

## MINUTES



### Commissioner's Task Force on ESSER II and EANS Distribution of Money Friday, April 23<sup>rd</sup>

#### CALL TO ORDER

Chairman Porter called the weekly meeting of the Commissioner's Task Force to order at 3:00p.m. on Friday, April 23<sup>rd</sup>.

The meeting was conducted via video conference and was live streamed for the public to observe and listen.

(00:12:43)

#### APPROVAL OF AGENDA

Adam Thomas made a motion to approve the agenda for the April 23<sup>rd</sup> meeting, and Melissa Rooker had seconded it. Motion carried (17-0). Alicia Thompson and Adam Proffitt were not present during this time, and were not able to vote on this motion.

MOTION  
(00:12:51)

#### ATTENDANCE:

The following Task Force members attended by video conference:

Jim Porter	Frank Harwood
Janet Waugh	Tracy Callard
Pat Pettey	Jason Winbolt
Brenda Dietrich	Melissa Rooker
Adam Thomas	Brad Bergsma
Simeon Russell	Mike Argabright
Lisa Peters	Janet Eaton
Nick Compagnone	Adam Proffitt
Jamie Rumford	Roberta Lewis

#### APPROVAL OF APRIL 16<sup>th</sup> MINUTES

Jason Winbolt made a motion to approve of the April 16<sup>th</sup> minutes, and Janet Eaton had seconded it. Motion carried (17-0). Adam Proffitt and Alicia Thompson were not present during this time, and were not able to vote on this motion.

MOTION  
(00:13:48)

**STATUS UPDATE ON EANS I APPLICATION & RECONSIDERATION PROCESSES – Tate Toedman**

(00:15:30)

Tate started the meeting by discussing the updates for the EANS I Application and Reconsideration processes which include the following:

On Monday, April 19<sup>th</sup>, the Kansas State Board of Education approved the Task Force's EANS I recommendations.

- Majority of requests (80%) were deemed eligible, representing \$21.6 million in value out of Kansas' \$26.7 million EANS allocation.

On Tuesday, April 20<sup>th</sup>, KSDE launched the EANS I Reconsideration Process for the 20% of requests deemed ineligible.

- Schools were informed of EANS I decisions and provided details for the reconsideration process.
- KSDE hosted training/office hours to answer schools' questions on April 22<sup>nd</sup>.
- Schools will submit updated descriptions and/or quantities for each ineligible request; all requests are due by 11:59 p.m. CST on April 27<sup>th</sup>, 2021.
- KSDE will then review the updated requests and provide recommendations for Task Force review on May 7<sup>th</sup> and Kansas State Board of Education review on May 11<sup>th</sup> and 12<sup>th</sup>.

He then mentioned the next steps for EANS I, which are to fulfill eligible requests through Service Centers and prepare for reporting. Service centers are preparing to fulfill eligible requests, and the monthly reporting will kick-off in mid-May; summary data will be shared periodically with the Task Force.

**REVIEW OF ESSER GUIDELINES AND KEY DIFFERENCES FROM EANS – Doug Boline**

(00:19:00)

Doug had shifted the focus of today's meeting from EANS I to ESSER II, and he began this portion of the meeting by mentioning the total amount of ESSER funds (to date) that have been awarded to SEAs based on the Title I formula to provide emergency relief funds to LEAs to address the impact of COVID-19; and (as a recap) the amounts were:

- ESSER I (Cares Act Bill; March 2020) - \$85 million  
The timeframe in which ESSER I can be used will be from March 2020 to September 2022.
- ESSER II (CRRSA Act Bill; December 2020) - \$370 million  
The timeframe in which ESSER II can be used will be from March 2020 to September 2023.
- ESSER III (ARP Act Bill; March 2021) - \$831 million  
The timeframe in which ESSER III can be used will be from March 2020 to September 2024.

