

NMSBA Annual Convention

December 4, 2021

Utilizing your ESSER Funding

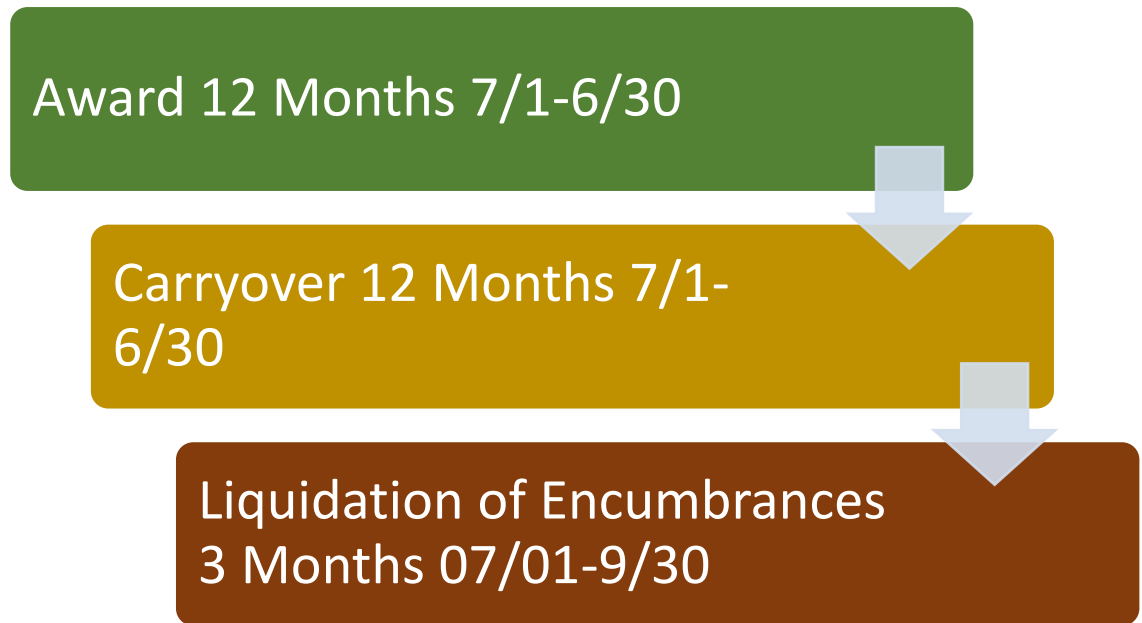
Jvanna Hanks II, Gallup-McKinley County Schools

Federal Funds – 27 Month Cycle

Award – Initial encumbrance and expenditure period

Carryover – Encumbrance and expenditure of any remaining balances (modification of expenditure requires application modification)

Liquidation of Encumbrances – No new obligations, payment for items received but not paid by 06/30



Budget Cycle

- Appropriation – This is where the legislative body has expressly provided guidance on who is eligible for the funds, the restriction on uses and the total amount of funds available.
- Application – LEAs detail how funds will be utilized
 - Think about who might need to be involved in this process from the start
 - Administration, Curriculum, HR, Procurement, Program Experts, Maintenance/Construction, Business, Food Services, Transportation, Technology, etc....
 - Avoid things like: generalizations (ex: Professional Development without actionable data), “Supplies”, Hiring Hard to fill positions, New Software/Programs without support.
- Award – The official award notification is submitted
- Initial Budget Approvals – Board of Education, NMPED
- Budget Revisions – Board of Education, NMPED

Communication

- Tone at the Top
- Make sure all involved understand the Who, What, When, Where, Why.
- CARES, CRRSA and ARP Application
 - Identify key personnel
 - Create benchmarks for expenditure and expectations
 - Set meetings to discuss benchmarks
- Current Timelines ->
- [Dash Board](#)

