



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

GRETCHEN WHITMER
GOVERNOR

MICHAEL F. RICE, Ph.D.
STATE SUPERINTENDENT

MEMORANDUM

DATE: October 14, 2021

TO: Local and Intermediate School District Superintendents
Public School Academy Directors

FROM: Kyle L. Guerrant, Deputy Superintendent *KG*
Division of Finance and Operations

SUBJECT: Update – Timelines, Funding for American Rescue Plan (ARP) and Section 11t Equalization - MEMO #COVID-19-208

The Michigan legislature passed, and Governor Gretchen Whitmer signed into law [Public Act \(PA\) 47](#) of 2021, on July 7th, 2021. This law contains, under section 11r (MCL [388.1611r](#)), appropriation of the full funding amount for American Rescue Plan (ARP) Elementary and Secondary School Emergency Relief (ESSER) III formula funding.

The Michigan legislature passed, and the governor signed into law [Public Act \(PA\) 48](#) of 2021, on July 13, 2021. This law contains, under section 11t (MCL [388.1611t](#)), appropriation for equalization payments from ARP ESSER III discretionary federal funds.

On October 8, 2021, the Michigan Department of Education (MDE) was notified by the U.S. Department of Education (USED) that the Michigan ARP ESSER Plan was approved, which permitted the release of the remaining 1/3 of federal funds.

In the table below, timelines for all ESSER funds are represented, including the Tydings Amendment period as prescribed in federal guidance. Please note that the ARP ESSER III application opened on September 15, 2021, and has an initial submission deadline of December 15, 2021.

Name of Grant	Expenditure Period Starts	Expenditure Period Ends	Tydings Amendment Period Ends	Application Deadline
ESSER I Formula, Equity, GEER I	March 13, 2020	September 30, 2021	September 30, 2022	Ended
ESSER II	March 13, 2020	September 30, 2022	September 30, 2023	Ended
ARP ESSER III	March 13, 2020	September 30, 2023	September 30, 2024	December 15, 2021

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Within [ARP ESSER III](#), there are four distinct local education agency (LEA) requirements that were not present within ESSER I or ESSER II formula grants. Those requirements are outlined below.

1. Safe Return to In-Person Instruction and Continuity of Services Plan:

By federal law, any recipient of ARP ESSER III funds must post, within 30 days of receipt of allocation, a Safe Return to In-Person Instruction and Continuity of Services Plan to its district website. Meaningful consultation with identified stakeholders is required for this plan, although if the district had an approved plan prior to the signage of ARP into law, the requirement for public input is considered met. However, the district must update its existing plan within six months of receipt of the grant to meet interim final requirements. Please note there is no requirement to submit this plan to the Michigan Department of Education.

2. Reservation to Address the Academic Impact of Lost Instructional Time:

By federal law, of the total amount allocated to the district from Michigan's ARP ESSER III award, the district must reserve at least 20 percent of its funds to address learning loss through the implementation of evidence-based interventions. In addition, the district must ensure that those interventions respond to students' social, emotional, and academic needs and address the disproportionate impact of COVID-19 on underrepresented student subgroups (students from low-income families, students from each racial and ethnic group, English learners, children with disabilities, students experiencing homelessness, children in foster care, migratory students, and by gender).

3. Maintenance of Equity for High Poverty Schools:

By federal law, the LEA must ensure that it does not reduce funding or staff in any high poverty school in a manner that exceeds the total reduction in district funding or staff for all schools, on a per-student basis. A high poverty school is defined as a school that is in the top 25 percent of schools in the district based on the percentage of economically disadvantaged students. An LEA is exempt from maintenance of equity requirements if a district: (1) Has fewer than 1,000 students; (2) Operates a single school; (3) Serves all students within each grade span in a single school; or (4) Demonstrates an exceptional or uncontrollable circumstance as determined by USED upon application by the district.

4. LEA Plan for Use of ARP ESSER III Funds:

By federal law, under this requirement an LEA must engage in meaningful consultation with stakeholders and give the public an opportunity to provide input in the development of its plan. Specifically, an LEA must engage in meaningful consultation with students, families, school and district administrators (including special education administrators), teachers, principals, school leaders, other educators, school staff, and their bargaining units. Additionally, an LEA must engage in meaningful consultation with each of the following to the extent present in or serviced by the LEA: tribes; civil rights organizations (including disability rights organizations); 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.

Prior to MDE reviewing an LEA's application for ARP ESSER III funds, all application requirements must be complete, including the LEA plan for use of funds. There is an option within the MEGS+ application to indicate that more time is required to complete the LEA plan for use of funds, which will allow the LEA to submit the application within the December 15, 2021 deadline.

Section 11t (Equalization Payments):

Within state law ([PA 48 of 2021](#)), equalization payments are outlined with the use of federal discretionary funds within ARP ESSER III. Please note that federal funds are drawn based on reimbursement. Recipients of the section 11t equalization payment will have an additional application to complete, which will mirror the same requirements associated with ARP ESSER III formula application.

Specifically, the LEA must reserve the following percentages of its total allocation to address learning loss as outlined in statute (PA 48 of 2021): (1) At least 51.4 percent for activities to address learning loss by supporting the implementation of evidence-based interventions; (2) At least 10.3 percent for the implementation of evidence-based summer enrichment programs; and (3) At least 10.3 percent for the implementation of evidence-based comprehensive after-school programs.

PA 48 of 2021 states under section 11t(2)(b) that an eligible district must ensure that the interventions, activities, and programs respond to students' academic, social and emotional needs, and address the disproportionate impact of COVID-19 on student subgroups, including students from low-income families, students from each racial and ethnic group, English learners, children with disabilities, students experiencing homelessness, children in foster care, migratory students, and by gender.

It is important to note that section 11t equalization funds, as approved by USED, can only be utilized to affect students identified in the student subgroups outlined throughout this memo (students from low-income families, students from each racial and ethnic group, English learners, children with disabilities, students experiencing homelessness, children in foster care, migratory students, and by gender). The district is responsible for ensuring documentation is present to support that section 11t funds will only be utilized to impact specified students. MDE strongly recommends that districts reflect carefully and begin to plan for the best uses of these funds. Additional application information will be forthcoming.

Please see Michigan ARP ESSER III plan documentation below:

Michigan ARP ESSER Plan Approval from Secretary Cardona – October 8, 2021
[ARP ESSER State Plan Approval Letter \(ed.gov\)](#)

Michigan ARP ESSER Final Plan – Submitted October 6, 2021
[Michigan-ARP-ESSER-State-Plan-Final.pdf \(ed.gov\)](#)

Letter to MDE from USED: Concerns about HB 4411 – June 30, 2021
[Michigan-ARP-ESSER-State-Plan-Letter to MDE.pdf \(ed.gov\)](#)

Page 4
October 14, 2021

If you have any questions regarding the content of this memo, please contact Kevin Walters in MDE Office of Financial Management at WaltersK5@michigan.gov.

cc: Michigan Education Alliance
Confederation of Michigan Tribal Education Directors