California Department of Education

Executive Office

SBE-002 (REV. 11/2017)

memo-oab-gad-jun21item01

# **MEMORANDUM**

**DATE:** June 15, 2021

**TO:** MEMBERS, State Board of Education

**FROM:** TONY THURMOND, State Superintendent of Public Instruction

**SUBJECT:** California’s State Plan for Elementary and Secondary School Emergency Relief Funds as Required Under the American Rescue Plan Act

## Summary of Key Issues

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

Similar to previous federal relief packages, the ARP Act provided funding for the Elementary and Secondary School Emergency Relief Fund. The American Rescue Plan Elementary and Secondary School Emergency Relief (ARP ESSER) Fund accounts for nearly $122 billion of emergency K-12 education funding for all states. California’s allocation from the ARP ESSER is $15,068,884,546.

On April 22, 2021, the U.S. Department of Education (ED) released an Interim Final Rule (IFR) 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. Additionally, a state must engage in meaningful consultation with various stakeholder groups on its ARP ESSER plan and give the public an opportunity to provide input on the development of the plan and take such input into account.

The California Department of Education (CDE) will bring the ARP ESSER State Plan before the California State Board of Education (SBE) for approval during the July 2021 meeting.

## Brief History of Key Issues

The 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 ESSER Fund, which is one of the key funding sources dedicated to K-12 education. California’s allocation of this package is $15,068,884,546. ED released two-thirds of each state’s allocation on March 24, 2021. The ED must approve California’s ARP ESSER State Plan in order to make the remaining one-third ARP ESSER allocation available for use.

An overview summarizing all of California’s COVID-19 relief funds is located at <https://www.cde.ca.gov/fg/cr/relieffunds.asp>.

### Plan Requirements

On April 22, 2021, ED published an IFR regarding specific compliance standards for spending new federal funds. One of these requirements is that any state receiving ARP ESSER Funds must complete an ARP ESSER State Plan. A state must engage in meaningful consultation with various stakeholder groups on its ARP ESSER plan, and give the public an opportunity to provide input on the development of the plan and take such input into account. States must consult with stakeholders including students, families, Tribes, civil rights organizations, school and district administrators, superintendents, charter school leaders, teachers and school staff, unions, those representing the interests of children with disabilities, English learners, children in foster care, migratory students, and children experiencing homelessness.

The ARP ESSER State Plan must include the following information:

* Describe the state’s current status and needs;
* How the state will support LEAs return to in-person and sustain the safe operation of schools;
* Planning for the use and coordination of ARP ESSER Funds;
* Maximizing state-level funds to support students;
* How the state will support LEAs in planning for and meeting students’ needs;
* Supporting the educator workforce; and
* How the state will monitor funds and measure progress.

ARP ESSER State Plans had an original submission date of June 7, 2021; however, a state could request an extension by providing a justification to ED by May 14, 2021. On May 14, 2021, the CDE and SBE sent a letter to ED requesting an extension until August 2, 2021 (Attachment 1). This extension will ensure time for a robust stakeholder engagement and public comment process, as required by the law, while also ensuring that the development of the ARP ESSER State Plan takes the state budget into account ahead of the July SBE meeting.

### CDE and SBE Process

The ED issued the ARP ESSER State Plan template on April 21, 2021, and immediately, the CDE and SBE created an ARP ESSER state plan team to begin the writing process. The team consists of representatives from each branch and many divisions within the CDE. All division directors and branch deputies were asked to provide relevant content in response to the prompts in the template. The state plan team meets weekly to review state plan content, respond to guidance from the ED, refine our timeline (Attachment 2), review the plan for stakeholder outreach, and review important decision points to ensure LEAs receive ARP ESSER funding as quickly and efficiently as possible.

Additionally, CDE and SBE are part of the Safe Schools for All Team that includes representatives from the California Department of Public Health, California Occupational Safety and Health Administration and other agencies that have a role in the safe reopening of schools. CDE and SBE have incorporated feedback from those agencies into the plan.

The 2021-22 state budget process is critical to defining California’s priorities for using both state and federal funds for responding to the impact COVID-19 has had on California’s students. The ARP ESSER state-level reserve will also be allocated through the budget process.

### Stakeholder Engagement

Consistent with ARP ESSER requirements, California is required to engage in meaningful consultation with stakeholders and incorporate the input gathered into the state plan.

The California State budget process and related stakeholder engagement is and will continue to provide essential information and guidance around California’s planning on the use of the ARP ESSER funds. These funds, in addition to the state resources allocated to LEAs, are allocated through the budget process. Over the course of the spring, the legislature held six hearings to discuss the proposed uses of the funds and hear directly from stakeholders. The State Constitution requires the budget to be passed by June 15 and the outcome will inform the allowable uses of the ARP ESSER funds and the state plan.

