



ESSER III State and Local Plan Requirements

Introduction

On April 21, 2021, the U.S. Department of Education (USED) released its American Rescue Plan Elementary and Secondary School Emergency Relief Fund (ARP ESSER or ESSER III) [state plan template](#) for state education agencies (SEAs) to complete to receive the remaining third of ESSER III funds. In addition to the template, the USED also released [ESSER III interim final requirements](#) related to SEA consultation, district ESSER III plans, and district plans for a safe return to in-person instruction and continuity of services. This guidance is organized around the following sections:

- [State ESSER III Plan](#),
- [District ESSER III Plans](#),
- [District Plans for Safe Return to In-Person Instruction and Continuity of Services](#),
- [Next Steps](#), and
- [Questions and Additional Guidance](#).

State ESSER III Plan

The Iowa Department of Education (Department) must:

- Develop a state plan detailing the state's current needs and its proposed uses of the ESSER III funds, including consulting all required stakeholders and offering the public an opportunity to provide input during plan development (see the following [State Stakeholder Engagement and Public Input Requirements section](#));
- Submit an ESSER III plan to the USED by June 7, 2021 using the state plan template; and
- Make information available on its website as soon as possible (but no later than June 21, 2021) and regularly update the information on its website (see the following [State Data Requirements section](#)).

State Plan Requirements

The Department is currently developing its state ESSER III plan and will begin consultation with the required stakeholder groups and seek input from the public the week of May 17. The state plan will include the following required sections:

- [Describing the State's Current Status and Needs](#) – The Department will describe the progress it has made, the priorities and student needs guiding its ESSER III funding decisions, and its current and projected operating status.
- [Safely Reopening Schools and Sustaining Their Safe Operations](#) – The Department will describe how it will support local education agencies (LEAs) in safely reopening schools and sustaining their safe operations to maximize in-person instruction, which is essential for student learning and well-being. This instruction is especially important in addressing the educational inequities that have been worsened by the COVID-19 pandemic.
- [Planning for the Use and Coordination of ARP ESSER Funds](#) – The Department will describe its plans for consultation and for coordinating the use of ESSER III funds with other federal funds to meet the needs of students.

- Maximizing State-Level Funds to Support Students – The Department will describe its proposed evidence-based activities and interventions that respond to students’ academic, social, and emotional needs and address the disproportionate impact of COVID-19 on underrepresented student subgroups through its three required ESSER III set-asides:
 - 5% for the implementation of evidence-based interventions aimed specifically at addressing learning loss,
 - 1% for evidence-based summer enrichment programs, and
 - 1% for evidence-based comprehensive after-school programs.
- Supporting LEAs in Planning for and Meeting Students’ Needs – The Department will describe how it will support its LEAs in developing high-quality plans for their use of ESSER III funds to meet students’ academic, social, emotional, and mental health needs and address the opportunity gaps that were exacerbated by the pandemic.
- Supporting the Educator Workforce – The Department will describe strategies for supporting and stabilizing the educator workforce and for making staffing decisions that will support students’ academic, social, emotional, and mental health needs.
- Monitoring and Measuring Progress – The Department will describe how it is building capacity at the state and district levels to ensure high-quality data collection and reporting and to safeguard funds for their intended purposes.

State Stakeholder Engagement and Public Input Requirements

During development of its plan, the Department must engage in meaningful consultation with the following stakeholder groups:

- Students;
- Families;
- Tribes;
- Civil rights organizations, including disability rights organizations;
- School and district administrators, including special education administrators;
- Superintendents;
- Charter school leaders;
- Teachers, principals, school leaders, other educators, school staff, and their unions; 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.

The Department must also provide the public with the opportunity to provide input in the development of the plan and take such input into account.

State Data Requirements: Mode of Instruction, Student Enrollment, and Student Attendance

To facilitate consultation on the Department's ESSER III plan and ongoing communication with the public, the Department must post the following information on its website as soon as possible (but no later than June 21, 2021) and regularly update such information:

- The number of schools in the state providing each mode of instruction (i.e., fully remote or online-only instruction, hybrid instruction, full-time in-person instruction);
- Student enrollment data; and
- Student attendance data for all students and disaggregated by students from low-income families, students from each racial and ethnic group, gender, English learners, children with disabilities, children experiencing homelessness, children in foster care, and migratory students for each mode of instruction (to the extent available).