CARES
ACT

•09/30/2022

CRRSA
ACT

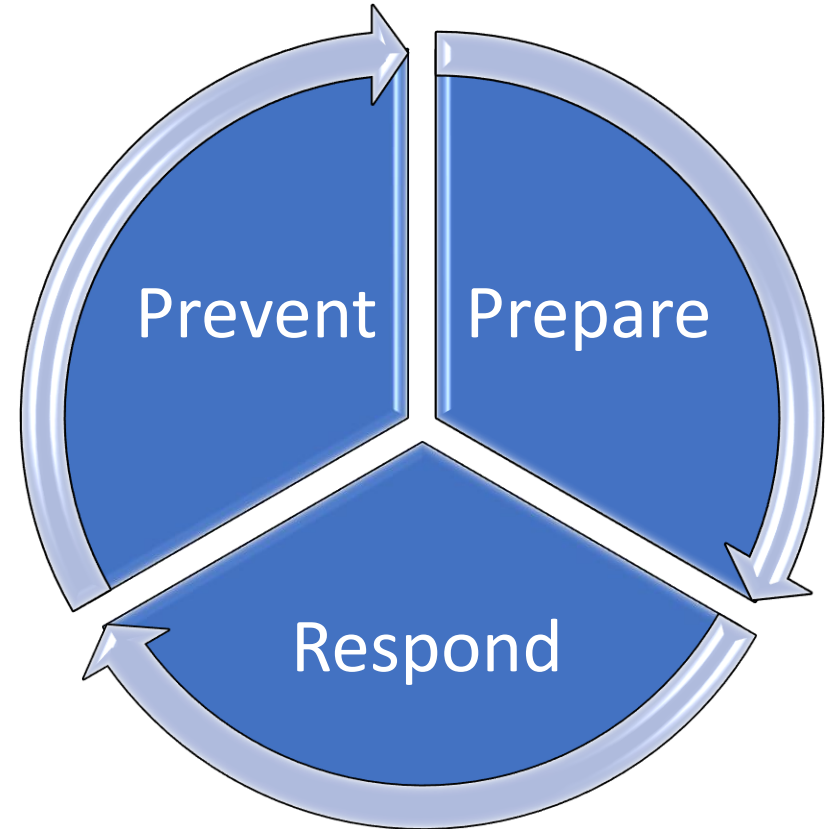
•09/30/2023

ARP
ACT

•09/30/2024

NMPED State-Wide Priorities

- Closing the digital divide
- Accelerated Instruction for all students while addressing the disproportionate impact of COVID-19 on student subgroups
- Supporting the social and emotional needs of students, families, and staff;
- Supporting the unique needs of students with disabilities and at-risk students;
- Providing personal protective equipment and Cleaning/Sanitation
- Improving indoor air quality



Allowable Categories [FAQ](#)

The activities that are listed in section 18003(d) of the CARES Act, section 313(d) of the CRRSA Act, and section 2001(e) of the ARP Act that an LEA may support with ESSER funds are:

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.

Allowable Categories

7. Providing principals and other school leaders with the resources necessary to address the needs of their individual schools.
8. Activities to address the unique needs of low-income children or students, students with disabilities, 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.

Allowable Categories

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.

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 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.

Allowable Categories

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.

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.

In determining how to prioritize its funds, an LEA should consider how to use those funds to safely reopen schools for full-time instruction for all students, maintain safe in-person operations, advance educational equity, and build capacity. An LEA may provide services directly or enter into an agreement (e.g., a contract or interagency agreement consistent with procurement requirements or otherwise legally authorized) for allowable activities under ESSER. An LEA is not authorized to award sub-grants with ESSER funds.

OIG Audit Example

[State of Iowa Audit Letter](#)

FACTS

- October 30, 2019 Iowa signed the Workday contract to encompass three key components: (1) the Human Capital Management system (Live July 2021); (2) the Financial system (Live June 2022); and (3) Adaptive (Live October 2020), a budgeting and analysis system.
- Total replacement costs for system were \$20.1 million to be paid in installments as work was completed.
- Iowa used \$21 Million from the CARES Act Funds to pay for these upgrades.

OIG Questions and Iowa Answers

OIG Q: How did the Funds meet the requirements of the CARES Act Funds

Iowa A: “in March 2020 and the following months of this unprecedented public health emergency, the need for these upgrades, particularly the Human Capital Management system and Adaptive became even more acute.” These cloud-based systems will permit State government “to productively continue functioning when many state employees are operating remotely to reduce the risk of transmission of coronavirus. Second, the Human Capital Management system will better permit the State to swiftly adjust to changing requirements caused by the emergency—whether that is new categories of leave or other processes necessitated by the emergency—without engaging in 1950s-era reprogramming. Third, the Adaptive system provides a new tool for our state agencies and leaders to plan, model, budget, and forecast to properly respond to the public health emergency and its second-order economic effects.”

