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Knowledge › Skill › Opportunity

NEW YORK STATE EDUCATION DEPARTMENT
AMERICAN RESCUE PLAN (ARP)

ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF (ESSER)
STATE PLAN

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Grantee and Contact Information

ARP ESSER PR Award Number: S425U210022

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By signing this document, I agree to each of the assurances listed in Appendix C and further assure that: To the best of my knowledge and belief, all information and data included in this plan are true and correct.

Chief State School Officer or Authorized Representative (Printed Name) **Phyllis D. Morris**	
Signature of Authorized SEA Representative Phyllis D. Morris	Date: June 7, 2021

Table of Contents

Grantee and Contact Information 1

A.1. Progress and Promising Practices 4

A.2 Overall Priorities 9

A.3 Identify the Needs of Underserved Students 17

A.4 Understanding the Impact of the COVID-19 Pandemic 22

A.5 School Operating Status 25

A.5.i - Data Collection on School Operating Status (SY2020-2021) 25

A.5.ii - Plan for Collecting Future Data 26

A.5.iii Planned Operational Status and Mode of Instruction for Summer 2021 and the 2021-2022 School Year 27

B. SAFELY REOPENING SCHOOLS AND SUSTAINING THEIR SAFE OPERATIONS 28

B.1 Support for LEAs 28

B.1.i – Implementation of Prevention and Mitigation Policies in line with Centers for Disease Control and Prevention (CDC) Guidance 28

B.1.ii – Reopening and Operation of School Facilities 29

B.1.iii – Consultation with Federal, State, and Local Health Officials 32

B.1.iv – Guidance, Professional Learning and Technical Assistance to LEAs 32

B.2 Safe Return to In-Person Instruction and Continuity of Services 34

B.2.i.- Ensuing each LEA plan includes, or will be modified to include, the extent to which it has adopted policies and description of any such policies on each of the strategies listed in table 4 34

B.2.ii.- Ensuring continuity of learning 34

B.2.iii.- SEA review of LEA plans 35

B.2.iv - LEA implementation of the most up-to-date CDC guidance listed in table 4 35

C. PLANNING FOR THE USE AND COORDINATION OF ARP ESSER FUNDS 36

C.1 SEA Consultation 36

C.2 - Coordinating Funds 42

C.2.i – Use of Federal COVID-19 Funding 42

C.2.ii – ESSER I and ESSER II Funds Awarded/Available to LEAs 43

C.2.iii – Use of Other Federal Funding 44

D. MAXIMIZING STATE-LEVEL FUNDS TO SUPPORT STUDENTS 47

D.1 - Academic Impact of Lost Instructional Time 47

D.1.i – Evidence-Based Interventions and Ongoing Evaluation 47

D.1.ii – Differentiated and Targeted Interventions through MTSS-I 49
D.1.iii – Identifying Most Vulnerable Students 50
D.2 – Evidence-Based Summer Learning and Enrichment Programs 50
D.3 – Evidence-Based Comprehensive Afterschool Programs 51
D.4 Emergency Needs 52
E. SUPPORTING LEAs IN PLANNING FOR AND MEETING STUDENTS' NEEDS 52
E.1 - LEA Plans for the Use of ARP ESSER Funds 52
E.2 - LEA Consultation 53
E.3 – Support and Monitoring of LEA use of ARP ESSER Funds 54
E.3.i – SEA Support and Monitoring of LEA Implementation of Evidence-Based Interventions 54
E.3.ii – SEA Support and Monitoring of LEA Addressing the Needs of Vulnerable Students 54
E.3.iii – SEA Support and Monitoring of LEA Addressing Students Experiencing the Impact of Lost Instructional Time 54
E.4 – Educational Equity 55
E.4.i – Allocating funding based on student need 55
E.4.ii – Equitable and Inclusive Return to Instruction 55
F. SUPPORTING THE EDUCATOR WORKFORCE 55
F.1 – Supporting and Stabilizing the Educator Workforce 55
F.1.i - Shortages of Educators in NYS 55
F.1.ii – Assisting LEAs to Identify Most Urgent Area of Shortages 56
F.1.iii – Actions to Fill Gaps in the Teacher Workforce, Expand the Educator Pipeline, and Promote Educator Diversity 57
F.2 - Staffing to Support Student Needs 58
G. MONITORING AND MEASURING PROGRESS 59
G.1 - Capacity for Data Collection and Reporting 59
G.2 - Monitoring and Internal Controls 60
APPENDIX A – NYS SCHOOL REOPENING GUIDANCE 65
APPENDIX B – NYSED INSTRUCTIONAL MODE AND ATTENDANCE REPORTING MEMO 66
APPENDIX C – LIST OF THOUGHTEXCHANGE PUBLIC ENGAGEMENT STAKEHOLDERS 76
APPENDIX D - ARP ESSER STAKEHOLDER FEEDBACK GATHERED VIA THOUGHTEXCHANGE 79
USDOE TEMPLATE APPENDIX A – School Operating Status and Instructional Mode Data 81
USDOE TEMPLATE APPENDIX B – Reporting Language Included in the Grant Award Notification 82
USDOE TEMPLATE APPENDIX C – Assurances 83

A. DESCRIBE THE STATE'S CURRENT STATUS AND NEEDS

The American Rescue Plan Elementary and Secondary School Emergency Relief (ARP ESSER) Fund, authorized under the American Rescue Plan (ARP) Act of 2021, will provide nearly $9 billion to New York State to help safely return more of our students to in-person learning and maintain safe operations while meeting the academic, social, emotional, and mental health needs of students resulting from the Coronavirus 2019 (COVID-19) pandemic. Moreover, these funds will help to address long-standing inequities in our communities and schools that were exacerbated by the pandemic so that we can ensure the students most severely affected by the pandemic are provided with the resources and support they need as they recover from its impacts.[1]

New York State's K-12 public education system is the third largest system in the United States and includes the largest, most culturally diverse city in the country.[2] The New York State Education Department (NYSED) oversees more than 1,000 local education agencies (LEAs) that collectively serve some 2.5 million students in 4,421 public schools. NYSED is committed to working in partnership with its LEAs so that these unprecedented resources are put to work using effective research and evidence-based strategies. Many of these strategies are already being deployed in New York State and across the country to ensure the rapid implementation necessary to start ameliorating the effects of the pandemic as quickly as possible. This document is intended to share NYSED's overall plan for the use of ARP ESSER funds with the public and the United States Department of Education (USDOE).