District ESSER III Plans

Each district receiving ESSER III funds must:

- Develop a plan regarding its proposed uses of ESSER III funds, including engaging in meaningful consultation with all required stakeholders and providing the public opportunity to provide comments during plan development (see the following [District Stakeholder Engagement and Public Input Requirements section](#)).
- Submit an ESSER III plan to the Department through the Consolidated Accountability and Support Application (CASA). The application is found in the COVID-19 folder on the main dashboard. The plan consists of two parts:
- Part I (Due May 21) – District superintendent must submit assurances and acknowledgement of Part II requirements and
- Part II (Due August 23) – See the [District Plan Requirements section](#).
- Make the plan publicly available on its website in an understandable and accessible format (this includes both parts I and II).

District Plan Requirements

The plan (and any revisions to the submitted plan) must include, at a minimum, a description of:

- The extent to which and how the funds will be used to implement prevention and mitigation strategies that are, to the greatest extent practicable (which would include compliance with state law), consistent with the most recent Centers for Disease Control and Prevention (CDC) guidance on reopening schools, in order to continuously and safely open and operate schools for in-person learning;
 - Notes: Nothing requires funds to be used for prevention and mitigation strategies, and nothing requires the district to adopt CDC guidance. According to the USED:

The requirement does not mandate that an LEA adopt the CDC guidance, but only requires that the LEA describe in its plan the extent to which it has adopted the key prevention and mitigation strategies identified in the guidance.

- How the district will use the funds it reserves under section 2001(e)(1) of the ARP Act to address the academic impact of lost instructional time through the implementation of evidence-based interventions, such as summer learning or summer enrichment, extended day, comprehensive afterschool programs, or extended school year;
- How the district will spend its remaining ESSER III funds consistent with section 2001(e)(2) of the ARP Act; and
- How the district will ensure that the interventions it implements (e.g., interventions implemented to address the academic impact of lost instructional time) will respond to the academic, social, emotional, and mental health needs of all students, and particularly those students disproportionately impacted by the COVID-19 pandemic (e.g., students from low-income families, students of color, English learners, children with disabilities, students experiencing homelessness, children in foster care, migratory students).

District Stakeholder Engagement and Public Input Requirements

During development of its plan, the district must engage in meaningful consultation with following stakeholders:

- Students;
- Families;
- School and district administrators, including special education administrators;
- Teachers, principals, school leaders, other educators, school staff, and their unions;
- Tribes (if applicable);
- Civil rights and disability rights organizations (if applicable); 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 (if applicable).

In addition to engaging in meaningful consultation, the district must give the public an opportunity to provide input in the development of its plan.

District Plan Format

Each district ESSER III plan must be:

- In an understandable and uniform format;
- Written in a language that parents can understand to the extent practicable or, if not practicable, orally translated; and
- Provided in an alternate accessible format upon request by a parent who is an individual with a disability.

District Plans for Safe Return to In-Person Instruction and Continuity of Services

Statute

The ARP Act requires each district that receives ESSER III funds to, within 30 days of receiving the funds, make a plan for the safe return to in-person instruction and continuity of services publicly available on its website. Before making the plan publicly available, the district must seek public comment on the plan and take those comments into account during development of the plan. However, the ARP Act states that if a district developed such a plan that meets the statutory requirements (i.e., is publicly available on the district's website, was developed after the district sought and considered public comment) before the ARP Act was enacted (March 11, 2021) that the district will be deemed to have met the requirement.

The Department stated the following in its [ESSER III guidance](#) (2021):

All Iowa districts submitted a compliant Return-to-Learn Plan by July 1, 2020, that meets the requirements of the ARP Act for the “safe return to in-person instruction and continuity of services.” All Iowa districts also used the materials provided by the Department on garnering public input on Return-to-Learn plans. **The Department presumes that all Iowa districts are in compliance with this requirement of the ARP Act at this time.** If further information is needed as USED releases requirements for the ARP ESSER III Plan, we will provide updated guidance. (p. 3-4)

Interim Final Requirements

The interim final requirements:

- Clarify what a district's plan must address;
- Require the district to conduct a periodic review of the district's plan for safe return to in-person instruction and continuity of services at least every six months;
- Require the district to revise the plan (when needed) to ensure it remains relevant and meets statutory and regulatory requirements at least every six months;
- Require a district to revise its plan no later than six months after it last reviewed its plan, if the plan:
 - Was submitted before March 11, 2021 and deemed to meet statutory requirements and
 - Does not address each of the required aspects of safety established in the interim final requirement (see the following [Required Topics section](#)); and
- Establish minimum accessibility requirements for the plan.

