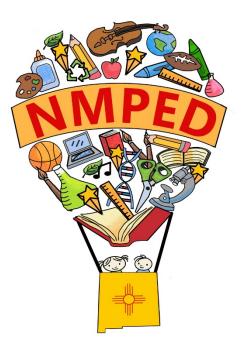New Mexico Public Education Department

ARP ESSER Guidance

American Rescue Plan Elementary and Secondary School Emergency Relief Funds

ESSER TA Team
9-1-2021

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QUESTIONS?

Visit our website or the USDE website for more information:

[ARP ACT/ESSER III – New Mexico Public Education Department (state.nm.us)](#)

[American Rescue Plan Elementary and Secondary School Emergency Relief - Office of Elementary and Secondary Education](#)

Message from the Secretary

Dear Colleague,

Thank you for working with us to help meet essential learning goals for every student in New Mexico. Effective use of close to $1 billion in ARP ESSER funds is a critical part of this work. Ninety percent of the ARP funds awarded to New Mexico is allocated to local educational agencies (LEAs) in proportion to Title I-A funds received in the most recent fiscal year.

All of us feel a moral and professional responsibility to use these non-recurring resources well. The New Mexico Public Education Department (NMPED) is committed to statewide leadership while supporting you with the guidance in this document, ongoing technical assistance, and maximizing flexibilities to meet local needs.

As you work to finalize your ARP ESSER plans, please consider these guiding principles to achieve equity, excellence and relevance in the classroom:

1. **Support low-income, Native American, Hispanic, Black, English learners, and students** with disabilities - are you closely following provisions in state statute and court rulings?
2. **Regularly consult with local educators, tribal leaders, equity councils, parents and community members** - are you having open and ongoing dialogue with your staff, students, parents & families, and stakeholders? Are you intentionally including directors/coordinators of special education, ELs, and Indian education?
3. **Consider short and long-term goals** - are you building systems that ensure ARP ESSER funds will have a lasting impact and that equity is being addressed?

Sincerely,

Kurt Steinhaus

Secretary of Education

Section 1: Purpose of the guidance

The purpose of this document is to provide support to LEAs about how funding under the Elementary and Secondary School Emergency Relief (ESSER) Fund, including the American Rescue Plan ESSER (ARP ESSER) program may be used in response to the impact of the coronavirus disease 2019 (COVID-19) pandemic on students in pre-K–12 education.

This document contains examples of resources that are provided for the user's convenience. These resources may include materials that contain the views and recommendations of various subject-matter experts as well as hypertext links, contact addresses and websites to information created and maintained by other public and private organizations. The opinions expressed in any of these materials do not necessarily reflect the positions or policies of the NMPED. The NMPED does not control or guarantee the accuracy, relevance, timeliness, or completeness of any outside information included in the materials that may be provided by these resources.

There are two plans that are required for the LEA with the ARP ESSER funds, The LEA ARP ESSER Plan (Sharepoint application) and the Plan for Safe Return to In-Person Instruction and Continuity of Services. The LEA ARP ESSER plan must contain, at a minimum, the extent to which and how the funds will be used to implement prevention and mitigation strategies that are, to the extent practicable, consistent with CDC guidance; how the LEA will use the funds it reserves under section 2001(e)(1) of the ARP Act to address the academic impact of lost instructional time; how the LEA will use its remaining ARP ESSER funds; and how the LEA will ensure the interventions it implements will respond to the social, emotional, mental health, and academic needs of all students and particularly those students disproportionately impacted by the COVID-19 pandemic.

An LEA that received ARP ESSER funds must, within 30 days of receiving the funds, have made publicly available on its website a plan for the safe return to in-person instruction and continuity of services. Before making the plan publicly available, the LEA must seek public comment on the plan (see section 3). In Appendix 1 of this document the template you will use to complete the Safe Return to In-Person Instruction and Continuity of Services is provided.

Please note the following:

- **Uses described in this guidance is not an exhaustive list. Additional information can be found in Appendix 2, particularly the ESSER.GEER_.FAQs_5.26.21_745AM_FINAL.**
  - **"FAQ" with a corresponding number is referenced in many of the items in this document that tie with the ESSER-GEER FAQ link above.**

- **Each section or item with an asterisk (*)is a direct focus on the use of funds for student learning**

Section 2: General Uses of Funds

1. Any activity authorized by the ESEA, including the Native Hawaiian Education Act and the Alaska Native Educational Equity, Support, and Assistance Act (20 U.S.C. 6301 et seq.).

2. Any activity authorized by the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. 1400 et seq.).

3. Any activity authorized by the Adult Education and Family Literacy Act (AEFLA) (29 U.S.C. 3271 et seq.).

4. Any activity authorized by the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins V) (20 U.S.C. 2301 et seq.).

5. Any activity authorized by subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (McKinney-Vento) (42 U.S.C. 11431 et seq.).[2]

6. Coordinating preparedness and response efforts of LEAs 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 COVID-19.

7. Providing principals and other school leaders with the resources necessary to address the needs of their individual schools.[3]

8. Activities to address the unique needs of low-income children or students, students with disabilities,[4] English learners, racial and ethnic minorities, students experiencing homelessness, and children and youth in foster care, including how outreach and service delivery will meet the needs of each population.

9. Developing and implementing procedures and systems to improve the preparedness and response efforts of LEAs.

10. Training and professional development for staff of the LEA on sanitation and minimizing the spread of infectious diseases.

11. Purchasing supplies to sanitize and clean the facilities of the LEA, including buildings operated by such LEA.

12. Planning for, coordinating, and implementing activities during long-term closures, including providing meals to eligible students, providing technology for online learning to all students, providing guidance for carrying out requirements under the IDEA and ensuring other education services can continue to be provided consistent with all Federal, State, and local requirements.

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[2] This activity is not explicitly listed in the ARP Act but is still an allowable use of ARP ESSER funds

[3] This activity is not explicitly listed in the ARP Act but is still an allowable use of ARP ESSER funds.

[4] As used in this document, students with disabilities refers to children with disabilities as defined in section 602(3) of the IDEA; 34 CFR § 300.8) and students who meet the definition of disability in section 705(9)(B) of the Rehabilitation Act of 1973; see also 34 CFR § 104.3(j)). Although the CARES, CRRSA, and ARP Acts use the term, "children with disabilities" with respect to the allowable activity of providing activities to address the unique needs of certain groups of students, ESSER funds may be used to support students with disabilities under both the IDEA and section 504 of the Rehabilitation Act of 1973. In some instances, this document refers to children with disabilities where the CARES, CRRSA, or ARP Acts use that term to set forth a requirement. However, even in instances where the CARES, CRRSA, or ARP Acts require funds to be used for children with disabilities, an SEA or LEA may also use its ESSER funds to support students with disabilities under section 504.