A.1. Progress and Promising Practices

Background: School Reopening for In-Person Instruction from March 2020 - Present

When the impact of the COVID-19 pandemic first reached New York State in the spring of 2020, New York State's educators took on the extraordinary challenge of quickly shifting teaching into remote formats to promote student learning. Both public and private school buildings remained closed throughout the remainder of the 2019-2020 school year. Our educational leaders spent the summer of 2020 developing reopening plans for the 2020-2021 school year to address myriad and complex challenges, including but not limited to: catching up on months of lost in-person instruction; addressing students' social emotional needs; ensuring all students can participate equitably in remote and/or hybrid learning; and planning for safe in-person instruction. The 2020-2021 school year was NYSED's opportunity to recover, rebuild, and renew the spirit of New York's schools by collaborating with educators, students, families, and communities to address this challenge with resiliency, tenacity, and grit.

To support planning, NYSED developed and distributed a framework to help guide schools and districts—*Recovering, Rebuilding, and Renewing: The Spirit of New York's Schools* (distributed July 13, 2020, see Appendix A). The guide was informed by input gained from the field during four regional task force meetings and one youth forum that were virtually convened by the

New York State Board of Regents ("BoR" or "Board") in June 2020. Each regional meeting included more than 350 experts and stakeholders from health and education fields. In all, more than 1,650 parents/guardians, students, teachers, administrators, school board members, and other stakeholders attended and provided valuable feedback. To ensure that students' voices were represented in the guidance, NYSED held a virtual Youth Forum on June 23, 2020 that was attended by over 100 students from across the state.

NYSED integrated this community input with information from federal and state agencies to provide schools and districts with guidance on the following key aspects to be addressed in reopening school buildings in a safe and supportive manner for the 2020-2021 school year:

- Health and Safety;
- Facilities;
- Nutrition;
- Transportation;
- Social Emotional Well-being;
- School Schedules;
- Budget and Finances;
- Attendance and Chronic Absenteeism;
- Technology and Connectivity;
- Teaching and Learning;
- Special Education;
- Bilingual Education and World Languages; and
- Staffing and Human Resources.

LEAs then used the *Recovering, Rebuilding, and Renewing: The Spirit of New York's Schools resource* to support schools in developing reopening plans. The requirement to develop reopening plans was mandated by the New York State (NYS) Governor, NYS Department of Health (DOH), and NYSED and was communicated to LEAs on July 13, 2020.[3] This required LEAs to post their re-opening plans on their public websites by July 31, 2020 to ensure that students and families could prepare for fall 2020. LEAs also submitted critical information about the building reopening plans through NYSED's Monitoring and Vendor Reporting System ("the Portal"). NYSED used this data as baseline information for monitoring progress throughout the 2020-2021 school year. Based on this data, NYS schools planned for the following instructional modes during the 2020-2021 school year: remote or online only, hybrid, or fully in-person. See table 1 for data on the prevalence of instructional modes across LEAs in New York.

Table 1. New York State Instructional Modes 2020-2021 School Year
All Students
Based on Basic Educational Data System (BEDS) Day Enrollment (October 7, 2020)

Reopening Mode	Number of Schools	Number of Students	Offered to all students attending the schools?
Remote or online only	664	372,999	Y
Hybrid - school buildings open with both remote/online and in-person instruction	3,293	1,813,434	Y
Fully In-Person – school buildings open with full-time in-person instruction	453	174,597	Y

When disaggregated by subgroups, NYSED recognizes several significant disparities in terms of instructional modes (Table 2). While 7% of students statewide had access to fully in-person learning, many more white students (13%) had in-person access than Black/African American (1%), American Indian (2%) or Latinx/Hispanic (3%). Similarly, while 7% of all students statewide had access to fully in-person learning, only 3% of English language learners had such access. The trend continues for economically disadvantaged students; only 4% had access to fully in-person learning. Additionally, a higher percentage of students with disabilities (SWDs) experienced hybrid learning (80% SWD compared to 77% of all students statewide).

Table 2. New York State Instructional Modes 2020-2021 School Year
Percentage Served by Subgroup
Based on BEDS Day Enrollment (October 7, 2020)

Student Group	% Hybrid	% In-Person	% Remote
All Students	77%	7%	16%
Economically Disadvantaged	81%	4%	15%
Black/African American	78%	1%	20%
Latinx/Hispanic	83%	3%	14%
Asian/Pacific Islander	86%	6%	8%
White	70%	13%	17%
Multiracial	70%	9%	21%
American Indian	85%	2%	13%
English Language Learners	83%	3%	14%
Students with Disabilities	80%	6%	14%

NYSED issued a memorandum on December 1, 2020 to all LEAs regarding the provision, recording, and reporting of both fully in-person and remote instruction pursuant to the reopening plans required of school districts, Boards of Cooperative Educational Services (BOCES), and charter schools (see Appendix B). LEAs could update their report of instructional mode to NYSED throughout the year and were required to do so when they closed a school

building and when they subsequently reopened it. NYSED will continue to collect this data through at least the fall of 2021.

Promising Practices from the 2020-2021 School Year

In July 2020, the USDOE announced that New York was awarded almost $20 million under the federal Rethink K-12 Education Models Grant.[4] This grant is providing more than 190,000 teachers and educational leaders across New York State with a combined 450,000 hours of professional support to implement effective practices in remote/hybrid learning environments which, in turn, will reach an estimated two million students. During the first phase of the grant program, NYSED provided a rapid infusion of professional support into the field with an emphasis on supporting educators in the 25 counties hardest-hit by COVID-19.[5] The support focused on six "core competencies" for remote/hybrid instruction:

1. Shifting to Teaching Online;
2. Engaging Families as Partners in Remote/Hybrid Learning Environments;
3. Meeting the needs of Students with Disabilities through Remote/Hybrid Learning Environments;
4. Meeting the needs of English Language Learners (ELLs) through Remote/Hybrid Learning Environments;
5. Integrating Culturally Responsive and Sustaining Education (CRSE) in Remote Learning Environments; and
6. Integrating Social Emotional Learning (SEL) in Remote Learning Environments.

NYSED's 14 Level 1 Centers[6] (12 Regional Information Centers, the phase 1 work as outlined below: New York City Department of Education, and the Yonkers City School District) facilitated this first phase of intensive professional development. NYSED also contracted with SUNY Stony Brook's Center for Teaching and Learning in Community (CTLC) to conduct an ongoing evaluation of

- Program evaluation and improvement – Through surveys, focus groups, and interviews, CTLC is gathering data from various groups of stakeholders to inform the grant program and better serve educators and students; and
- Action research – CTLC is facilitating professional learning communities to address problems of practice that will lead to the creation of a Quality Remote/Hybrid Teaching Framework and related professional development for educators in New York State.

