

## State of New Hampshire Frequently Asked Questions

Funds must be used in accordance to the ARP ESSER III grant.

*Ask yourself: How/Does this prevent, prepare and / or respond to COVID-19?*

---

### ARP Act ESSER III

#### Questions from New Hampshire Schools & US Department of Education's Response

1. Must ESSER II funds be spent before utilizing ESSER III funds?

No.

2. Can states allocate the LEAs 100% of the ARP ESSER funds right now or will the SEA need to wait until the last 1/3 is distributed?

The State will provide the total ARP ESSER allocations on or before May 23, 2021. The state of NH received 2/3 of the ARP ESSER grant funding on March 24, 2021. The state of NH will receive, upon the Federal review of the State's application, which includes data to be provided by and received from the LEAs. This State application is due to US ED by June 7, 2021.

Can states allocate the LEAs 100% of the ARP ESSER funds right now or will the SEA need to wait until the last 1/3 is distributed?

The state will allocated the LEAs 2/3s of the ARP ESSER funds and provide the total ARP ESSER fund allocation amounts.

3. What guidance would you provide an LEA in the development of its plan for the safe return to in-person instruction and continuity of services if the LEA has already been conducting the instruction in person?

A LEA's safe return to in-person instruction and continuity of service plan (required under section 2001(i) of the ARP Act) must address:

- i. How the LEA will maintain the health and safety of students, educators, and other staff and the extent to which it has adopted policies, and a description of any such policies, on each of the safety recommendations established by the CDC; and
- ii. How the LEA will ensure continuity of services, including but not limited to services to address students' academy needs and students' and staff social, emotional, mental health, and other needs, which may include student health and food services.

4. The GAN discusses "impacts and outcomes (disaggregated by student subgroup) through use of ARP ESSER funding (e.g., quantitative and qualitative results of ARP ESSER funding, including on personnel, student learning, and budgeting at the school and district level)." Is this signaling an expectation that states somehow try to disentangle ESSER-III from ESSER-II, ESSER-I, and other relief funds, and do an impact study? Given the broad array of uses, the grain size, and the long

## **State of New Hampshire Frequently Asked Questions**

Funds must be used in accordance to the ARP ESSER III grant.

*Ask yourself: How/Does this prevent, prepare and / or respond to COVID-19?*

---

time frame, this seems like it would extremely challenging!

Feds are planning to address this in the FAQs. Please reference the US ED FAQs.

5. Will USDE extend period of availability on federal funds ending 9/30/2023, similar to what was approved in expedited waiver process last year?

Fed are planning to address this in the FAQs. Please reference the US ED FAQs.

6. What is the definition of learning loss?

The ARP ESSER State Plan template uses the term “academic impact of lost instructional time” to refer to learning loss. Generally, the academic impact of lost instructional time is the impact experienced by students as a result of the COVID-19 pandemic and which may have impacted whether students are meeting grade-level standards. Information about addressing the impact of lost instructional time can be found in the ED COVID-19 Handbook Volume 2: Roadmap to Reopening Schools Safely and Meeting All Students' Needs (April 9, 2021, pgs18-37) available at: <https://www2.ed.gov/documents/coronavirus/reopening-2.pdf>.

7. How is "meaningful" stakeholder consultation defined for purposes of the ARP ESSER requirements?

Stakeholder engagement is a core element of the State and LEA planning process for the use of ARP ESSER funds. The Interim Final Rule (IFR) and the ARP ESSER State Plan template include a specific list of stakeholders with which an SEA or LEA must consult. Each SEA must describe the specific consultation that is conducted for each of these groups. We believe that it is important that each SEA ensures that consultation is broad and represents the diversity of the community within the State.

Meaningful consultation for the ARP ESSER State Plan may take different forms. We recognize and respect the work that States and school districts are already doing and have been doing throughout the pandemic to engage their communities. The description included in the State Plan must include how the SEA provided the public the opportunity to provide input in the development of the plan, a summary of the input (including any letters of support), and how the SEA took such input into account.

Stakeholder consultation is essential and we look forward to seeing and being able to amplify best practices on how States and LEAs are engaging the diverse communities that they serve.

For example, the ARP Act specifically requires that the funds the SEA and LEA is required to reserve for the academic impact of lost instructional time address the disproportionate impact of COVID-19 on these groups of students, which include the subgroups listed in ESEA section 1111(b), as well as students experiencing homelessness and children and youth in foster care.

## **State of New Hampshire Frequently Asked Questions**

Funds must be used in accordance to the ARP ESSER III grant.

*Ask yourself: How/Does this prevent, prepare and / or respond to COVID-19?*

---

The ARP ESSER State Plan template also asks SEAs to consider what other groups of students might be identified by the SEA as being an underserved group of students. For example, that could include the students who have had the most lost instructional time as a result of school building closures during the pandemic or students who have been least able to participate in remote instruction during periods when remote instruction was offered. It could be students in the criminal justice system or LGBTQ+ students. It could be other groups of students that an SEA identifies.

