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May 12, 2021

TO: BOCES District Superintendents
School District Superintendents
School District Business Officers
Charter School Leaders

FROM: Phyllis D. Morris, Chief Financial Officer

RE: **Information for Eligible Local Educational Agencies (LEAs) on Applying for Federal American Rescue Plan Elementary and Secondary School Emergency Relief (ARP-ESSER) Funds**

As a follow-up to my [April 5, 2021](#), [April 12, 2021](#) and [May 4, 2021](#) memoranda providing information on the federal education stimulus funding allocated to New York State under the American Rescue Plan (ARP) Act, this memorandum provides information on the application process for the 90% base local educational agency (LEA) allocations of ARP-ESSER funding.

American Rescue Plan (ARP) Act Elementary and Secondary School Emergency Relief (ESSER) Funding

New York State has been allocated nearly \$9 billion in ARP-ESSER funds. The ARP Act requires that a minimum of \$8.09 billion (90 percent) be allocated to LEAs, including charter schools and Special Act School Districts that are LEAs. Pursuant to the terms of the ARP Act, LEA allocations have been calculated using the relative shares of grants awarded under Title I, Part A of the ESEA for the most recent federal fiscal year (2020). [Each eligible LEA's ARP-ESSER 90% base allocation may be found here.](#)

Application Process and Timeframes

Under section 2001(d)(2) of the American Rescue Plan (ARP) Act of 2021, each State Educational Agency (SEA) must make ARP-ESSER allocations to LEAs in an expedited and timely manner and, to the extent practicable, not later than 60 days after the SEA receives its ARP-ESSER funds. The first portion of ARP-ESSER Funds was awarded to states on March 24, 2021, and 60 days from that day is May 24, 2021. The U.S. Department of Education (USDE) has taken the position that an SEA makes allocations when it authorizes the LEA to begin to obligate funds in accordance with its needs.

To enable New York State's LEAs to begin to obligate ARP-ESSER funds by USDE's May 24, 2021 deadline, the application for LEA 90% base ARP-ESSER allocations will be administered by NYSED as a two-part application process:

- **ARP-ESSER Application – Part 1:** The first step, as outlined in this memorandum, is for each LEA to submit signed assurances to NYSED by no later than **May 24, 2021**. Upon receipt of signed LEA assurances, NYSED will provide an email notice to the LEA of

substantially approvable application status. Upon receipt of such notice, LEAs may begin obligating their allocation of 90% base ARP-ESSER funds.

- **ARP-ESSER Application – Part 2:** The second step will be the submission of a full application and budget by the LEA. NYSED will issue a Grant Award Notice (GAN) to the LEA after the LEA's application is fully reviewed and approved by NYSED. Part 2 of the application will be issued in the coming weeks. NYSED will inform LEAs under separate cover when the application process for LEA 90% base ARP-ESSER allocations has been published in the [SED Monitoring and Vendor Reporting System](#).

Application Process – Step One, Submission of LEA Assurances

LEAs are asked to submit signed ARP-ESSER assurances to NYSED by no later than **May 24, 2021**. The assurances may be accessed in the [SED Monitoring and Vendor Reporting System](#) by completing the following steps:

1. Go to the [Business Portal](#)
2. Click on the “Log In” button
3. Enter your username and password
4. Click on “SED Monitoring and Vendor Performance System” under My Applications
5. Select “View Surveys for the Office of ESSA-Funded Programs”
6. Find the survey titled “*ARP-ESSER Application – Part 1*”
7. Click on ‘view’ to begin/continue to input information

Allowable Uses of ARP-ESSER Funds

The U.S. Department of Education (USDE) has published a [fact sheet](#) comparing the ESSER 1 fund under the CARES Act, the ESSER 2 fund under the CRRSA Act, and the ARP-ESSER fund.

On April 21, 2021, USDE issued [Interim Final Requirements](#) (IFR) that include examples of ways in which an LEA may use its ARP-ESSER funds for a wide variety of activities related to educating students during the COVID-19 pandemic and addressing the impacts of the COVID-19 pandemic on students and educators. USDE's IFR also references the ARP statutory requirement that an LEA receiving ARP ESSER funds must reserve at least 20 percent of its 90% base ARP-ESSER funds to measure and address the academic impact of lost instructional time on all students through the implementation of evidence-based interventions, including but not limited to interventions implemented through summer learning or summer enrichment, extended day, comprehensive afterschool programs, or extended school year programs. Moreover, USDE's IFR states that the LEA must also ensure that such interventions respond to students' academic, social, emotional, and mental health needs and address the impact of the COVID-19 pandemic on groups of students disproportionately impacted by the pandemic.

USDE has indicated that additional guidance on allowable uses of ARP-ESSER funds will be forthcoming. NYSED will ensure all LEAs are provided such guidance upon receipt.

Federally Required LEA ARP-ESSER Plan for Use of Funds

USDE's IFR requires each LEA receiving ARP-ESSER funds to develop a plan for the use of ARP-ESSER funds. For New York State's LEAs, an LEA's application for its base 90% ARP-ESSER allocation will serve as meeting this USDE LEA ARP-ESSER plan requirement, provided the

required elements of the plan are built into the LEA's application, combined with a budget, and then publicly posted after being developed with public input.

Application Process for LEA Allocations of ARP-ESSER SEA Reserve Funds

The federal ARP statute requires State Educational Agencies (SEAs) to reserve:

- not less than 5 percent of the total amount of grant funds awarded to the State (\$449.4 million) to carry out activities to address the impact of lost instructional time by supporting the implementation of evidence-based interventions;
- not less than 1 percent (\$89.9 million) to carry out the implementation of evidence-based summer enrichment programs; and
- not less than 1 percent to carry out the implementation of evidence-based comprehensive afterschool programs.

The 2021-22 enacted state budget directs that these required SEA set-asides be allocated as grants to specified school districts. [Each eligible district's allocation of SEA reserve funds may be found here](#). NYSED will inform school districts under separate cover when the application process for school district allocations of ARP-ESSER SEA set-aside funds has been published in the [SED Monitoring and Vendor Reporting System](#).

Please direct questions to the Office of ESSA-Funded Programs at (518) 473-0295 or via e-mail at CARESAct@nysed.gov.

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