REQUIRED TOPICS FOR DISTRICT SAFE RETURN TO IN-PERSON INSTRUCTION AND CONTINUITY OF SERVICES PLANS

The district plan must:

- Include how it will maintain the health and safety of students, educators, and other school and district staff, and the extent to which it has adopted policies, and a description of any such policies, on CDC safety recommendations; and
 - Notes: Nothing in federal requirements requires the district to adopt CDC guidance. According to the USED:

The requirement does not mandate that an LEA adopt the CDC guidance, but only requires that the LEA describe in its plan the extent to which it has adopted the key prevention and mitigation strategies identified in the guidance.
- Describe how the district will ensure continuity of services, including but not limited to services to address students' academic needs and students' and staff's social, emotional, mental health, and other needs (which may include student health and food services).

PERIODIC PLAN REVIEW AND REVISIONS

Until September 30, 2023, the district must:

- Review its plan at least every six months, including seeking public input on whether to revise its plan and
- Revise its plan (as appropriate) at least every six months, including seeking public input on any revisions to its plan no less frequently than every six months (taking into consideration the timing of significant changes to CDC guidance on reopening schools).

REQUIRED FORMAT

The plans must be:

- In an understandable and uniform format;
- Written in a language that parents can understand to the extent practicable or, if not practicable, orally translated; and
- Provided in an alternative format accessible to a parent who is an individual with a disability upon request by that parent.

ALL IOWA DISTRICTS

Per our original ESSER III guidance released May 11, 2021, all Iowa district Return-to-Learn plans that were developed using the Return-to-Learn supports provided to schools in 2020 included all topics required by the interim final requirements. From this point forward, Iowa districts need to continue reviewing and revising their Return-to-Learn plans as necessary every six months. For additional details, see the [Next Steps section](#) below.

Next Steps

Iowa Department of Education Next Steps

The Department will:

- Continue development of its state plan;
- Consult all required stakeholders through an initial survey related to the requirements set out in the state plan template (e.g., state needs, priorities) to inform its ESSER III plan;
- Issue a notice of public comment, which will provide members of the public with the opportunity to provide input in the development of the plan;
- Provide districts with an outline of ESSER III plan requirements;
- Submit its ESSER III plan to the USED by June 7, 2021;
- Post data on school modes of instruction, student enrollment, and student attendance to the extent available no later than June 21, 2021 (and regularly update such information on its website);
- Engage in ongoing consultation with required educational stakeholders through more in-depth engagement (e.g., focus groups); and
- Provide an opportunity for members of the public to provide additional public comments.

District Next Steps

ESSER III PLAN

Each district:

- May provide input on the state plan through the Department's initial ESSER III survey.
- Must develop a district ESSER III plan, which must include the following during plan development:
 - Engaging in meaningful consultation with all required stakeholders and
 - Providing the public opportunity to provide comments.
- Must submit a two-part ESSER III plan in the CASA:
 - Plan assurances will be due May 21 (Part I) and
 - The entire plan will be due by August 23 (Part II).
- Must make both parts of the plan publicly available on its website in a format that is understandable and accessible.

RETURN-TO-LEARN PLAN/SAFE RETURN TO IN-PERSON INSTRUCTION AND CONTINUITY OF SERVICES PLAN

Each district must assure that it will:

- Review its Return-to-Learn plan at least every six months until September 30, 2023, including seeking and considering public input regarding whether to revise its plan, and
- Revise its Return-to-Learn plan (when necessary) at least every six months to ensure it remains relevant and meets statutory and regulatory requirements, including seeking public input on any revisions to its plan.

Questions and Additional Guidance

If you have questions, please contact one of the following members of our team to supply you with information on relief funds:

- Steve Crew at steve.crew@iowa.gov,
- Meredith MacQuigg at meredith.macquigg@iowa.gov,
- Hannah Walsh at hannah.walsh@iowa.gov, and
- Tom Cooley at tom.cooley@iowa.gov.

For additional COVID-19 guidance and information, please visit the Department's [COVID-19 webpage](#).