Additionally, a draft of the plan will be presented at the June 29, 2021 California Practitioners Advisory Group (CPAG) meeting. The meeting will provide an opportunity for the CPAG members and stakeholders to review and provide input on the plan.

The July 2021 meeting of the State Board of Education will also provide an opportunity for stakeholder feedback through the public comment process.

All public comment from the budget development process and on the draft state plan will be analyzed and considered for inclusion in the final plan. Stakeholder engagement will be on-going throughout the term of the fund source.

### LEA Requirements

The ED, working in partnership with each state, intends for the ARP ESSER funds to ensure students have sustained access to in-person instruction and that these resources are used to provide the effective support students need as they recover from the impact of COVID-19.

* Allocations (ARP ESSER award amounts) and a fund code were posted on May 24, 2021; LEAs may begin charging expenses to the ARP ESSER fund source.
* Assurances were posted June 7. LEAs who wish to access these funds must sign and return these Assurances to the CDE by June 25.
* The ED requires each LEA to create a Safe Return to In-Person Instruction and Continuity of Services Plan that is due 30 days after Assurances are submitted to the CDE. This plan requires stakeholder engagement and must be revised within six months time. The CDE created a template for the Safe Return to In-Person Instruction and Continuity of Services Plan for all LEAs to use. LEAs who created a Safe Return to School 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, may use this existing plan to fulfill the requirement, provided consultation with stakeholders was conducted. LEAs using an existing plan will still need to use the CDE template, indicating this information by selecting the option for a previous submitted plan, signing off on the assurances listed on the template, and adding contact information. LEAs who did not submit a Safe Return to School plan are required to use the template. The CDE will provide technical assistance on how to use the template to fulfill this requirement.
* ED requires each LEA receiving ARP ESSER funds to submit an Expenditure Plan and California has determined this due date is September 30, 2021. The Expenditure Plan 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 Expenditure Plan template and will provide technical assistance on how to use the template to fulfill this requirement.

The CDE will recommend that the SBE approve of California’s ARP ESSER State Plan during the July 2021 meeting. The CDE will use the meeting to gather additional public comment and subsequently incorporate it into the ARP ESSER State Plan as appropriate.

## Attachment(s)

* **Attachment 1:** May 14, 2021 Request for Extension Letter (2 pages)
* **Attachment 2:** American Rescue Plan Elementary and Secondary School Emergency Relief Timeline (2 pages)

# **Attachment 1: May 14, 2021 Request for Extension Letter**



**California Department of Education**

**Tony Thurmond**

*State Superintendent of Public Instruction*

1430 N Street, Sacramento, CA 95814-5901

916-319-0800



**California State Board of Education**

**Linda Darling-Hammond**

*State Board President*

1430 N Street, Room 5111, Sacramento, CA 95814

916-319-0827

May 14, 2021

The Honorable Ian Rosenblum, Deputy Assistant Secretary

Office of Elementary and Secondary Education

U.S. Department of Education

400 Maryland Avenue SW

Washington, DC 20202

Dear Deputy Assistant Secretary Rosenblum:

The California Department of Education (CDE) and the State Board of Education (SBE) are writing to request an extension for California’s submission of the American Rescue Plan Act Elementary and Secondary School Emergency Relief Fund (ARP ESSER) State Plan.

To ensure a comprehensive and integrated planning process to support the most effective use of ARP ESSER funds informed by meaningful consultation with our stakeholders and the public, California is seeking to ensure its ARP ESSER State Plan can be developed in conjunction with our state budget process. Pursuant to the California Constitution, the Legislature must pass the budget by June 15, 2021, and the Governor then has 12 working days to sign the budget bill. In addition, under California state law, the ARP ESSER State Plan must be adopted by the SBE at a public meeting.

Due to the timing of the next SBE meeting, which is scheduled for July 14–15, 2021, and the state budget process, which concludes July 1, 2021, we are requesting that the U.S. Department of Education extend the deadline for California’s ARP ESSER State Plan to August 2, 2021. This extension will ensure time for a robust stakeholder engagement and public comment process, as required by the law, while also ensuring that the development of the ARP ESSER State Plan takes the state budget into account ahead of the July SBE meeting.

The ARP ESSER funds and State Plan will play a critical role in California’s ongoing efforts to address the academic, social, emotional, and mental health needs of students, particularly for students who have been most impacted by the COVID-19 pandemic. Over the past few months, California has provided $6.6 billion to local educational agencies to accelerate the safe return to in-person instruction and empower schools to immediately expand academic and integrated student supports, including over the summer. The early budget package also codified school COVID-19 Safety Plan and data reporting requirements.