CTLC will issue a report on phase 1 work in fall 2021 but preliminary findings from the action research component identify several promising practices developed and implemented during the pandemic:

1. Flexible Scheduling and Use of Facilities – Schools utilizing hybrid instructional modes accommodated social distancing requirements (6 feet and later in the school year, 3 feet) by splitting students into cohorts that cycled through in-person and remote instructional periods (typically a period of 2-3 days). Gyms were turned into learning labs, hallways and stairwells used one-way traffic flows, and live streaming of instruction across multiple classrooms allowed remote students to experience shared group instruction followed up by in-person individualized instructional support;
2. Virtual Extended Day Programs – Many schools partnered with community-based organizations to provide students with enrichment and academic support programs. Typical activities included one-on-one tutoring via Zoom or Google Meets, virtual peer mentoring, virtual clubs based on shared web applications (e.g., robotics, coding, chess). Some more unique examples included a STEM Challenge that allowed teachers and students to work virtually with National Aeronautics and Space Administration (NASA) scientists and engineers to solve real STEM issues faced by NASA; virtual culinary arts programs through which students explored international cultures and recipes; and collaboration with renowned/famous artists (e.g., filmmakers and Broadway performers). By leveraging the shift to online communication and collaboration, our schools brought world-class learning opportunities to their students; and
3. Virtual Social Emotional Support – Students have been experiencing and continue to experience the effects of pandemic-related trauma. Schools shifted social emotional learning and support practices online, often in collaboration with community partners. For example, some schools that had been utilizing "Help Zones" in their buildings for students experiencing conflict, shifted these interventions online through tools such as Zoom and Google Meets. Doing so, they were able to provide drop-in counseling, mediations, and restorative justice practices to help students cope, adapt and grow during these challenging times.

NYSED launched a website in Spring 2020 called *Staying Connected*. Through the website and corresponding newsletter, LEAs are asked to submit effective practices that are later posted on the *Staying Connected* website and periodically shared through the newsletter. Through other existing newsletters, NYSED will encourage teachers to submit their work and will disseminate these lessons learned and promising practices through the *Safer Schools and Campuses Best Practices Clearinghouse*.[7] We believe findings from this work will help guide the reopening, recovery, renewal, and transformation of all NYS LEAs over the coming school years.

A.2 Overall Priorities

NYSED has identified three priority areas of focus that our schools must address as they prepare for fall 2021:

1) Addressing lost instructional time and closing academic performance gaps;
2) Providing social emotional support within a culturally responsive sustaining framework; and
3) Implementing evidence-based interventions within the integrated statewide multi-tiered system of supports (MTSS-I).

Together, the efforts taken under these priorities will allow for a holistic approach to student support that integrates academic and social emotional support and growth.

Priority 1: Address lost instructional time and close academic performance gaps

In spring 2020, NYS cancelled state assessments, which, along with locally available assessments, are a main source of data used to monitor student progress for educators. State assessments were administered to students attending school in person in spring 2021. Student participation in state assessment administration in the Spring 2021 was significantly lower than historic testing patterns as a result of not requiring remote learners to attend in person solely for the purposes of testing pursuant to USDOE guidance. Students attending remotely in spring 2021 were not required to come into school to take the exams. Therefore, the spring 2021 results are not reflective of the overall student population and cannot be used for their traditional purposes. State assessment data will not be available again until spring 2022 assessments are completed, scored, and reported (the data is typically publicly available by end of summer or fall of the following school year).

LEAs historically used state assessment data as one key metric to monitor student progress within and across their schools, including by Every Student Succeeds Act (ESSA) subgroups. Thus, one of the main sources by which to measure the impact of "lost instructional time" will not be available as we begin this critical work of addressing lost instructional time and closing opportunity and performance gaps (see Section A.4 for more information about the forms of local assessment schools and LEAs have been using in place of the statewide assessments). We note that the state assessment does not measure lost instructional time directly but could signal the degree of impact of lost instructional time. Therefore, NYS has focused on the use of local assessments to measure the impact of lost instructional time and student engagement to estimate and address student needs. When NYSED is able to fully implement the state assessment program we will also utilize that as a key tool to measure the impact of lost instructional time and assist LEAs in providing supports and interventions to students (see the guidance on using local assessments that NYSED has provided to some LEAs).

Through the federal Rethink K-12 Education Models grant, NYSED has been able to conduct a needs assessment among educators in the 25 counties hardest hit by the COVID-19 pandemic. Teachers were asked to rate the level at which they believe their students were engaged during the following time periods: pre-pandemic, Spring 2020, and the 2020-2021 school year. Most teachers (66%) rated student engagement at the lowest levels (1 or 2) during Spring 2020 (the first wave of the pandemic) while only 22% percent of the same teachers rated student engagement at the lowest levels during the 2020-2021 school year. While this shift seems promising, a substantial portion of teachers (47%) rated student engagement as moderate (3) during the 2020-2021 school year. Research tells us that the level of student engagement directly corresponds with student outcomes, both academic as well as social emotional.[8]

Teachers were also asked if they agreed or disagreed with a series of statements about how prepared they felt to teach in a remote or hybrid context. Approximately one-quarter to one-half of teachers "disagreed" or "strongly disagreed" with the statements, as noted in Table 3.

Table 3. Teachers' Perceived Preparedness for Remote/Hybrid Instruction Survey Responses – Fall 2021

To what extent do you agree that you have the tools and skills necessary to:	Percent "Disagreed" or "Strongly Disagree"
Promote student learning in the shift to teaching online	22%
Engage with families in remote/hybrid learning environments	28%
Address the needs of students with disabilities in remote/hybrid learning environments	50%
Address the needs of English Language Learners in remote/hybrid learning environments	46%
Promote culturally responsive and sustaining education in remote/hybrid learning environments.	27%
Integrate social emotional learning in remote/hybrid learning environments	28%

These data, combined with broader research studies, suggest that our students will experience a significant adverse impact of lost instructional time, particularly our most vulnerable students—students with disabilities, English language learners, and economically disadvantaged students.[9] One study estimated that students returned to school for the 2020-2021 school year with approximately 63-68% of the learning gains in reading relative to a typical school year and with 37-50% of the learning gains in math.[10] The study also notes that in some grade levels, students may have come back close to a full year behind in math.[11] More recent national studies find similar trends. A preliminary national study of 98,000 students from Policy Analysis for California Education[12] found that as of late fall 2020, second graders were 26% behind where they would have been, absent the pandemic, in their ability to read aloud accurately and quickly. Third graders were 33% behind.

