

MINUTES



Commissioner's Task Force on ESSER II and EANS Distribution of Money Friday, May 7th

CALL TO ORDER

(00:09:34)

Chairman Porter called the weekly meeting of the Commissioner's Task Force to order at 3:00p.m. on Friday, May 7th.

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

APPROVAL OF AGENDA

MOTION
(00:09:47)

Melissa Rooker made a motion to approve the agenda for the May 7th meeting, and Jason Winbolt had seconded it. Motion carried (16-0). Brenda Dietrich and Pat Pettey were not present at the beginning of the meeting to vote on this motion, and Brad Bergsma did not attend.

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 | Mike Argabright |
| Simeon Russell | Janet Eaton |
| Lisa Peters | Adam Proffitt |
| Alicia Thompson | Roberta Lewis |
| Nick Compagnone | Jamie Rumford |

APPROVAL OF APRIL 30th MINUTES

MOTION
(00:10:16)

Janet Eaton made a motion to approve of the April 30th minutes, and Lisa Peters had seconded it. Motion carried (16-0). Brenda Dietrich and Pat Pettey were not present at the beginning of the meeting to vote on this motion, and Brad Bergsma did not attend.

Chairman Porter began the meeting by discussing that in a bill previously passed by the Legislature, direction was given for the COVID allocations (\$10 million in three programs). One is to continue safety grants funded in the past several years, \$3.9 million is to expand mental health program pilot project, and \$100,000 towards Communities in Schools. Although this bill was passed, some of the contains may be not be allowable by the federal government.

(00:10:42)

Adam Proffitt then stated that there is a potential issue with maintenance of effort, and it may affect federal funding.

(00:12:35)

EANS I Reconsideration: Status Update – Tate Toedman

(00:19:57)

Tate started the meeting off by mentioning that the EANS I reconsideration request submission took place from April 20th through the 27th. During this time, the KSDE review team received 115 reconsideration requests from 36 different schools, totaling to \$2.3 million in value. He also stated that the KSDE review team had spent a significant amount of time working with the districts to revise their descriptions and quantities (if needed), compare against original requests and receive feedback to ensure consistency. The majority of requests were deemed eligible during the EANS I reconsideration process, estimating to \$1.3 million. The KSDE review team received an estimate of \$1.0 million ineligible requests.

Tate then went over a recap of the EANS I application timeline, and it is shown below –

- Initial Round: March 22nd through April 2nd
- **Reconsideration Process: April 20th through April 27th**
- Appeals: TBD (May/June)
- Second Round: TBD

He discussed that the reconsideration process would give private schools an opportunity to provide the KSDE review team with further explanation on their initial requests. Private schools were not allowed to submit new requests at this time.

Tate stated that if the Task Force approves of the slate the KSDE review team is providing to them today and the State Board of Education approves the slate next week, Kansas will have awarded 85% of the EANS I funds; with requests primarily focused on student needs.

EANS I Reconsideration: Summary & Discussion of Requests Deemed Eligible by KSDE – Tate Toedman

(00:31:37)

Tate stated that 57% (estimated at \$1.3 million) of reconsideration requests were deemed eligible, and requests could be seen in categories such as technology, personnel, curriculum and professional development. He mentioned that the eligible requests across categories focus on addressing student learning loss and social-emotional needs.

The KSDE review team had received two personnel requests originally deemed eligible in Round 1, but were submitted with modifications in the reconsideration process, and they were shown to the Task Force to inform them that the salary of two employees were requested to be increased. These two personnel requests are included in the EANS I reconsideration slate.

EANS I Reconsideration: Discussion of Requests Deemed Ineligible by KSDE – Tate Toedman

(00:37:38)

Tate went through a recap of the federal guidelines that EANS I requests must “fit” under to be deemed eligible, and some of the guidelines he highlighted are shown below –

- All expenditures must be reasonable, necessary, and allocable (proportional).
- Property and equipment may be purchased by the state and shared with the private school to meet their needs, but the property must be returned to the state or purchased by the private school at the fair market value. Permanent fixtures may not be supported through Kansas EANS funding.
- Property and services may only be provided when required for the stated need, and generally not held in anticipation of future need.
- All services and materials must be secular, neutral, and non-ideological.