Additionally, for the upcoming 2021–22 state budget, the Governor has proposed the highest level of state school funding in California history ($121.7 billion) and $15 billion in new targeted investments to reimagine our K–12 public schools and address the needs of our students holistically. The key proposals include:

* $3 billion to convert thousands of school sites into full-service community schools
* $2.6 billion to accelerate learning through research-based interventions
* $4 billion to transform the behavioral health system for youth
* $1 billion for summer and afterschool programs at all schools serving the highest concentrations of vulnerable students, growing to $5 billion by 2025
* $3.3 billion to match well-prepared teachers with the most vulnerable students, including $500 million in grants for teachers who commit to high-need schools and $250 million to attract more teachers to high-poverty schools; and
* $1.1 billion to improve staff-to-student ratios at all schools serving the highest concentrations of vulnerable students, including up to five additional counselors, nurses, teachers, or paraeducators at each school.

California deeply appreciates your partnership in helping to ensure that the ARP ESSER State Plan is reflective of our state processes and stakeholder voices. Given the importance and quantity of the ARP ESSER funds, this plan will provide a strong foundation for ensuring these funds are able to meet the needs of our students and educators during this challenging time.

If additional information regarding this request is needed, please contact Joseph Saenz, Federal Policy Liaison, Government Affairs Division, by telephone at 916-591-6391 or by email at [jsaenz@cde.ca.gov](mailto:jsaenz@cde.ca.gov).

Sincerely,

Tony Thurmond

State Superintendent of Public Instruction

California Department of Education

Linda Darling-Hammond

President

California State Board of Education

# **Attachment 2: American Rescue Plan Elementary and Secondary School Emergency Relief Plan Timeline**

| **Date** | **Deliverable** |
| --- | --- |
| March 11, 2021 | American Rescue Plan (ARP) signed into law on March 11, 2021. The Elementary and Secondary School Emergency Relief (ESSER) fund created. |
| April 21, 2021 | U.S Department of Education (ED) releases the ARP ESSER State Plan template. |
| May 14, 2021 | California Department of Education (CDE) requests extension to the ARP ESSER State Plan to August 2, 2021 due to California State Board of Education (SBE) approval requirements. |
| May 24, 2021 | ED requires states to allocate ARP ESSER funds to local educational agencies (LEAs) in an expedited and timely manner.  CDE posts preliminary ARP ESSER (also known as ESSER III) allocations and Resource Codes on its website. |
| April 21–  July 15, 2021 | Gather Stakeholder input in a variety of forums including:  Public Comment re: Budget (January-June)  Public Comment at California Practitioners Advisory Group (CPAG) meeting (June 29)  Public Comment at State Board of Education (SBE) meeting (July 2-15) |
| June 7, 2021 | CDE posts assurances portal; portal includes a reminder that submitting assurances triggers the start of a 30-day clock to complete a Safe Return Plan.  CDE posts a Safe Return to In-Person Instruction and Continuity of Services Plan template and indicates requirements to either use an existing plan (if applicable) or to complete the template.  CDE to provide notification of the above through various listservs, stakeholder groups, etc. |
| June 18, 2021 | June SBE Information Memo posts |
| June 21, 2021 | CDE hosting a Webinar to solicit feedback related to the proposed LEA plan template and instructions to implement the American Rescue Plan (ARP) Elementary and Secondary School Relief (ESSER) funds |
| June 21–29, 2021 | Stakeholder outreach regarding CPAG meeting. |
| June 25, 2021 | Deadline for LEAs to submit assurances in order to receive funds as part of the first apportionment.  Assurances portal to remain open for LEAs to complete. |
| June 29, 2021 | CPAG Meeting |
| July 14–15, 2021 | SBE meeting to review California’s ARP ESSER State Plan. |
| July 25, 2021 | Safe Return to In-Person Instruction and Continuity of Services Plan due for LEAs. Many LEAs submitted a COVID-19 Safety Plan prior to March 11 which meets this requirement. The CDE created a template for the LEAs who are submitting for the first time. |
| August 2, 2021 | ARP ESSER State Plan Due (date as requested on May 14, 2021) |
| Mid-August, 2021 (Estimate) | First apportionment of funding to LEAs |
| September 30, 2021 | LEA ARP ESSER Expenditure Plans due |
| September 30, 2022 | Date by which all ARP ESSER mandatory subgrant and state-level funds must be awarded. |
| September 30, 2024 | ARP ESSER funds expire |