Even before the pandemic, there were profound inequities within NYS's public education system that manifested in performance gaps. Consider the five hardest-hit counties in New York State (Bronx, Queens, Kings, Richmond, and Rockland), and the inequities are clear.[13] Collectively, these counties serve 915,556 students or 35% of the total student population in NYS. Of these students, 75% are economically disadvantaged, 8% are experiencing homelessness, 15% are English language learners, and 22% are students with disabilities. On 2019 Grade 3-8 English language arts (ELA) state assessments, the proficiency gap between general education students, at 53% proficient, and students with disabilities (SWDs), at 15% proficient, was 39 percentage points; the gap between non- ELLs, at 51% proficient, and ELLs, at 9% proficient, 42 percentage points; and the gap between not economically disadvantaged students, at 62% proficient, and economically disadvantaged students, at 37% proficient, was 25 percentage points. On the 2019 Grade 3-8 math state assessments, the proficiency gap between general education students, at 54% proficient, and SWDs, at 17% proficient, was 37 percentage points; the gap between non-ELLs, at 51% proficient, and ELLs, at 17% proficient, was 34 percentage points; and the gap between not economically disadvantaged students, at 64% proficient, and economically disadvantaged students, at 38% proficient, was 27 percentage points.

To address the pre-existing and expanding inequities and opportunity and performance gaps, NYSED plans to use ARP ESSER SEA reserve funds to:

1. Make grants to LEAs to address the impact on K-12 students of lost instructional time. Using local assessment data, and state assessment results when available, LEAs will determine how to use these grant funds to have the greatest impact on their communities. Funds must be used to support evidence-based interventions that address the academic impact of lost instructional time such as summer learning or enrichment programs, extended-day programs, comprehensive afterschool programs, and extended-year programs, particularly for those students most impacted by lost instructional time during the pandemic. To facilitate this, NYSED guidance directed LEAs to focus interventions and supports pertaining to the academic, social, emotional, and mental health needs of all students, particularly those students disproportionately impacted by the COVID-19 pandemic, including students from low-income families, students of color, English learners, children with disabilities, students experiencing homelessness, children in foster care, and migratory students.[14] Lastly, NYSED will disseminate data collected through a ThoughtExchange Platform (see Section C.1 and Appendix D for additional information) that outlines the most frequently identified needs to address the impacts of lost instructional time during the pandemic on K-12 students that the public identified. This data brought into focus, as indicated by the top comments received and ranked, that ameliorating the effects of lost instructional time will need to include addressing academic needs (including academic enrichment) as well as social emotional/mental health needs;
2. Fund new full-day universal prekindergarten programs for 4-year-olds and expand existing programs. The pandemic dramatically impacted pre-school children as many daycare, pre-school, and enrichment programs closed for much of the past year. NYS will expand

opportunities for 4-year-olds to attend free, public pre-K programs where they will be able to catch up on lost early childhood learning, socialization, and other foundational skills required for long-term success. A crucial goal of these programs will be to accelerate learning to mitigate the impact of lost instructional time and help close pre-existing performance gaps. The Office of Early Learning monitors all new programs to ensure they in compliance with Education Law and Commissioner's Regulations, and to provide technical assistance to LEAs to ensure they are running a high-quality prekindergarten program. This is typically done through on-site monitoring visits or through desk reviews of programs depending on the availability of staff; and

3. Expand facilities funding for New York City (NYC) charter schools experiencing increased enrollment during the pandemic. Charter schools in New York City serve a high number of economically disadvantaged students who were disproportionately impacted by the pandemic. In addition, the number of students served in charter schools during the pandemic increased.[15] A portion of ARP ESSER SEA reserve funds will allow these public schools to equitably access facilities as they shift back to in-person learning and must accommodate the increased number of students.

These plans are discussed further in Section D.

Priority 2: Provide social emotional support within a culturally responsive sustaining framework

When SEL is integrated with CRSE, described below, it can generate "transformative SEL"—a process in which young people and adults build strong, respectful relationships founded on an appreciation of similarities and differences, learn to critically examine root causes of inequity, and develop collaborative solutions to community and societal problems.[16]

Over the past 15 months, NYS's students have faced extraordinary challenges, including loss of loved ones, isolation, economic stress on their families, disrupted home and school lives, and much more. Adverse childhood experiences and resulting trauma can have a negative impact on young people's social and emotional wellbeing, physical wellness, mental health, and consequently, their capacity to learn.[17] Students and adults are grappling with new and exacerbated trauma that can have far-reaching impacts on health and educational outcomes, potentially well beyond the pandemic. In addition, anxiety and depression may present or worsen in response to these additional stressors and traumas.[18]

New York State has long faced a chronic shortage of mental health care services for its students. The NYS Department of Health estimated (before the pandemic) that 1 in 5 children in NYS have a diagnosable mental health disorder but less than half receive any professional care.[19] Suicide is the second leading cause of death for teenagers (15-19) in NYS, with numbers rising fastest among Black/African American youth. A 2018 report to the Congressional Black Caucus found that the suicide rate among Black youth is increasing faster than any other

racial/ethnic group and the suicide rate for Black children 5-12 is roughly twice that of white children of the same age group.[20]

Throughout the spring of 2020, NYSED distributed resources for teachers and parents/guardians to address the immediate impacts of COVID-19, including strategies for trauma-informed remote instruction, helping students cope with the crisis, and addressing stress, anxiety, and grief, as well as resources to help students, parents/guardians, and teachers maintain social emotional health as they engaged in remote instruction. NYSED also adapted trainings to focus on integrating SEL and trauma-responsive practices into remote learning environments to support development of students' SEL competencies related to self-awareness, self-management, social awareness, relationship skills, and reasonable decision making.[21] Intentional development of these five core SEL competencies helps students build a foundation of protective factors that support the development of positive mental health, increase resilience and, in turn, improve their capacity to cope and thrive amidst uncertainty.[22]

Despite NYSED's best efforts to support teachers during the pandemic, many teachers felt ill-equipped to integrate SEL in remote/hybrid learning environments this past year. Moreover, they struggled to promote CRSE during the pandemic (see Table 3). CRSE helps educators create equitable learning environments that: affirm racial, linguistic, and cultural identities; prepare students for rigor and independent learning; develop students' abilities to connect across lines of difference; elevate historically marginalized voices; and empower students as agents of social change.[23] In NYS we view SEL and CRSE as interrelated with both being under the umbrella of diversity, equity, and inclusion (DEI), whereas CRSE encompasses many processes to achieve positive, equitable learning environments, one of which is SEL.