43% of requests received during the reconsideration process is still deemed ineligible, estimating at \$1.0 million. Ineligible requests can be sorted by several different categories including technology, personnel, SEL and Mental Health, curriculum and professional development, etc.

The details of ineligible EANS I requests are included below (7 categories) –

1. Technology – 23 requests; totaling to \$579K.
2. Personnel – 3 requests; totaling to \$302K.
3. SEL and Mental Health – 3 requests; totaling to \$71K.
4. Curriculum and Professional Development – 4 requests; totaling to \$14K.
5. Sanitization – 2 requests; totaling to \$2K.
6. Non-Allowable Categories – 2 requests; totaling to \$10K.
7. Unique Circumstances – 2 requests; totaling to \$1K.

Tate had displayed a request that was originally deemed ineligible by the KSDE review team, that was pulled from the section by one of the Task Force members (ID no. 6060-4-004). The request was specifically for chrome books for a kindergarten class. Janet Eaton stated that she believes their request should be deemed eligible, as the request indicates student need due to COVID-19.

Chairman Porter had mentioned to Janet Eaton that if she would like to make a motion for the Task Force to move this specific request from ineligible to eligible, an appropriate time for this will be before the Task Force votes on the entire slate.

EANS I Reconsideration: Vote to Recommend Request Slate to KSBOE – Tate Toedman

(01:04:20)

Before the vote was finalized, Janet Eaton made a motion to add an ineligible request for chrome books (\$8,694) for (6060) St. Joseph Catholic School in McPherson, KS, to be added to the eligible requests slate. Frank Harwood had seconded it. Motion carried (16-0). Adam Proffitt, Pat Pettey, and Brad Bergsma were not in the meeting at this time to vote on the motion.

MOTION
(01:04:41)

Melissa Rooker made a motion to approve the slate of EANS I reconsideration requests as they were presented to the Task Force, and Adam Thomas had seconded it. Motion carried (16-0). Adam Proffitt, Pat Pettey, and Brad Bergsma were not in the meeting at this time to vote on the motion.

MOTION
(01:07:48)**ESSER II: Application Status Update – Doug Boline**

(01:09:20)

Doug had mentioned that 96 ESSER II plans have been submitted out of 286 districts (34%). 78 ESSER II plans currently in progress as of May 6th at 6:00 p.m. (CST). As of today, 35 applications are being reviewed by the Task Force with 20 applications from last week that will potentially be given to the State Board of Education next week during their state board meeting.

There has been a pattern to submission, as smaller districts are submitting first, and the larger districts are taking their time. As of May 6th at 6:00 p.m., there have been \$24.4 million requested in ESSER II funds. Majority of the requests are in learning loss, summer enrichment, and technical assistance.

He then discussed what the procedure will look like for today in regards to ESSER; which consists of the following:

- Summary of Expenditures Deemed Eligible
- Expenditures Deemed Ineligible by KSDE review team
- Task Force Member Questions, if any.
- Vote on final slate of expenditures

Out of the 55 applications submitted and reviewed, and presented to the Task Force, 100 percent of the planned expenditures are deemed as eligible. The average eligible expenditures per district is \$696K (range is from \$52K to \$6.5 million), and \$419 per student (range is from \$63 to \$1,178).

Doug mentioned that the majority of eligible dollars were being requested in instruction, with significant investments in support services. The categories for requests include the following -

- Instruction - \$16.6 million
- Support services - \$6.7 million
- Facilities Acquisition and Construction - \$1.0 million
- Operation Non-Instruction Services - \$0.1 million

ESSER II: Summary & Discussion of Requests Deemed Eligible by KSDE – Doug Boline

(01:14:09)

Doug summarized the details of today's batch of ESSER II plans, which will represent 35 school districts, and their total allocation is \$28.5 million, but they have only requested \$4.1 (14%) at this time. The average dollar amount (per district) that has been deemed eligible is \$696K, and eligible expenditures per student will be \$419.