13. Purchasing educational technology (including hardware, software, and connectivity) for students who are served by the LEA that aids in regular and substantive educational interaction between students and their classroom instructors, including low-income students and students with disabilities, which may include assistive technology or adaptive equipment.

14. Providing mental health services and supports, including through the implementation of evidence-based full-service community schools.[5]

15. Planning and implementing activities related to summer learning and enrichment and supplemental after-school programs, including providing classroom instruction or online learning during the summer months and addressing the needs of low-income students, students with disabilities, English learners, migrant students, students experiencing homelessness, and children and youth in foster care.

16. Addressing the academic impact of lost instructional time[6] among an LEA's students, including low-income students, students with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and children and youth in foster care, including by—

a. Administering and using high-quality assessments that are valid and reliable to accurately assess students' academic progress and assist educators in meeting students' academic needs, including through differentiating instruction.
b. Implementing evidence-based activities to meet the comprehensive needs of students.
c. Providing information and assistance to parents and families on how they can effectively support students, including in a distance learning environment.
d. Tracking student attendance and improving student engagement in distance education.[7]

17. 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.

18. 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, purification and other air cleaning, fans, control systems, and window and door repair and replacement.

19. Developing strategies and implementing public health protocols including, to the greatest extent practicable, policies in line with guidance from the CDC for the reopening and operation of school facilities to effectively maintain the health and safety of students, educators, and other staff.[8]

20. Other activities that are necessary to maintain the operation of and continuity of services in the LEA and continuing to employ existing staff of the LEA.[9]   **FAQ A-3**

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[5] The reference to full-service community schools is only in the ARP Act, but ESSER I and ESSER II funds may also be used for that purpose. Please note that, as described later in this document, ESSER funds can be used to hire a broad range of professionals who deliver mental health services and supports, including but not limited to nurses, school counselors, psychologists, and social workers.
[6] For the purposes of this guidance document, the term "academic impact of lost instructional time" is used in place of "learning loss" experienced by students as a result of the COVID-19 pandemic, as referenced in the ARP Act and the CRRSA Act.
[7] This activity, as well as the next two, are not explicitly listed in the CARES Act but are still allowable uses of ESSER I funds.
[8] This activity is only listed in the ARP Act but is an allowable use of ESSER I and ESSER II funds.
[9] As described later in this document, this includes using ESSER funds to avoid layoffs.

Section 3: LEA ARP ESSER Plan Meaningful Consultation

1. Why is this required?

ARP ESSER funds will directly impact the students, families, and stakeholders in their school district, and thus the LEA's plans must be tailored to the specific needs faced by students and schools within the district.

2. Who must be consulted?

LEAs will be required to engage in meaningfully consultation with students; families; school and district administrators (including special education administrators); and teachers, principals, school leaders, other educators, school staff, and their unions. **Additionally, an LEA is also required to engage in meaningful consultation with each of the following, to the extent present in or served by the LEA: Equity councils; Tribes; civil rights organizations (including disability rights organizations); and stakeholders representing the interests of children with disabilities, English learners, children experiencing homelessness, children in foster care, migratory students, children who are incarcerated, and other underserved students. FAQ A-4**

3. When does the meaningful consultation take place?

LEAs will engage in meaningful consultation during the planning of the LEA ARP ESSER and continue to do so throughout the term of the award.

Consultation should include opportunities for two-way communication that are responsive to family and community schedules, as well as linguistically accessible to all community members. Innovative scheduling is encouraged, with multiple opportunities for families and advocates to share their feedback, insight, and expertise. **FAQ A-11**

4. What are some strategies to have a successful meaningful consultation?

While surveys can be effective in collecting quantifiable information (i.e. using scales of agreement, etc.), quantitative data and anecdotal feedback is equally valuable when soliciting community input so as to inform a comprehensive plan that truly meets the needs of the community. It is important to ensure that families and advocates feel safe and respected in the school community, enough so that they may share their ideas, questions, and concerns openly and honestly.

In establishing trust and rapport with community, consider the avenues for feedback and ensure they are culturally and linguistically accessible for all. An LEA might consider a "trusted messenger" strategy to solicit input from community members who otherwise may not be responsive to a school-sponsored event such as a town hall or listening session.

Prior to asking for community input, provide an overview and detailed account of federal funding plans, allowances, and restrictions. Information for community review should be provided with ample time for review, and in the primary language of the family/community. Meaningful consultation should include opportunity for Q&A before community members are asked to provide input, to ensure that everyone has equal access to and understanding of the content on which you are seeking feedback.

Some strategies for meaningful consultation include:

- **Anonymous* paper or online surveys** that allow for open-ended responses to questions such as, or "After reviewing the districts plans for federal funds, what are you most excited about? What do you still worry about?"
  - LEAs should mitigate any barriers to survey completion, such as providing translation when needed and ensuring access to reliable internet and/or a digital device for online surveys.
- **Small group empathy interviews.** Empathy interviews are conducted by a trusted community member and with norms to ensure anonymity and security are maintained.
  - "Think of a time you felt safe and secure, and that your child's needs were met at school. What was true about that time?"
  - "If you have not felt that way, what would need to be true in order to meet you and your child's needs?"
- **Classroom Chats.** Get your teachers involved! Teachers may ask for input during a back-to-school night or other community event. As the primary point of contact for families, they likely have a strong rapport and can collect meaningful input about community strengths and needs.
- **Trusted partners.** LEAs may also seek input from community-based organizations or other entities that have direct contact with and knowledge of family, student, and school staff strengths and needs. Conducting 1-1 input interviews with such partners may result in feedback that wouldn't otherwise be directly received from individual community members.

  *While surveys should be conducted anonymously, they may still request background information (e.g. race, ethnicity, home language, socio-economic status, ability, etc.) to ensure responses collected are reflective of the community at large.

  With respect to representation, the LEA should be able to demonstrate feedback and input received from a sub-group of communities members that is reflective of the overall school community and student population, especially those most deeply impacted by inequities.

5. How can these activities be paid for?

An LEA may use ESSER and GEER funds to engage the public on the development of the safe return to in-person instruction plan and for conducting active and sustained engagement with the school community. This includes using funds to cover the costs of conducting ongoing outreach, paying for translating and interpreting services as needed to ensure effective communication with individuals with limited English proficiency, providing reasonable accommodations such as interpreters and written materials in alternate formats for individuals with disabilities upon request, holding public meetings (including virtually), and conducting surveys of families, students, educators, and other staff to better understand their perceptions, needs, and concerns. **FAQ B-5**

Section 4: Plan for Safe Return to In-Person Instruction and Continuity of Services

1. ## LEA's plan must include how it will maintain health and safety

   a. For students, educators, and other school and LEA staff,

   b. Extent to which it has adopted policies, and a description of any such policies, on each of the CDC's safety recommendations established by the CDC

      i. Universal and correct wearing of masks.

      ii. Modifying facilities to allow for physical distancing (e.g., use of cohorts/ podding).

      iii. Handwashing and respiratory etiquette.

      iv. Cleaning and maintaining healthy facilities, including improving ventilation.

      v. Contact tracing in combination with isolation and quarantine, in collaboration with the State, local, territorial, or Tribal health departments.

      vi. Diagnostic and screening testing.

      vii. Efforts to provide vaccinations to school communities.

      viii. Appropriate accommodations for children with disabilities with respect to health and safety policies.

      ix. Coordination with State and local health officials. **FAQ A-4**

2. ## Plan must describe how the LEA will ensure continuity of services

   This will include but not limited to services to address students' academic needs and students' and staff social, emotional, mental health and other needs, which may include student health and food services.