SEL is an integral part of education and human development. SEL is the process through which all young people and adults acquire and apply the knowledge, skills, and attitudes to develop healthy identities; manage emotions and achieve personal and collective goals; feel, and show empathy for others; establish, and maintain supportive relationships; and make responsible and caring decisions. SEL advances educational equity and excellence through authentic school-family-community partnerships to establish learning environments and experiences that feature trusting and collaborative relationships, rigorous and meaningful curriculum and instruction, and ongoing evaluation. SEL can help address various forms of inequity and empower young people and adults to co-create thriving schools and contribute to safe, healthy, and just communities.[24]

In 2018, NYSED released New York State Social Emotional Learning Benchmarks for voluntary implementation and Social Emotional Learning: Essential for Learning, Essential for Life, a framework explaining SEL concepts, and the need for and benefit of SEL in NY. This was followed in March, 2019 with Social Emotional Learning: A Guide to Systemic Whole School Implementation, providing strategies and resources for districts and schools. These resources were developed using the definition of social emotional learning established by the Collaborative for Academic, Social, and Emotional Learning (CASEL). In addition, they rely upon

CASEL's definitions of the five core social emotional competencies: self-awareness, self-management, social awareness, relationship skills, and responsible decision-making.

Our recent efforts to address SEL during the pandemic built upon several years' worth of initiatives in this area. In October 2020, CASEL released updates to their definition of and framework for SEL. These revisions reflect their commitment to, "advance high-quality SEL in schools everywhere so that all adults and young people can thrive," and, "leverage SEL to work together toward a more just world." NYSED shares CASEL's commitment to promoting SEL that furthers educational equity and, "justice-oriented citizenship, with issues of culture, identity, agency, belonging, and engagement explored as relevant expressions of the five core SEL competencies." Over the coming months we will be working to revise existing resources to reflect these updates.

To address pre-existing and expanding inequities, utilizing an overarching lens of DEI and disseminating MTSS-I strategies to help educators prioritize the needs of the whole child and inform academic, behavioral, and social emotional support, within a culturally responsive and sustaining framework,[25] NYSED will support LEAs to integrate evidence-based practices in SEL and CRSE to ameliorate the effects of lost instructional time and pre-existing performance gaps. As LEAs develop plans to use ARP ESSER funds for summer learning and enrichment programs, extended day programs, comprehensive afterschool programs, extended year programs and other evidence-based interventions, NYSED will share best practices to encourage LEAs to integrate SEL and CRSE approaches in ways that will support students to recover and grow following the pandemic.[26]

These plans are discussed further in section D.1.i.

As a framework toward addressing the impacts of the COVID-19 pandemic on students across New York State, based on the work of Dr. David E. Kirkland, Vice Dean of Equity, Belonging, and Community Action, Executive Director of The NYU Metropolitan Center for Research on Equity and The Transformation of Schools, and Associate Professor of English and Urban Education[27], research suggests that opportunities to learn are greatly expanded for all students when strong principles of diversity, equity and inclusion (DEI) are present and operative in a district or school. These principles - equity and excellence for all students, are essential to the development of thriving educational environments that celebrate differences among student groups.

Ensuring coherent and well-articulated opportunities for students to actively participate in experiences that prepare them for a lifetime of civic engagement and social success provides further rationale in support of putting DEI at the heart of NYSED's work with LEAs. Additionally, the materials developed by NYSED's Civic Readiness Task Force, a group of teachers, curriculum specialists, school administrators, college professors, and representatives of civic organizations of diverse backgrounds from all parts of the State, charged with making recommendations that included, but were not limited to, defining "civic readiness" and considering such initiatives as a

State Seal of Civic Engagement and Capstone Projects, provide a helpful foundation for the necessary DEI work it supports. This includes policy positions relating to the participation and empowerment of students, families, parents/guardians, and community members in organizational leadership and institutional supports that are guided by strong principles of DEI, such as:

- Helping students learn about themselves and various aspects of their identities;
- Encouraging students to learn about their classmates and/or communities;
- Building strategic relationships among students, staff, parents/guardians, and families;
- Analyzing relevant data such as discipline outcomes for various racial groups;
- Providing staff development on topics such as culturally responsive sustaining instruction and student support practices, privilege, implicit bias, and reactions in times of stress;
- Selecting curricula and texts that reflect students' backgrounds, contributions; and
- Ensuring that all districts and schools in New York State are rightly designed to meet the educational needs of all students in the state.

The NYS BoR is committed to **creating an ecosystem of success built upon a foundation of diversity, equity, inclusion, access, opportunity, innovation, trust, respect, caring, relationship-building, and much more.** It is the policy of the Board to promote diversity, equity, and inclusion in all NYS districts and schools through the budgeting process, allocation of resources, and development of Board policies to achieve the vision that every school will be a thriving one, preparing every student to graduate from high school ready for college, career, and civic engagement. To provide informed, authentic leadership for DEI, the Board, thus, strives to:

- See diversity, inclusion, and equity as integral to our mission and critical to ensure the well-being of the students, families, teachers, leaders, and communities we serve;
- Acknowledge and dismantle any inequities within our policies, systems, programs, and services, and continually update and report progress;
- Explore potential underlying, unquestioned assumptions that interfere with diversity, equity, and inclusion;
- Advocate for and support board-level thinking about how systemic inequities impact education across New York State, and how best to address those issues, consistent with our mission which is to raise the knowledge, skill, and opportunity of all the people in New York;
- Practice and encourage transparent communication in all interactions;
- Commit time and resources to unique needs of students and communities across New York State; and
- Lead with respect and tolerance. We expect all districts and schools to embrace this notion and to express it in their interactions and through everyday practices.

This policy statement builds upon the important work districts and schools across New York State do every day, with a variety of partners and stakeholder groups, to make education in our State welcoming, affirming and culturally responsive and sustaining for all New York's students. As stated in *The New York State Board of Regents Framework on Diversity, Equity, and Inclusion in New York's Schools* *(NYS DEI Framework)*, a tool to guide LEAs in operationalizing this work:

> We recognize that much of this work is already happening in districts and schools across the State. Equity warriors are working to create school communities that are more diverse, more equitable, and more inclusive than ever before. Many of New York's education stakeholders and their organizations have elevated this issue to the very top of their agendas. Their efforts must be recognized and applauded. It is a palpable and needed movement that is growing every day in state houses, schoolhouses and at dinner tables across New York and the nation.

Through the use of the NYS DEI Framework and the dissemination of effective practices, as described in Section B.1.i, LEAs across New York State will develop the individual and organizational knowledge, attitudes, skills, and practices to create culturally responsive sustaining learning and working environments that expect and support high academic achievement for students and employees from all racial and ethnic backgrounds. Differences will not only be seen as strengths but will also be nourished, celebrated, and welcomed because they are what make students, families, schools, districts, and communities unique.

Please see the New York State Board of Regents Policy Statement on Diversity, Equity and Inclusion In New York State Schools.