OIG Q: Was the Contract in anyway modified to meet additional requirements related to COVID-19.

Iowa A: There were no changes or modifications to the contract, although the implementation of this contract is critical to the State’s response to the pandemic.

What do you think the outcome of this audit was?

Reminders

- Uniform Guidance applies – Reasonable, Necessary, Allowable and Allocable
- ARP Includes additional Provisions that CARES & CRRSA do not:
 - LEA's must post, within 30 days of receiving allocation, their plan of safe return to in-person instruction and continuity of services.
 - LEA must accept public comment prior to publication and take public comment into consideration when creating the plan.
 - 20% must be set aside to address [learning loss](#)
 - Maintenance of Equity for High Poverty Schools
 - LEA must submit the plan for the funds use to the SEA.
- You can change your application at any time – you must request the adjustment and receive approval from Title I Bureau prior to making budget adjustments or obligating funds.
- Beware of Funding Cliffs

Davis-Bacon

- The Davis-Bacon and Related Acts, apply to contractors and subcontractors performing on federally funded or assisted contracts in excess of \$2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works. Davis-Bacon Act and Related Act contractors and subcontractors must pay their laborers and mechanics employed under the contract no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area. The Davis-Bacon Act directs the Department of Labor to determine such locally prevailing wage rates. The Davis-Bacon Act applies to contractors and subcontractors performing work on federal or District of Columbia contracts. The Davis-Bacon Act prevailing wage provisions apply to the “Related Acts,” under which federal agencies assist construction projects through grants, loans, loan guarantees, and insurance.
- For prime contracts in excess of \$100,000, contractors and subcontractors must also, under the provisions of the Contract Work Hours and Safety Standards Act, as amended, pay laborers and mechanics, including guards and watchmen, at least one and one-half times their regular rate of pay for all hours worked over 40 in a workweek. The overtime provisions of the Fair Labor Standards Act may also apply to DBA-covered contracts.
- You need to determine if Davis Bacon Applies with the **Field Operations Handbook**
 - [Chapter 15](#) (PDF) — Davis-Bacon and Related Acts and Contract Work Hours and Safety Standards Act
- Competitive Solicitations
 - Must contain compliance language
 - Contractors must comply with weekly wage payments, prevailing wage provisions and posting of all required posters on the worksite.

Domestic Preference

The Buy American Act does not apply to the ESSER or GEER 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:

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.

GMCS CARES

- We have expended most of our CARES funds down and are awaiting carryover award letters to finalize.
 - For Purchase Orders that were in place prior to 06/30/2021 but were not yet paid, we are paying those invoices out of 11000. Title I NMPED has approved for us to JE those expenditures back to 24301 when Carryover Letters are Received.