3. LEA must periodically, but no less frequently than every six months, review and, as appropriate, revise its plan.

4. Plan must be in an understandable and uniform format

   To the extent practicable, written in a language that parents can understand or, if not practicable, orally translated; and upon request by a parent who is an individual with a disability, provided in an alternative format accessible to that parent.

In Appendix 1 of this document we are providing the template for you to complete the Safe Return to In-Person instruction and continuity of services.

Section 5: 20% Reservation to address impact of Learning loss and Evidence-based interventions*

An LEA must budget 20% of its total ARP ESSER allocation to address learning loss through the implementation of, evidence-based interventions such as summer learning or summer enrichment, extended day, comprehensive after school programs, or extended school year programs, and ensure that such interventions respond to students' academic, social, and emotional needs and address the disproportionate impact of COVID-19 on underrepresented student subgroups (each major racial and ethnic group, children from low-income families, children with disabilities, English learners, gender, migrant students, students experiencing homelessness, and children and youth in foster care). **A-4, A-10**

CATEGORY ONE:			CATEGORY TWO:
Demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes.			*Demonstrates a rationale based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes.*
Tier 1	Tier 2	Tier 3	Tier 4
STRONG EVIDENCE	**MODERATE EVIDENCE**	**PROMISING EVIDENCE**	**"STRONG THEORY"**
Based on at least 1 well-designed and well-implemented experimental study.	*Based on at least 1 well-designed and well-implemented quasi-experimental study.*	*Based on at least 1 well-designed and well-implemented correlational study with statistical controls for selection bias.*	*Includes ongoing efforts to examine the effects of such activity, strategy, or intervention.*

Source: Policy Brief ESSA and Evidence: Why it Matters

The ARP Act defines the term "evidence-based" as having the meaning in section 8101(21) of the ESEA. Accordingly, "evidence-based" includes several tiers of evidence. Specifically, "evidence-based," when used with respect to a State, LEA, or school activity, means an activity, strategy, or intervention that:
- Demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on—
  - Strong evidence from at least one well-designed and well-implemented experimental study ("tier 1");
  - Moderate evidence from at least one well-designed and well-implemented quasi-experimental study ("tier 2"); or
  - Promising evidence from at least one well-designed and well-implemented correlational study with statistical controls for selection bias ("tier 3"); or
- Demonstrates a rationale based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes

and includes ongoing efforts to examine the effects of such activity, strategy, or intervention ("tier 4").

Given the novel context created by the COVID-19 pandemic, an activity need not have generated such evidence *during the COVID-19 pandemic* to be considered evidence-based. The Department's What Works Clearinghouse (available at WWC | Find What Works!) identifies the tier of evidence that reviewed studies meet, as applicable. As part of the "demonstrates a rationale (tier 4)" level of evidence, grantees may develop and use approaches that are novel, if they are consistent with theoretical and empirical findings from research and the grantee will continue to review the effects of the practice to build the evidence base. Developing a logic model can help to demonstrate a rationale. Logic model resources are available at Education Logic Model - REL Pacific.

Section 6: Maintenance of Equity

As stated in the ARP_ESSER_Planning_Awards_Memo_24330_FINAL_052421, LEAs must comply with the maintenance of equity (MEQ) provision in section 2004© of the ARP (see ARP-ESSER-Grant-Award-Assurances_FINAL.pdf:

(1) As a condition of receiving funds under section 2001, a local educational agency **shall not**, in fiscal year 2022 or fiscal year 2023—

    (A) reduce per-pupil funding (from combined State and local funding) for any high-poverty school served by such local educational agency by an amount that exceeds—

        (i) the total reduction in local educational agency funding (from combined State and local funding) for all schools served by the local educational agency in such fiscal year (if any); divided by

        (ii) the number of children enrolled in all schools served by the local educational agency in such fiscal year; or

    (B) reduce per-pupil, full-time equivalent staff in any high-poverty school by an amount that exceeds—

        (i) the total reduction in full-time equivalent staff in all schools served by such local educational agency in such fiscal year (if any); divided by

        (ii) the number of children enrolled in all schools served by the local educational agency in such fiscal year.

(2) **EXCEPTION**.—Paragraph (1) shall not apply to a local educational agency in fiscal year 2022 or 2023 that meets at least 1 of the following criteria in such fiscal year:

    (A) Such local educational agency has a total enrollment of less than 1,000 students.

    (B) Such local educational agency operates a single school.

    (C) Such local educational agency serves all students within each grade span with a single school.

    (D) Such local educational agency demonstrates an exceptional or uncontrollable circumstance, such as unpredictable changes in student enrollment or a precipitous decline in the financial resources of such agency, as determined by the Secretary of Education.

Definitions:

HIGH-POVERTY SCHOOL.—

(A) IN GENERAL.—The term "high-poverty school" means, with respect to a school served by a local educational agency, a school that is in the highest quartile of schools served by such local educational agency based on the percentage of economically disadvantaged students served, as determined by the State in accordance with subparagraph (B).

(B) DETERMINATION.—In making the determination under subparagraph (A), a State shall select a measure of poverty established for the purposes of this paragraph by the Secretary of Education and apply such measure consistently to all schools in the State.

Please see pages 12-14 of the ARP Maintenance of Equity FAQ for a thorough description of the requirements and examples of the two options for identifying the High Poverty Schools:

Districtwide Basis--ranking all of your district schools, charter and non-charter, by poverty without regard to grade span; and

Grade Span--ranking all of your district schools, charter and non-charter, by poverty by each grade span.

With either option (Districtwide or Grade Span), an LEA must identify the top quartile of schools as High Poverty Schools.

For FY 2022 Maintenance of Equity determinations, the United States Department of Education (USDE) recognizes that LEAs may face certain one-time implementation challenges due to the enactment of the ARP Act in March 2021—when LEA budgeting was well-underway in many places—and the impact of the pandemic, which has resulted in significant ongoing uncertainty about school-level enrollment for the 2021-2022 school year. Given such unique timing and implementation challenges due to the pandemic, USDE has determined that these circumstances are an example of "exceptional or uncontrollable circumstances" that justify a limited exception to the local Maintenance of Equity requirements for the 2021-2022 school year. Therefore, an LEA experiencing these circumstances may demonstrate that it is excepted from the Maintenance of Equity requirements for FY 2022 by certifying to the USDE that it did not and will not implement an aggregate reduction in combined State and local per-pupil funding in FY 2022 (i.e., is not facing overall budget reductions). Please see page three for a template certification form.