Priority 3: Implementing evidence-based interventions within MTSS-I

All evidence-based interventions selected by the LEAs and approved by NYSED must be implemented within the integrated MTSS-I. With the support of a State Personnel Development Grant (SPDG), NYSED is developing and implementing a pilot program to establish MTSS-I as a framework that helps educators prioritize the needs of the whole child and integrates academic, behavioral, and social emotional support within a culturally responsive and sustaining framework. The multi-tiered system of supports helps LEAs and schools prioritize interventions by establishing tiers of support.

More information on priority three, MTSS-I, and the difference between integrated and school-based MTSS can be found in Section D.1.ii of this Plan.

A.3 Identify the Needs of Underserved Students

Data and Research on Needs of Underserved Students

In Section A.2, above, NYSED describes the inequities in educational outcomes and experiences both before and during the pandemic for students who are economically disadvantaged, come from underserved racial or ethnic groups, are English language learners, and/or are students with disabilities.[28] NYSED will encourage and support LEA use of ARP ESSER funding to address these inequities both in the short and long term, as well as to support the needs of other underserved students.

Students Experiencing Homelessness

Even before the COVID-19 pandemic, the rate of students experiencing homelessness in NYS was on the rise: from 2006 to 2018, NYS registered a 122% increase in the total number of children and youth identified as experiencing homelessness.[29] From recent data we know that students experiencing homelessness exhibit lower engagement in schools and have unique SEL needs[30]. Research has shown that feelings of isolation and lack of positive peer relationships contribute to higher rates of chronic absenteeism.[31] For example, the chronic absenteeism rate among students experiencing homelessness in New York City averaged around 37%.[32] The chronic absenteeism rate among students experiencing homelessness in the Big Five school districts (NYC, Buffalo, Rochester, Syracuse, Yonkers) was more than 50%[33]. NYSED anticipates this rate to be higher during the pandemic, though it has been challenging to measure given the greater difficulty in identifying students experiencing homelessness.

As LEAs fully reopen school buildings, NYSED will work with them to identify and serve students who are experiencing homelessness.[34] Prior to the pandemic, this was a challenge.[35] Government agencies, nonprofits and advocacy organizations note that capturing the full scope in the rise in homelessness over the past year is more difficult, since many of the points of contact where individuals experiencing homelessness are accounted for have been closed at times throughout the pandemic[36] and individuals experiencing homelessness are wary of accessing resources, such as shelters and soup kitchens, due to fear of exposure to the virus.[37] This challenge is particularly acute when it comes to identifying students experiencing homelessness as schools have been closed or delivering instruction through remote or hybrid modes since March 2020. So, while studies have shown that the number of students experiencing homelessness is higher than ever, it is difficult to identify them: a recent national analysis[38] found a 28-percentage-point drop in the number of students experiencing homelessness identified in fall 2020 compared to the same time in 2019 (data based on reports from nearly 1,500 liaisons supporting students and families experiencing homelessness in 49 states). This drop does not indicate a decline in the number of students experiencing homelessness during the pandemic, but rather the inability to identify them, as well as unaccompanied youth.[39]

To improve outcomes for students experiencing homelessness, NYSED has taken specific steps to help counselors remove barriers to enrollment and attendance, ensure timely review of academic transcripts and seek opportunities to award credits so these students can maintain momentum in their educational progress.

NYSED will continue to work closely with the NYS DOH and the New York State Technical and Education Assistance Center for Homeless Students (NYS TEACHS).[40] NYS TEACHS provides technical assistance and support to McKinney-Vento liaisons, and other school-based staff, to help them quickly and appropriately identify students and implement the provisions of the McKinney-Vento Act. At the heart of the McKinney-Vento legislation is a commitment to providing students who are experiencing homlessness with a continous and quality education.[41]

Children in Foster Care

Prior to the pandemic, the number of students in foster care across New York State was 8,824 as reported by LEAs in 2020. The number of children in foster care rose throughout 2020-2021 and the challenges facing children in foster care have been exacerbated by the pandemic.[42] Updated numbers of students in foster care will be provided by the NYS Office of Children and Family Services (OCFS) in the future. During the pandemic, some of the following key aspects of serving foster care students were made more challenging, including: identifying children for voluntary or involuntary placements; placing children in foster homes; caseworker visits; parent-child visits; achieving permanence for children through reunification and adoption; and youth aging out of the foster care system during a pandemic. Moreover, of the thousands of children in New York State who experienced the death of a parent or caregiver due to COVID-19, many required foster care placements. One study found that of the 4,200 NYS children who lost a parent to COVID-19 in the first wave (March-June 2020), 57% reside in three counties—Bronx, Kings (Brooklyn), and Queens—and are disproportionately Black and Latinx. Twenty three percent of these children were at risk of entering the foster care system or kinship care.[43] In addition, approximately 50% of the children were deemed likely to risk becoming impoverished due to the loss of a caregiver from the coronavirus.[44]

To address these challenges, NYSED will empower LEAs to use research and evidence based interventions to address lost instructional time, close the academic performance gaps, and provide social emotional support within a culturally responsive and sustaining framework schools to support the needs of children in foster care.

To facilitate this, NYSED will continue to work closely with the OCFS, which oversees the child welfare system. Through that collaboration, NYSED and OCFS have established a communication system at the local level between social services districts and LEAs to identify students in foster care and collaboratively work to provide students with the services and supports they need to achieve and thrive. [45] The state has a robust foster care transportation system in place to support school stability, despite changes in foster care placement. NYSED

and OCFS meet regularly to review school achievement data and discuss further guidance and technical assistance for schools and social services districts to continue to encourage local collaboration.

Migratory Students

Migratory students, defined as those who relocate because of involvement with agriculture-related industries or other seasonal work, struggle to achieve the same level of educational success as their peers. Such relocations cause interruptions in their formal education, create social, geographic, and linguistic isolation, and amplify poverty, food insecurity, homelessness, and health-related concerns.

In the 2019-2020 school year, there were 2,375 grade K-12 migrant-eligible students across the State, with the highest student count in one school district at 155 migrant students. Most school districts had one [1] migrant-eligible student based on the “mode” (i.e., the number value that appears most often) in the data group. The “median” (i.e., the "middle" number value that separates the higher and lower half) in the data group is four [4] migrant-eligible students among all school districts in the State. Additionally, there were 282 migrant students in pre-k grade levels P0-P2 and 474 migrant students in pre-k grade levels P3-P5.

On March 20, 2020, Governor Cuomo implemented the “New York State on PAUSE” Executive Order which directed all non-essential businesses and schools to close in-person operations and to adopt strategies aimed at mitigating the spread of COVID-19, such as maximizing opportunities for “tele-work” and “tele-education”. This action, while necessary, further exacerbated the barriers and risk factors outlined above. For migratory children, this led to a lack of:

- Educational continuity;
- Time for instruction;
- School engagement;
- English language development;
- Education support in the home;
- Health and mental care; and
- Access to services.