8. What guidance would you provide an LEA in the development of its plan for the safe return to in-person instruction and continuity of service if the LEA has already been conducting instruction in person?

An LEA's safe return to in-person instruction and continuity of service plan (required under section 2001(i) of the ARP Act) must address:

- i. How the LEA will maintain the health and safety of students, educators, and other staff and the extent to which it has adopted policies, and a description of any such policies, on each of the safety recommendations established by the CDC (and outlined on the slide after next); and
- ii. How the LEA will ensure continuity of services, including but not limited to services to address students' academic needs and students' and staff social, emotional, mental health, and other needs, which may include student health and food services.

If an LEA has already returned students to 100 percent full-time in-person instruction, its responses to these questions should focus on its current and future activities to keep students and staff safe and ensure continuity of services.

9. Will there be other reporting requirements for ARP ESSER funds, similar to reporting requirement under the CARES and CRRSA Acts?

Yes. The Department is working on establishing the reporting requirements for upcoming collections.

10. How is Maintenance defined?

Maintenance:

§200.452 Maintenance and repair costs. Electronic Code of Federal Regulations (eCFR) Costs incurred for utilities, insurance, security, necessary maintenance, janitorial services, repair, or upkeep of buildings and equipment (including Federal property unless otherwise provided for) which neither add to the permanent value of the property nor appreciably prolong its intended life, but keep it in an efficient operating condition, are allowable. Costs incurred for improvements which add to the permanent value of the buildings and equipment or appreciably prolong their intended life must be treated as capital expenditures (see §200.439). These costs are only allowable to the extent not paid through rental or other agreements.

## **State of New Hampshire Frequently Asked Questions**

Funds must be used in accordance to the ARP ESSER III grant.

*Ask yourself: How/Does this prevent, prepare and / or respond to COVID-19?*

---

**11. How is Construction defined?**

Construction:

Construction is authorized under Title VII of the ESEA (Impact Aid) and therefore is an allowable use of GEER and ESSER funds under sections 18002(b)(3) and 18003(d)(1) of the CARES Act, sections 312(c)(3) and 313(d)(1) of the CRRSA Act, and section 2001(e)(2) of the ARP Act. The broad Impact Aid definition of “construction” includes new construction as well as remodeling, alterations, renovations, and repairs under which many activities related to COVID-19 would likely fall.<sup>[1]</sup> However, the Department discourages LEAs from using ESSER and GEER funds for new construction because this use of funds may limit an LEA’s ability to support other essential needs or initiatives. Remodeling, renovation, and new construction are often time-consuming, which may not be workable under the shorter timelines associated with ESSER and GEER funds. These types of activities are also subject to a number of additional Federal requirements.

[1] The Impact Aid program statute defines “construction” as “(A) the preparation of drawings and specifications for school facilities; (B) erecting, building, acquiring, altering, remodeling, repairing, or extending school facilities; (C) inspecting and supervising the construction of school facilities; and (D) debt service for such activities.” ESEA section 7013(3), 20 U.S.C. § 7713(3).

**12. Would the LEA need to repay the Federal government for the cost of improvements (new HVAC system, windows) purchased with ESSER I, ESSER II or ARP ESSER funds, if the building is sold in the future?**

You would need to consult with the Department at the time of sale and look at the value of the federally funded improvements at the time of sale (as the building and these types of improvements will depreciate over time). It is possible that you would need to repay some portion of the federal funds following the property disposition requirements in 2 CFR 200.311(c)(1), however it is impossible to determine that amount at this time.

**13. Do the construction requirements only apply to ESSER I?**

All requirements for use of Federal funds for construction projects applies to the CARES ESSER, CRRSA ESSER and ARP ESSER funds.

**14. Do assurances need to be approved by the school board?**

The State does not determine the LEA’s approval requirements or process. Please reference your policy.

---

<sup>[1]</sup> The Impact Aid program statute defines “construction” as “(A) the preparation of drawings and specifications for school facilities; (B) erecting, building, acquiring, altering, remodeling, repairing, or extending school facilities; (C) inspecting and supervising the construction of school facilities; and (D) debt service for such activities.” ESEA section 7013(3), 20 U.S.C. § 7713(3).

## **State of New Hampshire Frequently Asked Questions**

Funds must be used in accordance to the ARP ESSER III grant.

*Ask yourself: How/Does this prevent, prepare and / or respond to COVID-19?*

---

15. Can you clarify what exactly is to be publicly available on the school/district websites no later than June 21, 2021, as described in the Data Request pdf?

Please refer to the question, as provided in the Data Request PDF. The information requested is included in the first line of ii.