USDE otherwise anticipates very few "exceptional or uncontrollable circumstances" that prevent an LEA from maintaining equity. As a result, each claim of exception will require a case-by-case review by USDE.

For example, an "exceptional or uncontrollable circumstance" might include an "exceptional circumstance" such as increased one-time expenditures in the baseline year (school year 2020-2021) due to the pandemic or a very small school where the Maintenance of Equity calculations do not result in meaningful information about resource availability, or an "uncontrollable circumstance" such as a significant change in the expenses of a school that no longer serves a student whose educational and support needs required services that have a particularly high cost.

Section 7: Providing Mental and Physical Health Services and Supports

1. SEL Supports*

An LEA may use ESSER and GEER funds, including the 20 percent of ARP ESSER funds set aside to address the academic impact of lost instructional time, to support students' social, emotional, mental health, and academic needs. This can include implementing school-wide strategies that enhance supports and interventions for students as well as targeted assistance for students who need such supports. LEAs should also work to ensure that schools are implementing instructional practices that are culturally responsive and that incorporate trauma-informed pedagogy in response to the COVID-19 pandemic. For example, LEAs with high concentrations of English learners may hire additional staff to address the social, emotional, mental health, and academic needs of English learners. ESSER and GEER funds may be used to support implementation of curriculum, including related professional development. **FAQ C-3**

Providing social and emotional learning supports for all staff, students and families is now more important than ever. NM PED created the NM Social and Emotional Learning (SEL) framework that launched in January of 2021. The SEL framework is a road map to supporting and creating safe and supportive learning environments for all. The following are SEL strategies and resources to support all:

1. Embed the NMPED social and emotional learning (SEL) framework in instructional practice:

a. Share the SEL Framework with educators and discuss during PD sessions
b. Post on district and school websites for transparency and to build a community-wide understanding
c. Use the self-assessment rubric to identify areas for continued growth and improvement
d. Review and share additional SEL Learning Resources available on the PED website.

2. Consider hiring additional school counselors, social workers, psychologists and/or social emotional learning coaches to support students, staff, and families

a. Review licensure requirements to hire personnel that meet your strategic need.

3. Distribute these resources to students, families and educators so they can access SEL supports at school, in the community or digitally

The following tools (links included in the list of resources below) contain supplemental resources for regular access to SEL supports outside of school settings. Sharing these resources facilitates options for students, families and staff to access SEL supports that are most comfortable to them:

a.) NMConnect is a 24/7 mobile app for youth to access Children, Youth and Families Department services.
b.) Children's Grief Center is a network of in-person and digital support groups across the state of New Mexico for bereaved children.
c. PullTogether is a community initiative and list of resources by county for parents to find and help develop the best supports for their children.

2. Training for staff on COVID related implementation

Funds may also be used to provide professional development and training that increase awareness of mental health literacy for teachers and staff. Many schools already implementing multi-layered supports may integrate mental health strategies and interventions into these existing systems. LEAs may also use the funds to hire additional school psychologists and counselors to provide the services or to contract for such services for students, educators, and other district staff. **FAQ C-14**

3. Nutrition programs

The Department encourages LEAs to use USDA funds with the specific purpose of providing food services to students prior to using ESSER or GEER funds for this purpose. However, if additional funds are necessary or such funding is not available, an LEA may use ESSER and GEER funds to provide meals. For example, ESSER or GEER funds could be used to increase the staff capacity and cover additional labor costs associated with serving meals to students during the pandemic, or for supporting COVID-19 pandemic-related expenses, such as school meal service equipment/supplies, meal packaging, and transportation services. **FAQ C-16**

4. COVID-19 testing and vaccinations

Providing COVID-19 testing is an allowable use of ESSER and GEER funds. Providing COVID-19 vaccinations is an allowable use of ESSER and GEER funds. Allowable vaccination outreach efforts in general could include activities to create awareness and build confidence, facilitate clinics, and provide incentives such as paid time off for staff to get vaccinated. In cases where administrative fees are required to obtain a vaccination, ESSER or GEER funds may be used to offset the cost as long as the cost is reasonable. **FAQ B-2**

Section 8: Providing Staff supports

1. Coaching for online learning

Funding may also be used to provide professional development, including through professional learning communities, to support educators in effectively using technology to provide meaningful learning opportunities for students that are aligned with grade-level expectations. Funds may also be used to support other school personnel such as speech therapists, guidance counselors, and social workers, to effectively provide student services virtually as needed. **FAQ C-19**

2. Staffing solutions

An LEA may use ESSER and GEER funds to stabilize and support the educator workforce and to support the conditions that will allow schools to return to in-person instruction. This may include using funds to pay teacher salaries and avoid layoffs. Funds may also be used to address educator shortages exacerbated by the pandemic by hiring new teachers, including expanding student access to a well-prepared and diverse educator workforce. Funds may be used to hire new counselors, nurses, social workers, and other health support staff to help students and staff with their emotional and physical well-being and help students and staff deal with the impact of the COVID-19 pandemic. An LEA should consider how to use the funds in ways that will build its short- and long-term capacity and be sustained after the funding is no longer available. **FAQ D-1**

3. Education Engagement stipends

Funding may be used to offer additional compensation to staff who perform family and community engagement duties outside of contract hours. For example, if a teacher or school staff member is conducting home visits, they may be provided a travel and/or visit stipend to compensate for these out-of-school time activities.

Section 9: Providing Academic Supports

1. Math and Reading strategies*

ESSER funds may be used to support comprehensive State and local math and reading literacy programs that are needed due to the COVID-19 pandemic (e.g., to address loss of literacy skills as a result of the pandemic). It is important that LEAs invest in evidence-based practices to support learners, including students in early literacy skills. These strategies should be applicable whether students are learning remotely or in person. Funds may also be used for parent training and family literacy services to develop their ability to provide home supports that bring in the child's environment and experiences and promotes literacy skills. **FAQ C-15**

Additional recommendations are available in Appendix 3.

2. Academic impact of lost instructional time*

The interventions implemented must be evidence-based. LEAs must ensure that the interventions implemented respond to students' social, emotional, mental health, and academic needs and address the disproportionate impact of the COVID-19 pandemic on students from low-income families, students of color, children with disabilities, English learners, migratory students, students experiencing homelessness, and children and youth in foster care. ESSER and GEER funds may be used to provide professional development to educators on research-based strategies for meeting students' academic, social, emotional, mental health, and college, career, and future readiness needs, including strategies to accelerate learning without remediation or tracking. **FAQ C-2**

3. High-Quality Instructional Materials and Professional Learning*

As part of your instructional acceleration strategy, select and implement comprehensive, research-based, high-quality instructional materials (HQIM) that are aligned to college- and career-ready standards; culturally and linguistically relevant; and thoughtfully sequence content and instruction. LEA's may use the HQIM Reviews website to select instructional materials from the adopted multiple list that were reviewed by New Mexico educators for alignment to our state standards and criteria for signaling quality. A key consideration when selecting HQIM is professional learning to support orientation and ongoing implementation of the HQIM. LEAs may use the High-Quality Professional Learning Marketplace List as a guide when selecting professional learning aligned to HQIM. LEAs may use the Achieve EQuIP rubric or similar to determine standards alignment of supplemental materials used to reinforce, enrich, or enhance instruction driven by HQIM.

