

May 24, 2021

Hon. Miguel Cardona
Secretary
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

RE: Docket ID ED-2021-OESE-0061, Interim Final Requirements Related to the Implementation of the American Rescue Plan Act

Dear Secretary Cardona:

We greatly appreciate your leadership and support in helping districts across the nation make use of American Rescue Plan Act (ARP) funds to safely reopen schools, meet our students' unprecedented academic, social, and emotional needs, and advance toward better and more equitable systems of education as part of pandemic recovery. In that spirit and on behalf of [AASA, The School Superintendents Association](#), and the [Large Countywide and Suburban District Consortium](#), we write in response to the ARP interim final requirements published April 22, 2021, and the ARP state plan template to encourage the U.S. Department of Education (USED) to clarify two important aspects of ARP implementation: (1) the timeline for submitting local education agency (LEA) recovery plans and (2) LEAs' flexibility to periodically review and improve those plans over time.

Given all of the challenges created by the Covid-19 pandemic, public school students, staff, families, and communities need their LEAs to make the best possible use of the previous and new Elementary and Secondary School Emergency Relief Fund (ESSER) resources. The plans we develop must both meet immediate needs and help us make important shifts to address long standing inequities and "build back better."

As a former district and state leader, you well know the time and effort necessary to develop a high-quality multi-year strategic plan that advances excellence and equity for each and every student. Such a plan must be rooted in a particular community's needs and assets. It must be informed by what we know about what works for whom and under what circumstances. Stakeholders must have multiple opportunities to provide meaningful input and inform decisions in ongoing ways. This opportunity to leverage historic levels of one-time federal funding must be undertaken while simultaneously reopening schools following widespread disruption from the global pandemic; creating unprecedented summer engagement, support, and recovery efforts; planning for another unique school year ahead; and continuing to navigate changing circumstances and challenging realities. School districts across the nation will continue to develop, implement, and continuously improve these plans with urgency and intentionality.

Given what it takes to plan well under these circumstances, we strongly urge USED to address the following two points, so we can make the best possible use of these much-needed federal resources:

1) Clarify and maximize the timeline for submitting LEA ARP recovery plans.

USED's interim regulations and ARP template require state education agencies (SEAs) to develop ARP plans and submit them to USED by June 7 (with some important flexibility). In those state plans, SEAs must both define what will be required in the plans for LEAs' use of ARP funds and require LEAs to submit those local recovery plans within a "reasonable timeline" that should be no later than 90 days from LEAs' receipt of funds. (It is important to note that this is separate from the requirement that each LEA produce within 30 days of receiving ARP funds its reopening plan for the return to in-person instruction.)

To support LEAs in developing high-quality plans along the lines described above, USED should make clear with regard to LEA submission of ARP recovery plans that (i) the controlling point under USED's requirements is that each SEA can define a "reasonable timeline" for submission of LEA plans; (ii) that the reference to 90 days included in USED's template is an example but that states could set a longer timeline as appropriate in each state's context; and (iii) that any SEA that wants to follow the 90-day recommended timeline could choose to measure it from LEAs' receipt of their final one-third of ARP funds. We believe this is a critically important and reasonable approach to the LEA ARP recovery planning process. It will not only provide each SEA and its LEAs with flexibility to define the most appropriate immediate and intentional planning process — including meaningful stakeholder engagement and consideration of critical data and evidence — but it will also allow LEAs to first learn what their SEAs will require them to include in those plans by aligning better with the SEA plan timeline. It also will allow LEAs to first develop their reopening plans and then turn their full attention to their recovery plans.

2) Clarify that LEAs can periodically review and improve their ARP LEA recovery plans.

USED's interim regulations and ARP template expressly empower LEAs to periodically review and improve their school *reopening* plans, but they are less clear on this point for ARP *recovery* plans, even though they include statements about the importance of continuous improvement. In the absence of clear authority and expectations in the context of recovery plans, there is a risk LEAs could be unintentionally locked into their initial plans once they are submitted to their SEAs pursuant to USED requirements. Or they may be discouraged from adjusting their plans in response to new information, evidence, or stakeholder engagement because of overly burdensome amendment processes.

Given the constantly changing circumstances of the pandemic, the unprecedented nature of this undertaking, and the significant learning and adjusting that must be done by schools, districts, and states to maximize recovery, USED should clarify that LEAs have the expectation and authority to periodically review and improve their ARP recovery plans throughout implementation. Establishing these expectations would help LEAs take more of a learning orientation toward this complex, multiyear, and unprecedented effort. It will also better facilitate ongoing stakeholder engagement and consideration of data and evidence, all of which should lead to greater impact over time.

We also note that LEAs need their SEAs to be similarly thoughtful about planning and committed to continuous improvement. To the extent the issues described above apply to USED's approach to SEA recovery plans, we encourage you to provide them with sufficient time and flexibility to plan well and expect them to periodically review and improve their recovery plans. This includes ensuring that states are able to submit plans on a reasonable timeline beyond June 7, 2021, as needed in individual cases, or accepting partial plans from states as their planning efforts continue.

These requests are consistent with your interim final requirements and ARP plan template released last month but also represent important clarifications. We believe they will both help LEAs meet students' needs and fulfill ARP's purposes. We are grateful to you and the Biden Administration for helping secure these much-needed funds and look forward to continuing to collaborate with USED to ensure we all make strategic and equitable use of these public dollars.

Sincerely,

Dan Domenech
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Jack R. Smith, PhD
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Chair, Large Countywide & Suburban District Consortium