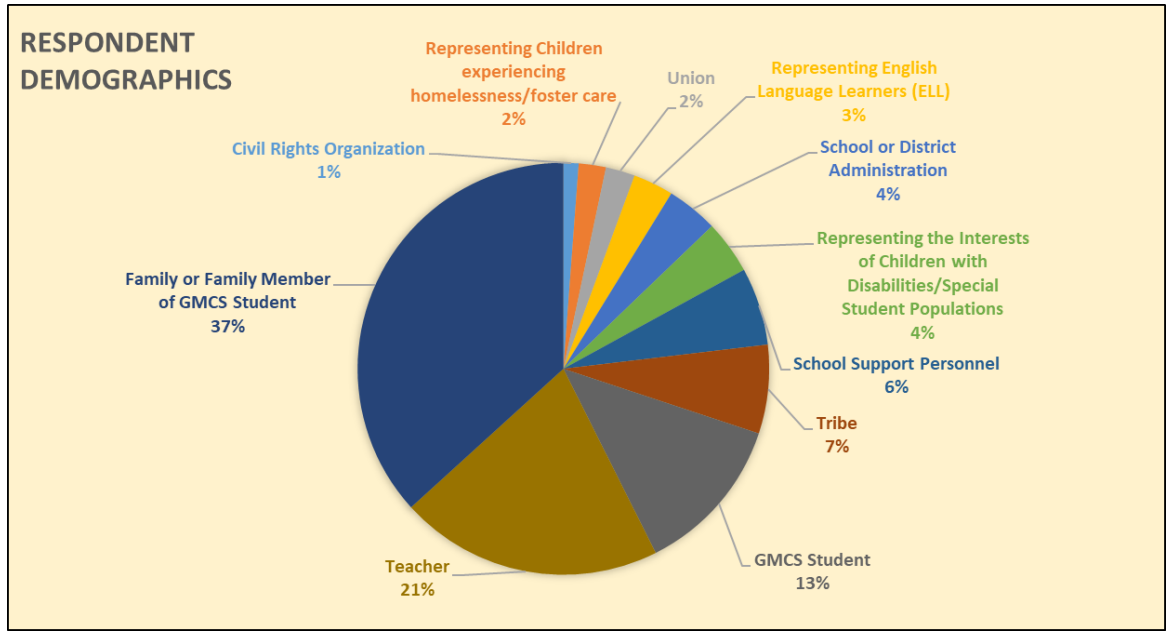
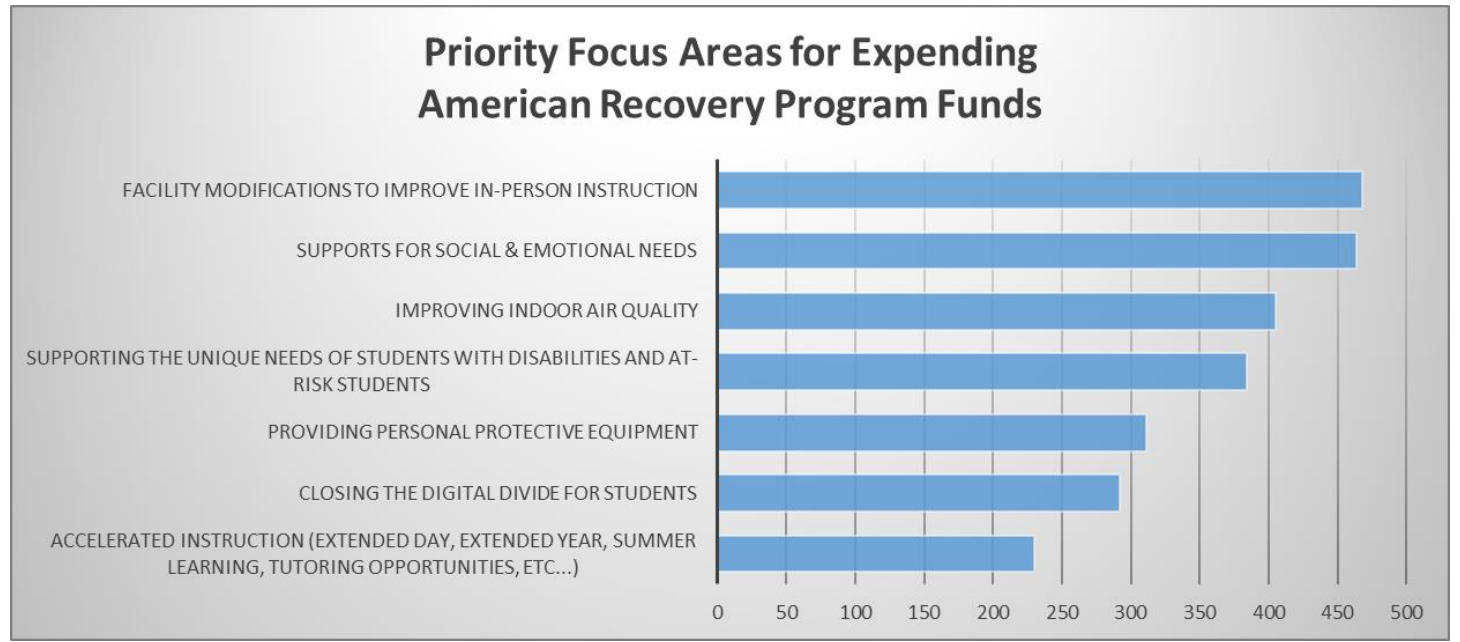
Coronavirus Aid, Relief and Economic Security (CARES I) Expires 06/30/2022	
Private School Proportionate Share (Required per Federal Legislation)	
Budget	\$267,999.00
Expended Through 06/30/2021	\$261,051.69
Categories of Expenditure:	
Instructional Non-Contract Pay	\$71,808.14
Instructional Software	\$7,289.00
Instructional Supplies	\$23,098.74
Instructional Equipment	\$72,214.67
Temperature Devices	\$919.00
Indirect Cost	\$5,250.56
Custodial Non-Contract Pay	\$2,650.51
Installation of Air Purifiers	\$4,270.00
Custodial Supplies for Cleaning & Sanitization	\$73,550.17
Detail Total	\$261,050.79
Waiting on Carryover Approval from NM PED	\$6,947.31
District Share	
Budget	\$6,808,823.00
Expended Through 06/30/2021	\$6,207,348.27
Categories of Expenditure	
Improve Wireless Access in Secondary Schools	\$664,832.63
Instructional Supplies	\$190,616.93
Instructional Equipment (Laptops & iPads)	\$4,705,434.90
PPE (Masks, Gloves, Face Shields, Hand Sanitizer, Thermometers, etc..)	\$240,641.75
Thermal Scanning Devices	\$81,411.02
Indirect Cost	\$34,343.52
Custodial Cleaning Supplies for COVID	\$102,468.02
Clorox T360 Sanitizing Machines for all School Sites	\$187,599.50
Detail Total	\$6,207,348.27
Waiting on Carryover Approval from NM PED	\$601,474.73