4. Evidence-based summer learning and enrichment programs*

LEAs should maximize enrollment in summer programs, with a particular focus on underserved students and students most impacted by the COVID-19 pandemic, including providing

transportation and meal services. Programs should target students of all ages, including high school students, and can include work-based or service-learning opportunities or summer bridge programs to support successful educational transitions. Evidence-based summer learning and enrichment programs are further described in Volume 2 of the Department's COVID-19 Handbook available at: https://www2.ed.gov/documents/coronavirus/reopening-2.pdf. **FAQ C 25-27**

5. Evidenced-based family engagement programs and practices*

Research shows that family engagement practices, such as relationship-building home visits, have a demonstrated impact on decreasing chronic absenteeism and increasing literacy proficiency across grade levels. While the SEA will provide home visit and family engagement training at no cost to LEAs in New Mexico, districts and schools should consider other related costs when enhancing their family engagement programming. In addition, having strong two-way communications and opportunities for meaningful academic partnership support strong outcomes for students. Federal funding may be used to bolster a school or district's family engagement practices. For example, LEAs may provide engagement stipends, stand up new and improved communications' systems, provide translation and live interpretation services, conduct culture and climate surveys to assess community strengths and needs, and/or offset transportation, meal, and childcare costs during school events.

6. Evidence-based comprehensive afterschool programs and full service community schools*

An LEA may use ESSER funds to provide services and supports to students and families through evidence-based, full-service community schools. The ARP Act defines a full-service community school as it is defined in section 4622 of the ESEA: a public elementary school or secondary school that (A) participates in a community-based effort to coordinate and integrate educational, developmental, family, health, and other comprehensive services through community-based organizations and public and private partnerships; and (B) provides access to such services in school to students, families, and the community, such as access during the school year (including before-and after-school hours and weekends), as well as during the summer. Evidence-based community school approaches include integrated student supports, active family and community engagement, expanded learning time opportunities, and collaborative leadership and practices. Using ESSER funds to support full-service community schools can help support students' social, emotional, mental health, and academic development and other basic needs. Additionally, LEAs may utilize funds in the development or expansion of in-school student support centers that provide mentoring, counseling, and social and emotional learning supports to students in individual or group sessions. **FAQ C-13**

Evidence-based, comprehensive afterschool and summer learning programs include collaborative leadership practices with LEAs and Community Based Organizations (CBOs) in providing services when school is not in session, including before-and afterschool hours, weekends, holidays, school closures as well as during the summer.

7. Pre-kindergarten or other early childhood education programs*

Because an early childhood education program is an allowable use of funds under the ESEA and IDEA, it is also allowable under ESSER and GEER. An "early childhood education program" is (1) a

Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.), including a migrant or seasonal Head Start program, an Indian Head Start program, or a Head Start program or an Early Head Start program that also receives State funding; (2) a State licensed or regulated child care program; or (3) a program that serves children from birth through age six that addresses the children's cognitive (including language, early literacy, and early mathematics), social, emotional, and physical development; and is either: a State prekindergarten program; a program authorized under section 619 or Part C of the IDEA (see FAQ C-5); or a program operated by an LEA. (See section 8101(16) of the ESEA.) In addition, ESSER funds may be used for other activities that are necessary to maintain the operation of and continuity of services in LEAs and continuing to employ existing staff of the LEA. As a result, ESSER funds could be used to prevent layoffs or service cuts to existing LEA early childhood education programs. **FAQ C-20**

Section 10: Addressing the digital divide

1. Connectivity solutions*

An LEA may use ESSER and GEER funds for activities that support distance education and promote long-term improvements in technology infrastructure and operations and their effective use. These activities might include providing online learning to all students, including students with disabilities, English learners, students experiencing homelessness, and students in foster care; and training educators in the effective implementation of online learning. To support the continuity of learning, an LEA may use ESSER and GEER funds to purchase educational technology for student and educator use, including: Providing off-campus access to reliable, high-speed internet for students and teachers through the purchase of internet-connected devices/equipment, mobile hotspots, wireless service plans, or installation of Community Wi-Fi Hotspots, especially in underserved communities; Software/online/virtual programs, screen capture/recording software, online/virtual cultural curriculum/programs, online/virtual tutoring curriculum/programs, learning management systems; and teleconferencing applications or programs. **FAQ C-19**

2. Data systems and transparency

ESSER funds may be used for data collection and the creation of LEA-level data dashboards that provide public reporting when the reporting is related to the COVID-19 pandemic (e.g., establishing new collections or dashboards that specifically address lost instructional time)—disaggregated to the greatest extent possible by race/ethnicity, economic status, English learner status, disability status, homelessness status, and other factors. **FAQ C-12**

3. Cyber security

If a school, LEA, or State is improving cybersecurity to better meet educational and other needs of students related to preventing, preparing for, or responding to COVID-19, it may use ESSER or GEER funds. For example, if an LEA needs to increase its use of technology, such as for potential temporary shifts to hybrid learning if COVID-19 cases arise, expanded cybersecurity needs to facilitate that activity may also be addressed using ESSER or GEER funds. **FAQ A-21**

Section 11: Construction and building improvements

1. Construction

Construction is authorized under Title VII of the ESEA (Impact Aid) and therefore is an allowable use of GEER and ESSER funds under sections 18002(c)(3) and 18003(d)(1) of the CARES Act, sections 312(c)(3) and 313(d)(1) of the CRRSA Act, and section 2001(e)(2) of the ARP Act. The broad Impact Aid definition of "construction" includes new construction as well as remodeling, alterations, renovations, and repairs under which many activities related to COVID-19 would likely fall. However, the Department discourages LEAs from using ESSER funds for new construction because this use of funds may limit an LEA's ability to support other essential needs or initiatives. Remodeling, renovation, and new construction are often time-consuming, which may not be workable under the shorter timelines associated with ESSER funds. Additional details can be found in B-6 of the ESSER.GEER_.FAQs_5.26.21_745AM_FINAL. **FAQ B 6**

