* 0.5% for administration of ESSER III

## Attachment(s)

Attachment 1: Draft California State Plan for the American Rescue Plan Elementary and Secondary School Emergency Relief Fund (65 pages)

A revised version will be posted to incorporate additional stakeholder input received at the California Practitioners Advisory Group meeting on June 29 and details on final action on the State Budget.

Attachment 2: CDE American Rescue Plan Elementary and Secondary School Emergency Relief Plan Timeline (2 pages)