GMCS CRRSA

Coronavirus Response and Relief Supplemental Appropriations Act (CARES II - CRRSA) Expires 06/30/2023	
No Private School Proportionate Share	
District Share	
Budget Categories	
Interactive Technology in Classroom to integrate One to One Devices	\$4,000,000.00
Replace School Site HVAC Systems	\$16,043,989.00
Staff Recruitment/Retention Incentives	\$4,000,000.00
Hotspots for Students Internet Access	\$3,000,000.00
Training for Instructional Staff in Social Emotional Learning	\$500,000.00
PPE (will include but not limited to masks, face shields, gowns, gloves, hand sanitizer, hand wipes, Kleenex or other items for personal disinfection or protection from surface or air partial contamination)	\$500,000.00
Indirect Cost	\$235,950.00
Cleaning and Sanitation Supplies	\$250,000.00
Detail Total	\$28,529,939.00

ARP Feedback

Priority Focus Areas for Expending American Recovery Program Funds



GMCS ARP

American Recovery Plan (CARES III- ARP) Expires 06/30/2024 [2/3 Allocation]	
No Private School Proportionate Share	
District Share	
Required 20% Learning Loss (by group per application)	
Addressing the Social Emotional Needs of All Students (Training for Staff, Resources for Staff and Families and Multilayer Support Systems)	\$1,200,000.00
Addressing the Academic Needs of All Students (Summer Academic Camp, Homework Hotline, Afterschool Tutoring, Credit Recovery, Supporting Preschool Students and their Families with a social emotional learning framework)	\$3,817,384.30
Identifying disparities and focusing on underserved student groups or ethnicities (PD for all instructional staff for strategies to help language development and academic concepts, Early intervention related to literacy and reading comprehension)	\$274,628.00
Students from Low-Income Families (Tier I and Tier II small group support structures for accelerated learning, targeted intervention supplies for use in school and at home, experiential learning opportunities for college and career readiness)	\$1,000,000.00
Students with Disabilities (Afterschool learning opportunities, additional ancillary services, Summer and After School Activities, Additional training for all staff to help identify and support students with accommodations)	\$480,000.00
English Language Learners (Training all Teachers on Sheltered Instructional Protocol (SIOP) in order to help students gain grade-level content-area knowledge, academic skills, and increased English proficiency.)	\$1,400,000.00
Gender (The District is putting in place a study regarding gaps for gender; currently the data does not demonstrate consistent or reliable data to differentiate this need)	\$20,000.00
Students Experiencing Homelessness	\$172,305.00
Students in Foster Care	\$100,000.00