2. Air filtration

ESSER and GEER funds may be used to make necessary improvements to air filtration systems in order to improve air quality and support social distancing, so that teachers and students may safely return to and continue in-person instruction. As is the case with all activities charged to ESSER or GEER, costs must be reasonable and necessary to meet the overall purpose of the program, which is "to prevent, prepare for, and respond to" COVID-19. (See 2 CFR §§ 200.403-200.404.) Therefore, renovation or remodeling activities that are necessary for an LEA to prevent, prepare for, and respond to COVID-19 would be permissible. This might include renovations that would permit an LEA to clean effectively (e.g., replacing old carpet with tile that could be cleaned more easily) or create a learning environment that could better sustain social distancing (e.g., bringing an unused wing of a school into compliance with fire and safety codes in order to reopen it to create more space for students to maintain appropriate social distancing). Additional details can be found in B-7 of the ESSER.GEER_.FAQs_5.26.21_745AM_FINAL. **FAQ B-7**

Section 12: Providing Supports for student groups most impacted by the COVID-19 pandemic*

1. Chronic absenteeism*

ESSER funds may be used to implement data-driven strategies to address chronic absenteeism, which has increased as a result of the COVID-19 pandemic. These include relationship –building home visiting (see Section 9.4), outreach to students and families, accelerating learning for students with significant amounts of lost instructional time during the COVID-19 pandemic, and other intensive social, emotional, mental health, and academic supports. **C-11, C-23**

2. English Learners*

The LEA may use ESSER funds to address the impact of lost instructional time and services to support culturally responsive instruction, and family engagement activities. Funds may also be used to implement a multi-layered systems of support for English learners. **FAQ C-4, C-15**

3. Children with disabilities*

ESSER funds may be used for any activity authorized by the IDEA. Funds may also be used to provide specially designed instruction for students with disabilities for literacy development and language acquisition. **FAQ C-5, C-15**

4. Children and youth in foster care*

ESSER funds may be used to support activities such as: Transporting students in foster care to their respective schools of origin; Purchasing technology (including laptops, Wi-Fi hotspots, or tablets) that enable students in foster care to consistently access instruction; Providing academic supports—including tutoring or supplemental instructional opportunities—to meet the unique learning needs of students in foster care. **FAQ C-8**

5. Migratory students*

ESSER funds may be used to address needs of migratory children by providing support such as: Facilities for students to access a reliable internet connection needed for remote learning; Fees that might be required to access drop-in centers operated by community organizations; Provision of childcare and/or early childhood education programs for younger migratory children who would otherwise be cared for by older, school-age siblings during school hours due to their parent/guardian(s)'s employment as an essential worker; Outreach and information for migratory families to help them access COVID-19 testing and vaccines, including provision of transportation, interpreters, and translated information as needed. **FAQ C-9**

6. Students who are in correctional facilities, including those who are served under Title I, Part D programs for students who are neglected, delinquent or at risk*

ESSER funds could be used to support distance learning through technology and broadband improvements, and professional development for educators on the effective use of technology. Funds could also support technology to allow youth to meet virtually with family and meet with personnel to address students' academic, social, emotional, behavioral, and mental health needs due to the COVID-19 pandemic; to improve on-site library resources; and provide instructional supports that address lost instructional time, such as high-quality tutoring or leveraging technology for formative and diagnostic assessment and differentiated instruction. Funds could be used for materials and services that support postsecondary education access and career development and job placement, which might also have been impacted due to the COVID-19 pandemic. ESSER and GEER funds could also be used for materials and services that support adult and career and technical education in correctional facilities. This includes integrated education and training programs, career pathway initiatives, pre-apprenticeships, apprenticeships, postsecondary education access and career development and job placement, which all might have been impacted due to the COVID-19 pandemic. **FAQ C-10**

7. High school seniors or those who have graduated

ESSER funds may be used to assist high school seniors with post-high school planning, including the additional costs to schools of providing these supports to students in a fully in-person, hybrid, or remote environment. Funds may also be used for stipends or incentives for educators taking on additional responsibilities to provide post-high school planning for high school seniors,

consistent with 2 CFR 200.430(f) (i.e., incentive pay is given pursuant to an established plan, which could be established in response to the COVID-19 pandemic).

Consistent with Perkins V, an LEA may use ESSER and GEER funds to support former students who graduated high school in the class of 2020 or who will graduate in 2021 (i.e., during the pandemic) but have not yet successfully transitioned to college or careers. For example, an LEA may provide college or career counseling, assistance with college applications or entry into job training programs, job training, post-secondary counseling and related services, including for associate and baccalaureate degree programs, and financial literacy. **FAQ C 17-18**

8. Students experiencing homelessness*

ESSER and GEER funds may be used for services and interventions specifically tailored to meet the needs of students experiencing homelessness such as: Mental health services and positive behavioral interventions and supports; assign building-level contacts (particularly in highly impacted schools); increase specialized support staffing, such as counselors, social workers, and others who are specifically trained in outreach and services for students experiencing homelessness; and provide transportation services to ensure access to after-school or summer learning and enrichment programs. **FAQ C-7**

Section 13: Providing Fiscal Supports

1. Requirements in the Uniform Guidance

The requirements in the Uniform Guidance apply to expenditures of ESSER and GEER funds. Below are some important Uniform Guidance requirements to keep in mind. **FAQ A-16**

Cost Principles. Specific uses of ESSER or GEER funds must comply with the Cost Principles in subpart E of 2 CFR Part 200 of the Uniform Guidance. This requires, among other things, that every grant expenditure be necessary and reasonable to carry out the performance of the award. (See 2 CFR §§ 200.403-200.404.) Consistent with requirements in the Cost Principles, all expenditures must be properly documented. (See 2 CFR § 200.403(g).)

Pre-award Costs. The Uniform Guidance at 2 CFR § 200.458 specifies that pre-award costs, i.e. those costs incurred prior to the effective date of the Federal award or subaward, are only allowable with prior written approval. The Department has authorized (i.e., provided prior written approval) that ESSER and funds may be used for pre-award costs dating back to March 13, 2020, when the national emergency was declared.

Time Distribution Records. The Uniform Guidance requirements related to documenting personnel expenses at 2 CFR § 200.430(i) apply. Except as described in the paragraph below, this would mean that an LEA maintains the records it generally maintains for salaries and wages, including for employees in leave status, as long as payments to employees in leave status are made consistent with grantee policies and procedures that apply to all employees, whether they are paid with Federal or other funds.

An LEA must maintain time distribution records (sometimes called "time and effort" reporting) only if an individual employee is splitting his or her time between activities that may be funded under ESSER or GEER and activities that are not allowable under the applicable program. However, it is likely there will be very few situations in which an employee of an LEA would perform multiple activities where some are not allowable under ESSER or GEER, and thus would be required to maintain time distribution records, given that an LEA is authorized to use funds on "activities that are necessary to maintain the operation of and continuity of services in [an LEA] and continuing to employ existing staff of the [LEA]" in order to "prevent, prepare for, and respond to" the COVID-19 pandemic.