Doug Boline mentioned that the U.S. Department of Education has reached out to KSDE, and the agency has received two-thirds of the ESSER III allocation, but to receive the rest we will need to submit a plan to the department by June 7<sup>th</sup>, 2021, which will be an agency-wide effort (25-page application). (00:20:30)

Then, Doug went through the multiple components ESSER II has been separated into and the components which will consist of:

**Federally Mandated**

- Direct District Allocation - \$332.8 million (allocated through the Title I formula)

**KSDE Discretionary**

- KSDE "True Up" - \$11.5 million (ensures all districts receive at least \$300 per student)
- Special Education (SPED) - \$24 million (additional set-aside for LEAs split across 2021-22 and 2022-23)
- Schools for the Deaf & Blind - \$0.2 million (set-aside as schools do not receive funds through LEA distributions)

**KSDE Administration**

- SEA Administration - \$1.8 million

Doug discussed the plans which will vary widely in terms of total district allocation and allocations per student. The median allocation per district across the state is \$295K (range is from \$37K to \$76 million), and the average allocation per student is \$700 (range is from \$300 to \$2,220; which will include the "true up" mentioned previously – 10% set aside at the state level).

The differences between the EANS I, and the ESSER II funds were then described by Doug and the key differences between the two programs (mentioned) are:

Different requirements for timing of plan submission or Task Force response time.

- ESSER II plans will be reviewed on an ongoing basis over the duration of the ESSER II program.

Information on requests will be at a higher level than EANS (account-level vs. product/service-level)

- Eligibility determinations will need to be made with less granular information.

Districts have set dollar allocations, with considerable flexibility to use funds across 15 different allowable uses; in contrast, EANS I was a competitive grant process with no predetermined amount per school.

- Eligibility recommendations should focus on ensuring plans are allowable within the 15 ESSER II allowable uses and address incremental COVID needs.

Doug mentioned that every expense that was allowable in EANS I will be allowable under ESSER II, although, there will be items that **were not** allowable in EANS that **will** be **allowable** in ESSER II such as:

- Permanent fixtures
- Custodial staff
- Purchase of property that remains with the district after the program has ended.
- Activities authorized under ESEA, IDEA, AEFLA, Perkins, and McKinney-Veto.

Next, Doug had gone through a list of categories that may have been deemed eligible under EANS but are explicitly called out as allowable uses under ESSER II:

- COVID preparedness and response
- Public health protocols for reopening
- Resources for principals/leaders to address school needs
- Activities to address the unique needs of at-risk student populations
- School facility repairs to reduce transmission as permissible

Doug emphasized that uses deemed eligible by the KSDE review team are based on the guidance from the Federal Government. For requests to be deemed eligible, they will have to appear to be allowable as it is written in the law.

#### **STATUS UPDATE ON ESSER II APPLICATION PROCESS – Doug Boline**

(00:30:27)

Doug discussed the updates with the ESSER II application process, which included the following:

- Application launched on Wednesday, March 24<sup>th</sup>.
- Virtual events have been hosted to help districts navigate the application process
- 46 applications submitted to date; 94+ applications currently in progress.

#### **WALKTHROUGH OF A COMPLETED ESSER II APPLICATION – Doug Boline**

(00:34:56)

Similar to the application approval process for EANS, the Task Force will be provided with a PDF copy of each ESSER II application. The public schools will have to provide similar information in the application as the public schools.

Brenda Dietrich asked Doug if the applications for ESSER II will include the exact days/months the district is requesting reimbursement for summer school. Doug then mentioned that this detail should be included in the district's application, and the KSDE review team has had to reach back out to the districts to have them include this information (other details requested are how many students will be served, when they will be served, and how many staff will be reimbursed with these funds).

Doug mentioned that the KSDE review team will include dossiers for only the districts that have ineligible requests or unusual requests. Dossiers will not be provided for each school district unless requested from Task Force.

