



ESSER/GEER Updates

Mari M. Presley, Policy Coordinator, Special Projects

ECTAC – August 18, 2022



FLORIDA DEPARTMENT OF
EDUCATION
fldoe.org

www.FLDOE.org



FLORIDA DEPARTMENT OF
EDUCATION
fldoe.org

ARP ESSER Programs

ARP ESSER Programs to LEAs

- Formula Grants (22A175, 22A177) - \$6,339,033,137
- Summer Learning Camps (22B118) - \$70,433,702
- Afterschool Programs (22B119) - \$70,433,702
- Supplemental Programming (23A238) - \$166,378,116
- High Impact Reading Intervention and Targeted Supports (22A223) - \$50,000,000
- Instructional Materials (22A218) - \$46,867,895
- Targeted Math and STEM Experiential Activities (22A221)- \$43,000,000



FLORIDA DEPARTMENT OF
EDUCATION
fldoe.org

ARP Maintenance of Equity

ARP Maintenance of Equity

U.S. Department of Education Final Requirements and updated guidance document (FAQ) dated July 26, 2022:

<https://oese.ed.gov/offices/education-stabilization-fund/elementary-secondary-school-emergency-relief-fund/maintenance-of-equity/>

ARP Maintenance of Equity 2021-2022

Non-Exempt LEAs must report to FDOE by 10/31/22:

- The per-pupil amount of funding for each high-poverty school in the LEA in FY 2020-21 and FY 2021-22;
- The per-pupil amount of funding in the aggregate for all schools in the LEA, on a districtwide basis or by grade span, in FY 2020-21 and FY 2021-22;
- The per-pupil number of full-time equivalent (FTE) staff (which may be indicated as the number of students per FTE staff) for each high-poverty school in the LEA in FY 2020-21 and FY 2021-22;
- The per-pupil number of FTE staff in the aggregate for all schools in the LEA, on a districtwide basis or by grade span, in FY 2020-21 and FY 2021-22; and
- Whether the LEA maintained equity for each high-poverty school in FY 2021-22.

ARP Maintenance of Equity 2021-2022

Timeline for LEA Compliance Reporting:

10/31/22 – Non-Exempt LEAs report compliance data to FDOE.

11/15/22 – FDOE determines whether LEA is compliant.

12/15/22 – Any LEA that is non-compliant submits a plan to FDOE describing the adjustments the LEA will make to be in compliance by the start of the next fiscal year.

ARP Maintenance of Equity 2022-2023

- LEAs claiming exemption need to email FDOE
 - Identify applicable exemption; and
 - If applicable, send certification from Appendix B of USED FAQ (if already sent for 2021-22 and 2022-23, do not resubmit)
- Non-Exempt LEAs need to ensure 2022-23 school-level allocations are compliant in advance of and throughout the school year.
- Non-Exempt LEAs will be required to submit list of high-poverty schools to FDOE (template will be provided).
- Compliance data will be reported in October 2023



FLORIDA DEPARTMENT OF
EDUCATION
fldoe.org

ESSER II Monitoring Anticipated Scope

Allowable Expenditures

- Advance Lump Sum – Sampling to determine that all expenditures are Reasonable, Allowable, Necessary and Allocable
- Allowable Expenditures – Sampling to determine whether expenditures match approved budget
- Sampling will include charter school expenditures

Procurement Methods

Contracts will be sampled and reviewed for compliance to verify that the LEA met each of the following procurement standards:

- The LEA's own policies and procedures;
- State procurement requirements, in accordance with Rule 6A-1.012, Florida Administrative Code (**Districts Only**); and
- Federal procurement methods and thresholds, as established in the Uniform Grant Guidance (2 CFR ss. 200.318 through 200.327).
 - < \$10,000 for micro-purchases (or up to \$50,000 if self-certified**)
 - < \$250,000 for simplified acquisition
 - > \$250,000 competitive procurement, unless federal exemption applies

Federal Contract Terms

Contracts will be sampled and reviewed to verify that contracts funded using ESSER II funds contained required provisions, in accordance with Appendix II to 2 CFR part 200 of the Uniform Grant Guidance (UGG).

