



ESSER/GEER Updates

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FASFEPa – September 14, 2022





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ARP Maintenance of Equity – Requirements and Exemptions

ARP Maintenance of Equity - Requirement

An LEA may not, in each of FY 2021-2022 or 2022-2023:

- Reduce combined State and local per-pupil funding for any high-poverty school by an amount that exceeds the total reduction, if any, of combined State and local per-pupil funding for all schools in the LEA.
- Reduce the number of FTE staff per-pupil in any high-poverty school by an amount that exceeds the total reduction, if any, of FTE staff per-pupil in all schools in the LEA.

ARP Maintenance of Equity – Guidance

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 – Key Guidance for Exemption

Key guidance pertinent to Exemptions include:

- Q 26 regarding which funding sources must an LEA include when determining its per-pupil amount of funding;
- Q 27(a) regarding what enrollment data to use in determining your per-pupil amount of funding; and
- Q 32 regarding which LEAs are exempt.

ARP Maintenance of Equity – Which LEAs are Exempt?

Q 32:

An LEA need not maintain equity if the LEA—

1. Has a total enrollment of less than 1,000 students;
2. Operates a single school;
3. Serves all students within each grade span with a single school; or
4. Demonstrates an exceptional or uncontrollable circumstance, such as unpredictable changes in student enrollment or a precipitous decline in the financial resources of the LEA as determined by the Secretary.

ARP Maintenance of Equity – Appendix B Exemption

Q 32:

...An LEA experiencing these circumstances may demonstrate that it is excepted from the MOEquity requirements for FY 2022 by certifying that it did not and will not implement an aggregate reduction in combined State and local per-pupil funding in FY 2022 (i.e., is not facing overall budget reductions). Please see Appendix B for a template certification form.

This exemption has been extended to FY 2022-23

ARP Maintenance of Equity – Which Funding Sources to Include

Q 26 - Generally, LEA must include all sources of State and Local Funds available for current expenditures for free public education, except:

Does not include:

- Capital Outlay
- Debt Service
- Federal Funds
- Donations
- See next slide for Exclusion

ARP Maintenance of Equity – Which Funding Sources to Include

Q26 cont. - The LEA must use consistent funding sources from year to year and document its sources of data. As a result, if an LEA can document a one-time disbursement for a specific purpose (e.g., a revenue surplus that was distributed only for one year), then those funds may be excluded from MOEquity calculations. These data should be consistent with sources of State and local funding that an LEA uses to report for the purposes of per-pupil expenditures in section 1111(h)(1)(C)(x) of the ESEA.

ARP Maintenance of Equity Which Enrollment Data to Use

Q27(a) To determine the per-pupil amount for each fiscal year, an LEA may use the most appropriate available enrollment data for the applicable fiscal year, which could be the same enrollment data it relied on to distribute or allocate funds for the applicable fiscal year. These data may include, among other data, its prior year enrollment data, an average of multiple prior years' enrollment, or projected enrollment data for the next fiscal year.



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ARP Maintenance of Equity – Reporting Requirements

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 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 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 has been provided).
- Compliance data will be reported in October 2023



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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



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Approval of Non-Competitive Procurement

Procurement Standards for Goods and Services Purchased with Federal Funds

When purchasing goods and services with federal funds, a subrecipient must meet the following 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).

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.



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