## WALKTHROUGH OF PLAN FOR TASK FORCE ESSER II APPLICATION REVIEW – Doug Boline

(00:43:42)

Doug then went through the KSDE review team's process to help develop recommendations to the Task Force, and the process will be:

1. Assess plan line-items for eligibility along criteria
2. Make every effort to contact districts for line-items deemed ineligible or insufficient information
3. Reassess line-items for eligibility if additional information is provided
4. Form final recommendation to the Task Force based on thorough plan review

He then mentioned that the Task Force will have access to all reviewed plans; ineligible items presented thematically where possible. For each school district, the Task Force will receive a PDF copy of each reviewed plan, and a compiled list of all line-items with KSDE eligibility determination sorted by district (excel). For eligible requests, a high-level summary information will be presented during Task Force meeting, and for ineligible requests, they will be shared by theme across districts.

For the application review process, the KSDE review team is hoping to have the first batch of applications to the Task Force by April 30<sup>th</sup> and the target number of applications will be 15-20. The second batch will come to the Task Force on May 7<sup>th</sup>, and the target number of applications will be 20-25. For the May 7<sup>th</sup> Task Force meeting, it is expected that the Task Force will be asked to review both EANS (reconsideration requests), and ESSER II applications.

The information that Task Force will receive in the future will consist of four components, which include the following -

- Total number of plans submitted and reviewed
- Profile of districts included in this batch for Task Force review
- Summary of eligible planned expenditures and cumulative eligible ESSER II value
- Summary of ineligible planned expenditures

As of 6:00 p.m. on April 22<sup>nd</sup>, there have been 46 ESSER II applications submitted, 17 have entered review, and 7 primary reviews have been completed. To note, secondary reviews will be conducted in batches to calibrate and ensure consistency across reviews.

Brenda Dietrich asked Doug Boline how the districts will be receiving the ESSER II funds, and he stated that the funds will be distributed to the districts on a reimbursement basis. Brenda then raised her concern about districts potentially having a “cash flow” issue, and asked how they would be able to receive the funds. Lisa Peters then mentioned that a district has the opportunity to fill out a form 240 to order federal funds. The form is due to the state by the 20<sup>th</sup> of every month, and a district would have to list (by federal fund) what their negative balance is, and they can estimate their expenditures for the next month.

Then, Mike Argabright asked Doug Boline about updated guidance about capital improvements to help spread students out, or add additional space. Doug mentioned that this expense is technically allowable, but KSDE would like to focus on the needs of students before building improvements or any sort. Commissioner Watson commented that students and families should be the first priority in each school district, and the second priority would be capital improvements.

#### **STATUS UPDATE ON ESSER I REPORTING – Doug Boline**

(00:54:45)

ESSER I reporting will be reviewed by KSDE in parallel and summarized for the Task Force.

268 ESSER I reports have been submitted (as of April 22<sup>nd</sup> at 5:00 p.m. CST).

- KSDE is in the process of reviewing reports for completion and data integrity (evaluation of allowability of submitted expenditures will be conducted by federal auditors).
- ESSER I reporting reviews will be conducted separately from ESSER II; issues will be resolved with the districts prior to bringing data to the Task Force.

Data will be aggregated and shared with the Task Force –

- A summary of key insights will be shared with the Task Force (mid/late May)
- Trends from future quarterly reports on ESSER II following each submission deadline

**NEXT STEPS – Doug Boline**

(00:57:38)

Doug discussed the next few steps the Task Force members should expect within the next few weeks, which will include the following:

- KSDE to continue reviewing submitted ESSER II plans
- Pre-read materials to consist of ESSER II plans (PDFs and list of planned expenditures) for review in next Friday's Task Force meeting.
- KSDE to prepare summary ESSER II materials to share with the Task Force next Friday.
- In parallel, KSDE will begin to review EANS I reconsideration requests and screen ESSER I reports for completion (both for review at later Task Force meetings).

**ADJOURNMENT** - Chairman Porter adjourned the meeting at 3:46pm. The next meeting will occur on Friday, April 30<sup>th</sup> at 3:00pm.

(00:58:55)