Davis-Bacon Act

For contracts over \$2,000 for construction, alteration, or repair:

- a. Verify that the required prevailing wage rate clauses were included in the contract or subcontract; and
- b. For each week in which work was performed under the contract or subcontract, verify that the contractor or subcontractor submitted the required certified payrolls.

Inventory Controls

- Collection of Policies and Procedures relating to control of physical assets (Inventory controls);
- Where required, inventory records should include:
 - Description of property
 - Serial/identification number
 - Source of funding for the property, including FAIN
 - Who holds title
 - Acquisition date and cost of the property
 - % of cost attributed to the federal program
 - Location, use, condition of property
 - Ultimate disposition (if applicable)

Continued Employment

The LEA must demonstrate that to the greatest extent practicable, it continues to compensate its employees and contractors during the period of any disruptions or closures related to COVID-19.

Non-Enrollment Assistance

The Contractor will verify that the district calculated a baseline number of unaccounted students and continued reasonable efforts at tracking, locating and serving such students, in accordance with the submitted application and status report, until students were located, reasonable efforts were exhausted, grant funds were exhausted, or the project ended.

Academic Acceleration

The Contractor will verify that pre- and post-assessments were given to participating students and the results were provided to classroom teachers and/or administrators to assist in meeting students' academic needs through differentiating instruction.

Charter School Payments

The Contractor will sample payments payments to charter schools to verify that they were:

- Reasonable, Allowable, Necessary, and Allocable;
and
- Timely and Accurate.



FLORIDA DEPARTMENT OF
EDUCATION
fldoe.org

CARES – Equitable Services Disposition of Supplies and Equipment

U.S. Department of Education Guidance

July 27, 2022

- Equipment and Supplies may be used for the authorized purposes of the CARES program during the period of performance (9/30/22) or until no longer needed for the purposes of a CARES program.
- If an LEA determines through consultation that non-public school students and teachers still need such equipment and supplies for the purpose of a CARES program, an LEA may, but is not required to, continue to allow non-public school to use the equipment and supplies.
- If an LEA permits use to continue beyond program period, the LEA must continue to maintain title to, and keep administrative control over, the equipment and supplies.

U.S. Department of Education Guidance

July 27, 2022

- In general, once equipment and supplies are no longer needed for purposes of a CARES program, an LEA must, in consultation with non-public school representatives, remove the equipment and supplies from the school.
- However, the LEA may, in consultation with non-public schools, continue to use the equipment and supplies for students and teachers in non-public schools to the extent needed for another federal education program in which the school participates. In that case, the LEA must retain title and maintain administrative control over the equipment and supplies.

U.S. Department of Education Guidance

July 27, 2022

- Equipment that is no longer needed:
 - An LEA must request disposition instructions from the USED.
 - Items of equipment with fair market value \leq \$5,000 may be retained, sold (including to a non-public school), or otherwise disposed of without additional responsibility to USED
 - Items of equipment with fair market value \geq \$5,000 may be retained or sold. In either case, USED is entitled to proceeds
- Supplies that are no longer needed:
 - If there is an inventory of supplies with aggregate value \geq \$5,000 and the supplies are not needed for any other Federal award, the supplies may be retained or sold. In either case, USED must be compensated



FLORIDA DEPARTMENT OF
EDUCATION
fldoe.org

Approval of Non-Competitive Procurement

Procurement Thresholds for School Districts

FEDERAL PROCUREMENT THRESHOLDS	STATE PROCUREMENT THRESHOLDS FOR SCHOOL DISTRICTS UNDER RULE 6A-1.012, F.A.C.
<p>< \$10,000** – micro-purchases (can purchase w/o competition if prices are reasonable, but must distribute purchases equitably among qualified suppliers)</p> <p>** Eligible entities may self-certify a higher threshold up to \$50,000 if they meet the criteria under 2 CFR s. 200.320(a)(1)(iv)</p>	<p>N/A</p>
<p><\$250,000 But - Simplified Acquisition >\$10,000 (quotes from more than 1 vendor)</p>	<p><\$50,000 – process not specified in law or rule, district must have and abide by their own procurement policy/procedure</p>
<p>>250,000 – Competitive Procurement</p>	<p>>\$50,000 – competitive solicitation from at least 3 vendors</p>