The majority of eligible expenditures are focused in instruction, support services, facilities acquisition and construction, and operation of non-instruction services.

ESSER II: Discussion of Requests Deemed Ineligible by KSDE – Doug Boline

(01:19:25)

Doug restated that the KSDE review would like to avoid bringing any ineligible ESSER II expenditure requests to the Task Force, as they would like to work the requests out beforehand. USD 343 Perry Lecompton's ESSER II expenditure plan totaled to \$250K, and the KSDE review team recommended \$241K of those requests eligible (97% of their request). Doug mentioned that the district was notified, and the district insisted on their requests being given to the Task Force for further discussion.

The specific request that was deemed ineligible for USD 343 Perry Lecompton was explained by Doug as reimbursement for extra duty pay for teachers who had been streaming their athletic content online for viewing. The KSDE review team did not see this explanation as eligible as it was explained as an extracurricular activity expense, which is not allowable under the federal guidelines.

Doug mentioned a few requests that are requiring follow-up with districts from KSDE, and some of the requests include the following –

Example 1:

"AED's-7- To address health concerns of both students and staff who may have acquired heart issues due to COVID-19 and in preparation of community and visitors to the buildings, who may have developed heart conditions due to COVID."

KSDE Rationale for Deeming Request Ineligible: Expenditure does not address an ESSER II allowable use.

Example 2: "FB Field Wireless Powerbeam and Wireless Access Point-to use camera system.

Actual costs to install a wireless connection to the cameras at the football field to provide parents, relatives, and community to observe games while quarantining and promote social distancing by not having to attend the school activities."

KSDE Rationale for Deeming Request Ineligible: Extra curricular costs are not an allowable use under ESSER II.

Example 3: "Hazard/Retention Stipend (all staff) [...] With over 110 known positive cases and 623 individuals determined to be close contact [...] it is clear that the staff put the needs of our students first while navigating a world-wide pandemic. While it could not have eliminated

learning loss, having our staff work in-person with students surely helped to lessen the learning loss caused by COVID and we hope to compensate them for this service.”

KSDE Rationale for Deeming Request Ineligible:

- Stipends for all staff members (bonuses) are not an allowable use under ESSER II.
- Description does not adequately provide the hazardous circumstances for each staff member receiving hazard pay; Hazard pay is an additional pay for performing hazardous duties or work involving physical hardship, in each case that is related to COVID-19.

The topic of bonuses are specifically mentioned in the law as not allowable. There are instances where a district can use ESSER II funds to pay an employee extra money as long as they can prove that the employee has gone “above and beyond” their normal work duties. The school district will need to provide time records of the employee going outside of their normal work hours to provide to auditors when they arrive.

ESSER II: Vote to Recommend Application Slate to the KSBOE

Jason Winbolt made a motion to approve the slate of ESSER II applications as they were presented to the Task Force to provide recommendations to the Kansas State Board of Education, and Adam Thomas had seconded it. Motion carried (16-0). Adam Proffitt, Pat Pettey, and Brad Bergsma were not in the meeting at this time to vote on the motion.

MOTION
(01:26:09)

Next Steps and Plan for the May 14th Task Force Meeting – Tate Toedman

(01:29:37)

Tate Toedman walked through the next steps for the Task Force which consisted of the following –

- KSDE to incorporate any approved Task Force changes to eligibility determinations
- KSDE to finalize materials for State Board meeting on Tuesday
- State Board to give final approval to slate of recommendations
- KSDE to inform schools and service centers of reconsideration request determinations
- Next Task Force Meeting is scheduled for Friday, May 21st, 2021. There will not be a meeting on Friday, May 14th, 2021.
- There will also not be a Task Force meeting on Friday, May 28th, 2021.

ADJOURNMENT - Chairman Porter adjourned the meeting at 4:22 p.m. The next meeting will occur on Friday, May 21st at 3:00 p.m.

(01:31:38)