Cash Management. ESSER and GEER grantees, in their role as stewards of Federal funds, must comply with the requirements under the CMIA (implementing regulations at 31 CFR Part 205) and the Uniform Guidance (2 CFR Part 200). In particular, the CMIA requires that a State "limit the amount of funds transferred to the minimum required to meet the State's actual and immediate cash needs." (See 31 CFR § 205.11(b).) In addition, subgrantees, including LEAs, must minimize the time elapsing between the transfer of funds from the State and disbursement by the subgrantee. (See 2 CFR § 200.305(b).)

Construction. Approved construction projects must comply with applicable Uniform Guidance requirements, as well as the Department's regulations regarding construction at 34 CFR § 76.600. As is the case with all remodeling or construction contracts using laborers and mechanics financed by Federal education funds, an LEA that uses ESSER or GEER funds for minor remodeling, renovation, repair, or construction contracts over $2,000 must meet all Davis-Bacon prevailing wage requirements and include language in the contracts that all contractors or subcontractors must pay wages that are not less than those established for the locality of the project (prevailing wage rates). (See 20 U.S.C. 1232b Labor Standards.) (See also FAQ B-6.)

Prior Approval. In addition to pre-award costs discussed above, the Uniform Guidance at 2 CFR § 200.407 requires prior written approval from either the Department or the State (Governor or SEA, as applicable) for certain costs, such as the purchase of real property; equipment and other capital expenditures; entertainment costs; and travel costs.

2. Braiding funds

ESSER and GEER funds may be used in combination with, but not blended with, funding under ESEA, IDEA, AEFLA, Perkins V, and McKinney-Vento, or any other education funds. Therefore, an SEA or LEA may use ESSER and GEER funds to expand participation in an activity or services it is currently conducting or plans to conduct under these programs. **FAQ 1-17**

3. Supplement not Supplant

There is no supplement not supplant rule with ESSER funds. The ARP Act, the CRRSA Act, and the CARES Act, however, include detailed provisions requiring States to maintain effort for elementary and secondary education and higher education. (See the Maintenance of Effort FAQs in appendix 2.) Maintenance of effort provisions are designed to keep States from substantially reducing their support for K–12 education and higher education. While these Acts do not address maintenance of effort requirements associated with other Federal funds, such as those for IDEA and ESEA, States and LEAs must be mindful that these requirements continue to apply.

In addition, the ARP Act includes maintenance of equity requirements for both States and LEAs, which will be described in greater detail in separate Department guidance. (See Appendix 2 for link.) **FAQ A-18**

4. Buy American Act

The Buy American Act does not apply to the ESSER grants. However, awards made under the CRRSA Act and ARP Act (i.e., ESSER II, GEER II, and ARP ESSER awards) are subject to 2 CFR § 200.322, a new regulation that applies to Federal grants made after November 12, 2020. It establishes domestic preferences for procurements under Federal grants that are subject to the Uniform Guidance. The text of the regulation follows: **FAQ A-20**

2 CFR § 200.322 Domestic preferences for procurements.

(a) As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.

(b) For purposes of this section:

(1) "Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

(2) "Manufactured products" means items and construction materials composed in whole or in part of nonferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

5. Rainy Day funds

An LEA's transfer of ESSER funds to its "rainy day" fund would not constitute an "obligation" of the funds. The SEA or LEA must obligate ESSER I and GEER I funds for specific allowable activities by September 30, 2022. Similarly, the SEA or LEA must obligate ESSER II and GEER II funds for specific allowable activities by September 30, 2023, and must obligate ARP ESSER funds for specific allowable activities by September 30, 2024. **FAQ E-10**

Notes

Appendix 1 – Plan for the Safe Return to In-Person Instruction and Continuity of Services Template

LEA Plan for Safe Return to In-Person Instruction and Continuity of Services

Section 2001(i)(1) of the ARP Act requires each local educational agency (LEA) that receives ARP ESSER funds to develop and make publicly available on the LEA's website, no later than 30 days after receiving ARP ESSER funds, a plan for Safe Return to In-Person Instruction and Continuity of Services. In New Mexico, districts and state-chartered charter schools are LEAs.

<mark>This is a federal requirement and is not the same as the past state requirement for LEAs to submit Reentry Plans.</mark>

Pursuant to ARP requirements, LEAs must post on their website a fully compliant Plan for Safe Return to In-person Instruction and Continuity of Services by **December 24, 2021.**

This is the template we are providing for you to complete the ARP ESSER Plan for Safe Return to In-Person Instruction and Continuity of Services. The template incorporates the federally-required components of this plan.

This template incorporates the federally-required components of the LEA Plan for Safe Return to In-Person Instruction and Continuity of Services.

PED hopes this template will allow LEAs to efficiently and effectively plan and to easily post their LEA Plan for Safe Return to In-Person Instruction and Continuity of Services on their websites as required by the ARP Act.

District ID	County	LEA NAME

How the LEA will **maintain the health and safety of students, educators, and other staff** and the **extent to which** it has **adopted policies, and a description of any such policies**, on each of the following **safety recommendations established by the Centers for Disease Control and Prevention (CDC)** https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/k-12-guidance.html		
CDC Safety Recommendations	**Has the LEA Adopted a Policy? (Y/N)**	**Describe LEA Policy:**
Universal and correct wearing of masks		

Modifying facilities to allow for physical distancing (e.g., use of cohorts/podding)		
Handwashing and respiratory etiquette		
Cleaning and maintaining healthy facilities, including improving ventilation		
Contact tracing in combination with isolation and quarantine, in collaboration with the State, local, territorial, or Tribal health departments		
Diagnostic and screening testing		
Efforts to provide vaccinations to school communities		
Appropriate accommodations for children with disabilities with respect to health and safety policies		
Coordination with State and local health officials		

How the LEA will ensure continuity of services, including but not limited to services to address students' academic needs and students' and staff social, emotional, mental health, and other needs, which may include student health and food services	
How the LEA will Ensure Continuity of Services?	
How will the LEA address Students':	
Academic Needs?	
Social, Emotional and Mental Health Needs?	

Other Needs (which may include student health and food services)?	
How will the LEA address Staff:	
Social, Emotional and Mental Health Needs?	
Other Needs?	

The LEA must **regularly, but no less frequently than every six months** (taking into consideration the timing of significant changes to CDC guidance on reopening schools), **review and, as appropriate, revise its Plan for Safe Return to In-person Instruction and Continuity of Services through September 30, 2023**	
Date of Revision	
Public Input	
Describe the process used to seek public input, and how that input was taken into account in the revision of the plan.	
Understandable and Uniform Format	
Describe the process by which the LEA will, to the extent practicable, present the plan written in a language that parents can understand. Or, if it is not practicable to provide written translations to a parent with limited English proficiency, describe the process for orally translating the plan for such parents.	
Describe the process by which a parent who is an individual with a disability as defined by the ADA, will be provided a version of the plan in an alternative format accessible to that parent.	