Exceptions Authorizing Non-Competitive Procurement by Districts

FEDERAL EXCEPTIONS AUTHORIZING NON-COMPETITIVE PROCUREMENT	STATE EXCEPTIONS AUTHORIZING NON-COMPETITIVE PROCUREMENT FOR SCHOOL DISTRICTS under Rule 6A-1.012, F.A.C.
Single Source (2 CFR s. 200.320(c)(2))	Single Source (¶ (12)(d))
Public Exigency or Emergency (2 CFR s. 200.320(c)(3))	Immediate danger to public health, safety, or welfare or other substantial loss to the school district requires emergency action (¶(12)€
SEA Authorizes non-competitive procurement in response to written request from sub-recipient (2 CFR s. 200.320(c)(4))	
After solicitation of a number of sources, competition is determined inadequate (2 CFR s. 200.320(c)(5))	After competitive solicitations have been requested, no valid proposal has been received. (¶ (12)(a))

Exceptions Authorizing Non-Competitive Procurement by Districts

FEDERAL EXCEPTIONS AUTHORIZING NON-COMPETITIVE PROCUREMENT	STATE EXCEPTIONS AUTHORIZING NON-COMPETITIVE PROCUREMENT FOR SCHOOL DISTRICTS under Rule 6A-1.012, F.A.C.
	Professional services including: artistic services; academic program reviews; lectures by individuals; auditing services not subject to Section 218.391, F.S.; legal services...; and health services (§ (11)(a))
	Educational services and any type of copyrighted materials including: educational tests, textbooks, ... etc. (see full list in rule) (§ (11)(b))

Exceptions Authorizing Non-Competitive Procurement by Districts

FEDERAL EXCEPTIONS AUTHORIZING NON-COMPETITIVE PROCUREMENT	STATE EXCEPTIONS AUTHORIZING NON-COMPETITIVE PROCUREMENT FOR SCHOOL DISTRICTS under Rule 6A-1.012, F.A.C.
	State or federal law, grant or state contract prescribes with whom the district school board must contract. (¶ (12)(f))
	Contracts for utilities or government franchised services (¶ (12)(g))
	Information technology (¶ (14))
	Districts may use State-Term contracts – (¶ (5))
	Specified Piggy Back contracts (¶ (6))

Approval of Non-Competitive Procurements by FDOE – Process

- Authority for SEA to authorize Exception:
2 CFR s. 200.320(c)(4)
- LEAs seeking exception should submit written request:
 - For ESSER/GEER funds submit to Mari.Presley@fldoe.org
 - For other federal grants submit to Janice.Brown@fldoe.org
 - Include description of proposed procurement, price, and reason non-competitive procurement is requested
 - Attach LEA's policies and procedures relating to procurement

Approval of Non-Competitive Procurements by FDOE – Criteria

The Department has established the following criteria for approval:

- Procurement must be consistent with state law (for school district, must be consistent with Rule 6A-1.012)
- Procurement must be consistent with LEA's own policies
- There is a reason competitive procurement is impracticable (inferred for exceptions under the rule)
 - Usually, procurements falling in the simplified acquisition threshold (under \$250,000) will not meet this criteria, since it only requires two quotes
- Price is reasonable

Self-Certification for Federal Micro-purchase Threshold

Threshold for Micro-purchases is:

< \$10,000**

or

**2 CFR 200.320(a)(1)(iv):

The non-Federal entity may self-certify a threshold up to \$50,000 on an annual basis and must maintain documentation to be made available to the Federal awarding agency and auditors in accordance with § 200.334.

Federal Micro-purchase Threshold

**2 CFR 200.320(a)(1)(iv) (continued):

The self-certification must include a justification, clear identification of the threshold, and supporting documentation of any of the following:

- (A) A qualification as a low-risk auditee, in accordance with the criteria in § 200.520 for the most recent audit;
- (B) An annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or,
- (C) For public institutions, a higher threshold consistent with State law.



www.FLDOE.org

Mari M. "Miki" Presley
Mari.Presley@fldoe.org
850-245-9426



www.FLDOE.org