Activities to Address Academic Impact of Lost Learning Time and Social/Emotional/Mental Health Needs.	
Elementary and Secondary Education Act (Redesigning traditional library structures to become 21st Century Research and Information Discovery Centers; Professional Development with Administrators and Teachers to ensure College and Career pathways (will require renovation of some classrooms to align with vocational and healthcare related careers)) - Improve use of technology and 21st Century Learning Strategies	\$8,936,300.00
Adult Education and Family Literacy Act (Student Lead Conferences where students are explaining their academic progress with parents/guardians; Parent Centers to help families meaningfully engage with schools, including access to technology, supplies and support)	\$250,000.00
Other Allowable Activities	
Training and professional development on sanitizing and minimizing the spread of infectious diseases	\$100,000.00
Purchasing supplies to sanitize and clean the LEA's facilities	\$2,000,000.00
Repairing and improving school facilities to reduce risk of virus transmission and exposure to environmental health hazards (Upgrade HVAC systems, install exterior windows for ventlation)	\$9,472,196.00
Improving indoor air quality (Replace HVAC's)	\$7,398,536.00
Addressing the needs of children from low-income families, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth (Training for Instructional Coaches in accelerated learning models by accessing data and coaching school site staff in strategies)	\$500,000.00

Developing and implementing procedures and systems to improve the preparedness and response efforts of LEAs (Multilayered Support connected to the Advisory School Council, Parent Academic Committee and School Leaders to ensure continuity of communication, ASC's and Wellness Committees will build individual school site plans through cycles of data collection, analysis, planning and action)	\$225,000.00
Purchasing educational technology (including hardware, software, connectivity, assistive technology, and adaptive equipment) for students that aids in regular and substantive educational interaction between students and their classroom instructors, including students from low-income families and children with disabilities (Technology in classrooms, training on implementation of technology in classrooms for instructional staff, training for 21st Learning Center Assistants, replacement of student devices)	\$3,100,000.00
Additional Supports for Learning Loss (Development and implementation of a LETRS Curriculum and/or student intervention ssystem with materials to support student showing dyslexia, additional support for early literacy by targeting specific interventions based upon individual student data analysis)	\$1,000,000.00
Other activities that are necessary to maintain operation of and continuity of and services, including continuing to employ existing or hiring new LEA and school staff (Implementation of STEM type technology to ensure students are able to access Computer Science and Biomedical type College and Career Software should student have to return to remote learning models)	\$289,000.00
Indirect Cost	\$586,237.00
<i>Detail Total</i>	<i>\$42,321,586.30</i>

Example Budget Plan Aligned to Application

Date	Memo	Reference	BUDGET TYPE					
7/1/2021	INITIAL BUDGET FY22	INITIAL BUDGET	FY22 INITIAL BUDGET	FTE		Justification/	Planned	
Account Number	DESCRIPTION	Debit	Credit		Description	Alignment to 90 Day Plans	Vendor/Employee Name	
11000.1000.53330.0170.043030.0000	LEAVE THIS SPACE BLANK	\$3,000.00			K-3 professional Development targeted at RTI early reading skills implementation	Data indicates that reading is not on grade level by 4th grade - early intervention required	Dynamic Consulting	On-Site Training 9/15/2021

- BIDS & RFPs
- Discuss norms for your entity related to (see example communication)
 - Equipment
 - Professional Development
 - Software
 - Staffing

July Notifications

Funds should be encumbered within the next few weeks for any funds budgeted in:

56118 general supplies, 56112 other text books, 56113 software, 53330 professional development, 57331 Supply assets over \$5K, 57332 equipment under \$5K a

Please note the spending timeline goals:

October 31- 60% of funds should be encumbered

December 31- 80% of funds should be encumbered

February 28- 95%-100% should be encumbered

Expenditure deadline March 31, 2022. PO's will not be allowed after this date

IMPORTANT!! PLEASE NOTE:

For in-person/onsite Professional Development the following documents must accompany the invoice

Agenda on company letterhead or with company logo with date PD occurred

Sign in sheet with date of PD

For virtual Professional Development the following documents must accompany the invoice

Agenda on company letterhead or with company logo with date PD occurred

**Sign in sheet documenting participants which will include log in/out date timestamp, full name of participant
Certificate of Completion for each participant. Certificate must have the company name/logo, name of PD,
date, participant name and signature of company official**

Invoices will not be paid until all documents are received.

Questions?

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