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July 21, 2021

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

FROM: Phyllis D. Morris, Chief Financial Officer

RE: **Federal American Rescue Plan (ARP) Act Funding – Instructions for Eligible Local Educational Agencies (LEAs) on Applying for 90% Base ARP Elementary and Secondary School Emergency Relief Funds and Revised ARP ESSER Allocations**

As a follow-up to my [April 5, 2021](#), [April 12, 2021](#), [May 12, 2021](#), [May 19, 2021](#), [May 27, 2021](#), [June 9, 2021](#), [June 18, 2021](#) and [July 1, 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 revised LEA 90% base ARP ESSER allocations and instructions for eligible LEAs on applying to the New York State Education Department (NYSED) for LEA 90% base ARP ESSER funds.

### Revised LEA Allocations

The U.S. Department of Education (USDE) has increased New York State's ARP allocation. Revised LEA ARP ESSER 90% base allocations, including the revised 20% minimum that must be reserved 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, may be found on the [American Rescue Plan \(ARP\) Act Funding page](#).

### Application Process and Timeframes

The application for LEA 90% base ARP ESSER allocations is being administered by NYSED as a two-part application process:

- **ARP ESSER Application – Part 1:** The first step was for each LEA to submit signed assurances to NYSED by no later than May 24, 2021. Upon receipt of signed LEA assurances, NYSED provided an email notice to the LEA of substantially approvable application status. Upon receipt of such notice, LEAs were able to begin obligating their allocation of 90% base ARP ESSER funds.
- **ARP ESSER Application – Part 2:** The second step, as outlined in this memorandum, is the submission of a full application and budget by the LEA by **August 31, 2021** (with extensions provided upon request). NYSED will issue a Grant Award Notice (GAN) to the LEA after the LEA's application is fully reviewed and approved by NYSED.

## Submission of ARP ESSER Application – Part 2 with Full LEA Application and Budget

LEAs are asked to submit Part 2 of the ARP ESSER application for LEA base 90% ARP ESSER allocations to NYSED by no later than **August 31, 2021** (with extensions upon request). The application 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 2*”
7. Click on ‘view’ to begin/continue to input information

Completed applications will be reviewed on a rolling basis. LEAs are encouraged to submit completed applications as soon as possible to expedite the review and approval process of ARP ESSER funding.

### Federal Award Timeframes

The ARP Act requires states to return to USDE any ARP ESSER funds that a state does not award within one year of the state’s receipt of such funds. Accordingly, all LEA applications must be received and approved by NYSED, and a Grant Award Notification (GAN) issued to the LEA, prior to **March 23, 2022**. As an LEA’s allocation is at risk of being returned to USDE if these deadlines are not met, NYSED strongly encourages all LEAs to expedite submission of ARP ESSER funding applications.

### 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 address the academic impact of lost instructional time. 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.

On May 27, 2021, [USDE issued guidance](#) on allowable uses of ESSER funding.

### Federally Required LEA ARP ESSER Plans

USDE’s IFR requires each LEA receiving ARP ESSER funds to develop a plan for the use of ARP ESSER funds. As detailed in my [May 19, 2021 memorandum](#), 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.

USDE's IFR also requires each LEA receiving ARP ESSER funds to develop a plan for the safe return to in-person instruction and continuity of services. As detailed in my [May 19, 2021 memorandum](#), for New York State's LEAs, NYSED will permit previously developed LEA re-opening plans to satisfy the ARP statutory requirement for the safe return to in-person instruction and continuity of services.

### **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 (\$89.9 million) 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 on the [American Rescue Plan \(ARP\) Act Funding page](#). 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 [CARESAct@nysed.gov](mailto:CARESAct@nysed.gov).

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