The pandemic pivot to remote/virtual teaching and learning at all levels of Grades K-12 education, especially for migrant children, revealed varying student access to Wi-Fi as well as computer hardware and software. This led to potential unequal and inequitable teaching and learning experiences that focused more on troubleshooting than creating a sustained educational experience.

The New York State Migrant Education Program (NYS-MEP) is a federally funded supplemental program that supports the implementation of educational and supportive services for migratory children and their families.[46] The goals of the NYS-MEP are to support migratory children in addressing educational disruption, cultural and language barriers, social isolation, health problems, food insecurity, homelessness, poverty, and other factors that inhibit such migratory children from doing well in school and making the transition to postsecondary education or employment. During the pandemic, NYS-MEP has collaborated and coordinated with local, state, and federal programs to deliver critical services to migrant students throughout the State. As school buildings reopen, NYS-MEP will continue this work and provide LEAs with the training, technical assistance, and resource coordination necessary to meet the needs of migratory students.

Based on the 2017-2019 Evaluation Report conducted by Arroyo Research Services, the State Performance Target Status of the NYS-MEP can be summarized as follows:

- While migrant student proficiency on the NYS Grades 3-8 ELA Assessment increased overall from 11.2% in 2017 to 14.2% in 2019, the gap between migrant students and non-economically disadvantaged students rose from 18.9 points in 2017 to 21.6 points in 2019;
- While migrant student proficiency on the NYS Grades 3-8 Mathematics increased overall from 12.8% in 2017 to 16.3% in 2019, the gap between migrant students and non-economically disadvantaged students rose from 16.5 points in 2017 to 20.2 points in 2019; and
- The four-year cohort graduation rate for migrant students rose overall from 40% in 2017 to 43% in 2019. The graduation rate gap between migrant students and all NYS students decreased by 5% between 2017 and 2018, then held steady for 2019.

During the 2019-2020 school year, 1,179 school-aged migrant children were identified as ELLs, with varying levels of English Language proficiency based on their New York State English as a Second Language Achievement Test (NYSESLAT) scores.

During the pandemic, migratory children have been at an even greater disadvantage in terms of accessing continuous learning experiences. Many lack the resources to take courses online, such as computers and other types of digital technology devices.[47] Likewise, migratory children typically encounter more difficulties in terms of language learning, which impacts their ability to participate in remote or hybrid learning environments.[48] Furthermore, many migratory and children may suffer from psychological trauma, marginalization or stigma, in addition to not being able to receive psychological support during the pandemic due to the circumstances surrounding human migration.[49]

NYSED will facilitate technical assistance to LEAs regarding best practices to support through NYS-MEP services and programs. NYS-MEP facilitates the use of research-based interventions to

address lost instructional time and close academic performance gaps while simultaneously providing social emotional support within a culturally responsive and sustaining framework.

Concurrently, the lack of personal feedback and meaningful engagement with migrant children and their parents/guardians and families became a roadblock to the highest quality remote/virtual teaching and learning. At the same time, migrant children and their parents/guardians and families experience first-hand how proficiency in the English language, or lack thereof, can allow or restrict access to different school and community resources, including access to health, work opportunities, schools and school districts, and other networks.

Community-Identified Priorities for Underserved Students

In addition to referencing research studies and existing data sources, NYSED reached out directly to its communities to obtain input on the development of our ARP ESSER State Plan through an online "Thought Exchange" application.[50] NYSED posed one open-ended question to which participants responded confidentially:

> *As we prepare for the next school year in New York, what are the most important academic, social emotional, and/or mental health supports for schools to provide to serve all students (i.e., general education students, students with disabilities, English language learners, and others)?*

Participants were able to post their own thoughts, see comments posted by others and rate posts on a scale of 1-5, allowing the most common or shared "thoughts" to rise to the top.

As of May 25, 2021, almost 5,000 participants provided 6,844 unique responses and over 95,000 ratings. Respondents come from across NYS and additional information can be found in Section C.1 and Appendix D.

The needs identified with the highest frequency (i.e. the highest-rated responses) are:

1. Additional school counselors to support the social emotional needs of students;
2. Concerns about additional supports for students and smaller class sizes;
3. Additional supports for teachers; and
4. The need for student enrichment opportunities

NYS LEA ARP ESSER allocations may be used to address these needs by significantly investing in extended day, week, and year programming to both accelerate student learning, and support students' social emotional needs. **LEAs have the discretion to allocate ARP ESSER funding to best meet individual local needs within the communities they serve where statewide and local data demonstrates efficacy in accelerating learning.**

A.4 Understanding the Impact of the COVID-19 Pandemic

NYSED disaggregates the above-referenced data (sections A.2 and A.3) by region and LEA (where possible) and shares this data with our LEAs to help them understand the impact of the pandemic on their communities and students. Following is a description of 2020-2021 school year policies and procedures for identifying, developing, and administering student assessments, as well as how NYSED is assisting LEAs in the analysis and use of this data to diagnose areas of need within their communities and schools.

LEAs and Student Assessments

NYS cancelled state assessments in spring 2020 and administered state assessments to students attending school in person in spring 2021. Students attending remotely in spring 2021 were, pursuant to USDOE guidance, not required to come into school solely to take them. As a result, one of the main data sets by which NYSED monitors student progress will not be available until spring 2022 assessments are completed, scored, and reported (the data is typically publicly available by late summer/ early fall of the following school year). LEAs typically use this data, along with local assessments, to monitor student progress within and across their schools, including by ESSA subgroups. Without state assessment data, NYSED has provided charter LEAs with guidance on using local assessments and all LEAs received guidance on graduation data and course requirements, attendance data, and other locally collected data sets to identify vulnerable students and plan to effectively meet their needs.

As context, in July 2020, NYSED required every public school in the State to develop and disseminate a comprehensive building reopening plan for the 2020-21 school year.[51] These comprehensive plans detailed how the school would attend to several mandatory assurances. The assurances addressed such areas as teaching and learning, social emotional wellbeing, special education, bilingual education and world languages, and technology and connectivity.[52]

The plans also required schools to document how they would measure student mastery of State learning standards through coursework, local assessments, graduation, and post-secondary plans. In addition, all LEAs were required to use LEA-developed procedures to identify those students who would be entitled to receive academic intervention services in the upcoming school year. LEA-developed procedures aligned with NYS's statewide MTSS-I approach helps educators prioritize the needs of the whole child and integrates academic, behavioral, and social emotional support within a culturally responsive and sustaining framework.

