



#110-21

**Commonwealth of Virginia
Virginia Department of Education
Superintendent's Memo #110-21**

DATE: April 30, 2021
TO: Division Superintendents
FROM: James F. Lane, Ed.D., Superintendent of Public Instruction
SUBJECT: **American Rescue Plan Act - ESSER III 90 Percent LEA Awards**

The American Rescue Plan (ARP) Act Elementary and Secondary School Emergency Relief (ESSER) III Fund allocations for each school division are attached (**Attachment B**). The allocations are based on each school division's relative share of Title I, Part A, Federal Fiscal Year 2020 funds. Two thirds of the total award is available as of April 30, 2021; the remaining third will be available this summer at the conclusion of a state application process.

Attachment A contains the Additional Required Special Terms and Conditions for Grant Awards or Cooperative Agreements. The terms of the grant award are provided in **Attachment C**.

The ARP Act ESSER III Fund instructions for accessing the funding application and supporting documents were provided to school division federal pandemic relief programs contacts via email. Applications will be due on September 1, 2021. The period of performance for the award is March 13, 2020 through September 30, 2024.

The Office of Pandemic Relief Programs will host a webinar on the ESSER III application process on Thursday, May 13, 2021. The webinar will be presented at 10:00 a.m. and repeated at 2:00 p.m., and will include an overview of the application as well as the additional division requirements outlined below. The link to join the webinar will be provided to school divisions via Superintendent's Email.

[Section 2001\(e\) of the ARP Act](#) includes all allowable uses of funds under ESSER I and ESSER II, and requires that **twenty percent** of divisions' formula funds be reserved to address learning loss (see **Attachment D**). As with ESSER I and ESSER II, a description of how each expenditure addresses COVID-19 impacts must be provided in the program application. Regarding construction and capital projects, the following allowable uses are specified:

- 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; and
- 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.

The Virginia Department of Education is anticipating guidance from the U.S. Department of Education (USED) on capital projects, including requests to use funds for pre-existing projects and for new facilities. Until additional guidance is received, school divisions should continue to follow the guidelines provided in the [School Reopening FAQs](#) on the use of LEA formula funds for construction.

Within **30 days** of receiving ESSER III formula funds, each school division must make 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 school division must seek public comment on the plan and take such comment into account. A school division's COVID-19 mitigation health plan may meet this requirement provided that the plan addresses the requirements specified by the USED in the [ARP ESSER Interim Final Rule \(IFR\) released on April 21, 2021](#).

Within **90 days** of receiving ESSER III formula funds, each school division must make publicly available on its website a plan for its use of funds. The plan must be developed in consultation with stakeholders and must take into account public comment provided. The requirements for the plan are specified in the IFR referenced above.

As with ESSER II, equitable services provisions are not included under the ESSER III Fund. Instead, a separate Emergency Assistance for Non-Public Schools program is specified and will be administered by the Virginia Department of Education.

The ARP Act includes local educational agency maintenance of equity requirements for fiscal year (FY) 2022 and FY 2023. As a condition of receiving ESSER III formula funds, a school division may not reduce per-pupil funding (from combined state and local funding) in FY 2022 or FY 2023 for any high-poverty school by an amount that exceeds the total reduction in funding for all schools served by the school division divided by the number of children enrolled in all schools served or reduce per-pupil, full-time equivalent staff in any high-poverty school by an amount that exceeds the total reduction in full-time equivalent staff in all schools divided by the number of children enrolled in all schools. The USED has indicated that it will provide additional guidance on these requirements in the near future.

ESSER III formula funds may be reimbursed concurrently with ESSER I and ESSER II funds. School divisions should reference [Superintendent's Memorandum #090-21](#) for information on the requirement to expend and request reimbursement for ESSER I formula funds prior to requesting reimbursement for ESSER II formula funds.

For more information

Questions about the allocations or application process should be directed to VDOEfederalrelief@doe.virginia.gov.

JFL/LS

- A. Attachment: [Additional Required Special Terms and Conditions for Grant Awards or Cooperative Agreements](#) (DOCX)
- B. Attachment: [ARP Act ESSER III Fund 90 Percent LEA Allocations](#) (XLSX)
- C. Attachment: [ARP Act ESSER III Fund Terms of Grant Award](#) (DOCX)
- D. Attachment: [ARP Act ESSER III Fund Allowable Uses of Funds](#) (DOCX)