U.S. Department of Education Interim Final Rule (IFR)

LEA Plan for Safe Return to In-Person Instruction and Continuity of Services

> **An LEA must describe in its plan under section 2001(i)(1) of the ARP Act for the safe return to in-person instruction and continuity of services –**

1. How it will maintain the health and safety of students, educators, and other staff and the extent to which it has adopted policies, and a description of any such policies, on each of the following safety recommendations established by the CDC:

    (A)   Universal and correct wearing of masks.

    (B)   Modifying facilities to allow for physical distancing (e.g., use of cohorts/podding).

    (C)   Handwashing and respiratory etiquette.

    (D)   Cleaning and maintaining healthy facilities, including improving ventilation.

    (E)   Contact tracing in combination with isolation and quarantine, in collaboration with the State, local, territorial, or Tribal health departments.

    (F)   Diagnostic and screening testing.

    (G)   Efforts to provide vaccinations to school communities.

    (H)   Appropriate accommodations for children with disabilities with respect to health and safety policies.

    (I)   Coordination with State and local health officials.

2. How it will ensure continuity of services, including but not limited to services to address students' academic needs and students' and staff social, emotional, mental health, and other needs, which may include student health and food services.

3. During the period of the ARP ESSER award established in section 2001(a) of the ARP Act, an LEA must

    a. regularly, but no less frequently than every six months (taking into consideration the timing of significant changes to CDC guidance on reopening schools), review and, as appropriate, revise its plan for the safe return to in- person instruction and continuity of services.

    b. In determining whether revisions are necessary, and in making any revisions, the LEA must seek public input and take such input into account.

    c. If at the time the LEA revises its plan the CDC has updated its guidance on reopening schools, the revised plan must address the extent to which the LEA has adopted policies, and describe any such policies, for each of the updated safety recommendations.

4. If an LEA developed a plan prior to enactment of the ARP Act that meets the statutory requirements of section 2001(i)(1) and (2) of the ARP Act but does not address all the requirements in paragraph (a), the LEA must, pursuant to paragraph (b), revise and post its plan no later than six months after receiving its ARP ESSER funds to meet the requirements in paragraph (a).

5. An LEA's plan under section 2001(i)(1) of the ARP Act for the safe return to in-person instruction and continuity of services must be—

    a. In an understandable and uniform format;

b. To the extent practicable, written in a language that parents can understand or, if it is not practicable to provide written translations to a parent with limited English proficiency, be orally translated for such parent; and

c. Upon request by a parent who is an individual with a disability as defined by the ADA, provided in an alternative format accessible to that parent.

The IFR and ARP statute, along with other helpful resources, are located here:

April 2021 IFR: https://www.govinfo.gov/content/pkg/FR-2021-04-22/pdf/2021-08359.pdf

ARP Act text: https://www.congress.gov/117/bills/hr1319/BILLS-117hr1319enr.pdf

ED COVID-19 Handbook Volume I: https://www2.ed.gov/documents/coronavirus/reopening.pdf

ED COVID-19 Handbook Volume II: https://www2.ed.gov/documents/coronavirus/reopening-2.pdf

ESEA Evidence-Based Guidance: https://oese.ed.gov/files/2020/07/guidanceuseseinvestment.pdf

ED FAQs for ESSER and Governor's Emergency Education Relief (GEER): https://oese.ed.gov/files/2021/05/ESSER.GEER_.FAQs_5.26.21_745AM_FINALb0cd6833f6f46e03ba2d97d30aff953260028045f9ef3b18ea602db4b32b1d99.pdf

Appendix 2 – Additional Math and Reading Strategies

Staffing: Consider your short-term options for having more staff in place to support with High Dosage tutoring aligned to MLSS and acceleration strategies to support during re-entry and beyond

1. Mathematics or Literacy interventionists to work with the lowest performing students either:
    a. As supports during class time in an inclusion/team teaching model
    b. To work with the lowest performing students outside the classroom in addition to the student's core instructional time
2. Mathematics or Literacy coaches to support educators in aligning instruction to student need, in implementing acceleration strategies, in job-embedded professional learning.
    a. Use funding to provide coaches with training in specific coaching models (student-centered coaching, cognitive coaching, etc.) to have consistency across the district

Programs:

1. Purchase high-quality instructional materials (e.g., Zearn Math, Illustrative Mathematics, Eureka Math) and ongoing professional learning that:
    a. Provides the "how to" training to use the program
    b. Provides continuous support to understand the content and pedagogy needed for successful implementation and instruction
2. Purchase high quality materials that can supplement core instruction or provide interventions (e.g., Zearn math which can be used as core or supplemental material)
3. Consider purchasing supplemental materials needed to support high dosage tutoring (e.g., a phonics-based program to be used to support in small group tutoring)
4. Districts/Charters may be interested in the list at the following link: Copy of ESSR - Math and Literacy Programs - Google Sheets
   This is not an exhaustive list and LEAs/Charters should vet information to ensure it aligns with student needs. As such, instructional materials listed are not necessarily endorsed by the PED. For more information regarding this list please contact: kim.king@state.nm.us
5. For more information regarding High Quality Instructional Materials (HQIM) including a list of adopted materials please see the following link: https://webnew.ped.state.nm.us/bureaus/instructional-materials/

Families:

1. Hold family math or literacy-based events (or a series of events) which supports ongoing family engagement in learning. Purchase all the materials to support parents in learning to use support materials, math games, etc. They can learn at school and then provide kits "to go" that families can continue to use at home.

For more information contact:

Math: yanira.vazquez@state.nm.us

Language Arts: severo.martinez@state.nm.us

Appendix 3 – Links

- FINAL_ARP-ESSER-FACT-SHEET
- NMPED ARP ACT/ESSER III Webpage
- American Rescue Plan Elementary and Secondary School Emergency Relief - Official website
- Resources - ARP ESSER Office of Elementary and Secondary Education
- Interim Final Rule :: ARP Act ESSER Fund
- Education Stabilization Fund Transparency Portal
- State Plans - Office of Elementary and Secondary Education
- ESSER.GEER_.FAQs_5.26.21_745AM_FINAL
- MOE-Chart_with-waiver-FAQs_FINAL
- Maintenance-of-Equity-updated-FAQs_final_08.06.2021
- ARP-Public Safety ED FAQ
- Using ARP funds for Community-Schools and related strategies FAQ
- NMPED - Live School Reopening Roadmap - Google Sheets
- NMPED_COVID19ResponseToolkit_PublicSch0823
- ED COVID-19 Handbook Volume I: Strategies for Safely Reopening Elementary and Secondary Schools
- ED COVID-19 Handbook, Volume 2: Roadmap to Reopening Safely and Meeting All Students' Needs (PDF)
- Social and Emotional Learning SEL – New Mexico Public Education Department (state.nm.us)
- ESEA Evidence-Based Guidance
- ARP Act text
- Curriculum and Instruction – New Mexico Public Education Department (state.nm.us)
- NMPED_Academic_Roadmap_2021.pdf (state.nm.us)