



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

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CHIEF FINANCIAL OFFICER  
89 Washington Ave., Room 121, EB  
Albany, New York 12234

April 5, 2021

TO: BOCES District Superintendents  
School District Superintendents  
School District Business Officers  
Charter School Leaders  
Religious and Independent School Leaders

FROM: Phyllis D. Morris, Chief Financial Officer

**RE: Federal American Rescue Plan Act (ARPA) Funding**

Elementary and Secondary School Emergency Relief (ARP-ESSER) Funds

On March 11, 2021, the President signed into law the American Rescue Plan Act of 2021 (ARPA). ARPA makes available \$122.8 billion nationally in a third round of

## ARP-ESSER Application Process

NYSED is anticipating releasing LEA ARP-ESSER and ESSER 2 allocations under the Coronavirus

## Attachment

### Summary of Education and Related Provisions of the American Rescue Plan Act

#### Individuals with Disabilities Education Act (IDEA)

An additional \$2.58 billion is appropriated nationally in grants to State under part B of the Individuals with Disabilities Education Act (IDEA), of which New York State is projected to receive \$155.4 million. An additional \$200 million is appropriated nationally for section 619 IDEA preschool grants, of which New York State is projected to receive \$17.2 million. USDE has not yet released guidance on the way in which these funds are to be used for local grants, SEA discretionary purposes and/or SEA administration.

#### Higher Education

\$39.6 billion is appropriated nationally for a third Higher Education Emergency Relief (HEER) Fund for allocations to institutions of higher education. IHEs must use at least 50 percent of their allocation to provide emergency financial aid grants to students. These funds are provided directly by USDE to IHEs and do not flow through NYSED.

#### Non-Public Schools

\$2.75 billion is appropriated nationally for allocations to Governors for a second Emergency Assistance to Non-Public Schools program to provide services until September 30, 2030

<sup>1</sup>, for the purchase during a COVID–19 emergency period of eligible equipment<sup>2</sup> or advanced telecommunications and information services (or both), for use by:

- x in the case of a school, students and staff of the school at locations that include locations other than the school; and
- x in the case of a library, patrons of the library at locations that include locations other than the library.

The Federal Communications Commission shall reimburse 100 percent of the costs associated with the eligible equipment, advanced telecommunications and information services, or eligible equipment and advanced telecommunications and information services, except that any reimbursement of a school or library for the costs associated with any eligible equipment may

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<sup>1</sup> The term “eligible school or library” means an elementary school, secondary school, or library (including a Tribal elementary school, Tribal secondary school, or Tribal library) eligible for support under

not exceed an amount that the Commission determines, with respect to the

- o Any activity authorized by the Carl D. Perkins Career and Technical Education Act of 2006.<sup>3</sup>
- o 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 Tc 0 Tw 1.id to0 11.041 Td [(A)- c 0 550( of)]TJ 0 Tc 0 ( ef) wit puTcrit 0 Tw 1.id tooo

- o 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.
- o Inspection, testing, maintenance, repair, replacement, and upgrade projects to improve the indoor air quality in school facilities, including mechanical and non-mechanical heating, ventilation, and air conditioning systems, filtering,
- o purification and other air cleaning, fans, control systems, and window and door repair and replacement.
- o Developing strategies and implementing 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.
- o Other activities that are necessary to maintain the operation of and continuity of services in local educational agencies and continuing to employ existing staff of the local educational agency.

States:

- x shall reserve not less than 5 percent of the total amount of grant funds awarded to the State (\$449.4 million) for the purpose of providing technical assistance to local educational agencies. (40 CFR 101.118(c)(2)(i)(v))

Funds not awarded within one year of receipt will be returned to USDE and USDE shall reallocate the funds to other states.

#### LEA Requirements

- x Within 30 days of receipt of funds, LEAs shall develop and make publicly available on the LEA's website, a plan for the safe return to in-person instruction and continuity of services. Before making the plan publicly available, the LEA shall seek public comment on the plan and take such comments into account in the development of the plan.
- x If an LEA has previously developed a plan for the safe return to in-person that meets these requirements, such plan shall be deemed to satisfy the requirements of the Act.

#### State Maintenance of Effort Requirements

- x A State shall maintain support for elementary and secondary education, and for higher education in each of fiscal years 2022 and 2023 at least at the proportional levels of such State's support for elementary and secondary education and for higher education relative to such State's overall spending, averaged over fiscal years 2017, 2018, and 2019.
- x USDE may waive the MOE requirement for the purpose of relieving fiscal burdens incurred by States in preventing, preparing for, and responding to the coronavirus.

#### State Maintenance of Equity Requirements

- x An SEA shall not, in fiscal year 2022 or 2023, reduce State funding (as calculated on a per-pupil basis) for any high-need LEA<sup>6</sup> by an amount that exceeds the overall per-pupil reduction in State funds<sup>7</sup>, if any, across all LEAs in such State in such fiscal year.
- x An SEA shall not, in fiscal year 2022 or 2023, reduce State funding (as calculated on a per-pupil basis) for any highest poverty LEA<sup>8</sup> below the level of funding (as calculated on a per-pupil basis) provided to each such LEA in fiscal year 2019.

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<sup>6</sup> The Act defines the term "high-need local educational agency" as an LEA that is among the group of LEAs in the State that, 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 LEAs for which no such data are available, such other data as the Secretary of Education determines are satisfactory), and collectively serve not less than 50 percent of the State's total enrollment of students served by all LEAs in the State.

<sup>7</sup> The Act defines the term "overall per-pupil reduction in State funds" as, with respect to a fiscal year, the amount of any reduction in the total amount of State funds provided to all LEAs in the State in such fiscal year compared to the total amount of such funds provided to all LEAs in the State in the previous fiscal year; divided by the aggregate number of children enrolled in all schools served by all LEAs in the State in the fiscal year for which the determination is being made.

<sup>8</sup> The Act defines the term "highest poverty local educational agency" as an LEA that is among the group of LEAs in the State that, 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 LEAs for which no such data are available, such other data as the Secretary of Education determines are satisfactory); and collectively serve not less than 20 percent of the State's total enrollment of students served by all LEAs in the State.

LEA Maintenance of Equity Requirements

An LEA shall not, in fiscal year 2022 or 2023:

- x reduce per-pupil funding (from combined State and local funding) for any high