In March 2021, NYSED issued a statewide survey to collect information from LEAs about local approaches to student assessment. Specifically, LEAs were asked to share information about their use of the following types of assessments:

- "Traditional" teacher-prepared assessments created by an individual teacher (for formative and/or summative assessment purposes);

- "Traditional" school/district-prepared assessments developed by groups of faculty members (sometimes called "department exams");
- Performance- or project-based classroom assessments created by an individual teacher (for formative and/or summative assessment purposes);
- School or district-wide performance- or project-based assessments developed by groups of district faculty members;
- Vendor-prepared summative assessments developed by a third party to measure program or learning activity outcomes; and
- Vendor-prepared interim, formative, or curriculum-embedded assessments developed by a third party to monitor student learning during program and learning activities.

Respondents identified which assessment practices were being used at the elementary (up to grade 5), middle (grades 6-8), and high school (grades 9-12) levels. For each level, respondents indicated the practices used in ELA, math and/or science. For each identified assessment practice, LEAs provided information about: (1) how results of the assessments are communicated to members of the school community; (2) the prevalence of the practice; and (3) how the LEA's use of these assessment practices in this current school year (2020-21) compares with its use in the prior school year (2019-2020).

Analysis and Dissemination of 2020-2021 School Year Assessment Data

While currently being analyzed, these data will allow for the analysis of assessment practices by grade span and region. NYSED also provided charter school LEAs with technical assistance regarding the use of interim/local assessments through Remote Monitoring and Oversight Guidance regularly updated throughout the pandemic.

Assessment practices will be cross walked with schools that were previously identified under the state's approved accountability system to provide focused supports and resources to Comprehensive Support and Improvement (CSI) and Targeted Support and Improvement (TSI) schools. NYSED's priority regarding this work is ensuring that schools and students already vulnerable before the pandemic (thus necessitating an ESSA accountability identification) are actively monitored throughout the pandemic. While it was important to determine the type of assessment tool being used, a key component of this work is to confirm that these schools had assessment systems and cycles to ensure that student learning was being measured along the way. This work is commencing in the spring of 2021 as part of NYSED's work with schools developing 2021-2022 school year School Comprehensive Education Plans and will continue throughout the Fall of 2021.

In the 2021-2022 school year, NYSED will also examine how learning in remote, hybrid, and in-person environments affected outcomes including, but not limited to:

- Student academic achievement and academic growth on available assessment data;
- Academic growth;

- Attendance;
- English Language Proficiency gains;
- Credit accrual;
- Four-, five-, and six-year graduation rates;
- Teacher turnover;
- Parent and family engagement; and
- Fiscal equity.

Ultimately, understanding the impact of the pandemic on those indicators for all student subgroups will inform both NYSED's and LEAs' short- and long-term deployment of supports, technical assistance, and fiscal resources based on the needs of each unique school community such as those described in Section D.1.

Data Collection and Analysis

NYSED will also continue to expand its collection and communication of available student data. NYSED has a robust data collection and reporting system that will be leveraged to provide parents/guardians, school and district leaders, and the public with available data on how students are achieving and progressing. This data system is not limited to test result data and includes detailed information on student enrollment, attendance, course completion, and graduation as well as school climate.

In the 2020-2021 school year, NYSED enhanced its data collection by adding student-level attendance data for both in person and remote instructional settings, as well as school-level collections focused on device and connectivity. Additionally, NYSED will continue to require LEAs to report on student achievement as well as other important school-level variables.

Beginning in December 2020, NYSED began collecting Daily Student Attendance by Mode through our Student Information and Repository System (SIRS).[53] Starting in fall 2021, NYSED will use this data to analyze the impact the pandemic has had on student attendance, suspension, and performance over time for all ESSA subgroups. NYSED will report this data to LEAs so they can fully understand the impact of the pandemic on their communities and students and can most effectively implement research and evidence based academic and social emotional intervention services.

Collection of these data elements will directly support NYSED's efforts to better understand the pandemic's impact on school communities and identify appropriate actions to meet the academic, social emotional, and physical health and safety needs of students.

A.5 School Operating Status

A.5.i - Data Collection on School Operating Status (SY2020-2021)

In July 2020, NYSED issued a school building reopening guidance document, *Recovering, Rebuilding, and Renewing: The Spirit of New York's Schools* (Appendix A), that required BOCES, school districts, and charter schools to create comprehensive building reopening plans with a schedule that included in-person instruction, remote instruction, or a hybrid of both in-person and remote. Once finalized, those reopening plans were posted on the LEA's public website in a location easily located by students, parents/guardians, teachers, administrators, and other community stakeholders. In addition, LEAs were required to provide NYSED with a link to the public website where each school plan has been publicly posted.

As a next step, NYSED issued the *2020-21 School Reopening – Instructional Models Report*, a brief survey through the SED Monitoring and Vendor Reporting System ("the Portal") to collect essential information about the reopening instructional modes that were to be deployed at each school/site across the state. The survey was made available to all BOCES, school districts, charter schools, special act school districts, approved private schools and programs serving school-age and preschool students with disabilities, and state operated schools – more than 1,300 entities.

Specifically, this brief survey collected the following school/site-level information:

- The first day of school for school year 2020-2021;
- The instructional mode (in-person, hybrid, or remote) reflected in the most recent reopening plan that was communicated to parents/guardians and other stakeholders; and
- The planned end date for using a fully remote instructional mode, if applicable.

Initial completion of the survey was due in mid-September 2020. LEAs made updates to their data on an as-needed basis if instructional models changed in the opening weeks of the school year.

NYSED issued a memorandum on December 1, 2020 to all LEAs regarding the provision, recording, and reporting of both in-person and remote instruction pursuant to the reopening plans required of school districts, BOCES, and charter schools (see Appendix B). LEAs were required to update their schools' instructional modalities; this data is required to be reported to NYSED in fall 2021. Once this data becomes available, NYSED will be able to utilize this data to analyze the impact of the pandemic on student attendance, suspension, and performance over time for all ESSA subgroups. NYSED will be able to identify and analyze the impact of instructional mode, enrollment, and attendance at various levels (statewide, district, school, student). Districts and schools will have the same ability to work with their local data for instructional programmatic and individualized classroom and student planning of teaching and learning.

A.5.ii - Plan for Collecting Future Data

Mode of Instruction

NYSED is requiring LEAs to report by fall 2021, through a survey similar to ones administered during the 2020-2021 school year, the following school/site-level information:

- The first day of school for the 2021-2022 school year;
- The instructional mode (in-person, hybrid, or remote) reflected in the most recent reopening in plan that was communicated to parents/guardians and other stakeholders; and
- The planned end date for using a fully remote instructional model, if applicable.

LEAs will be required to make updates on an as-needed basis if instructional modes change during the school year.

Enrollment

All reporting entities are required to submit the annual BEDS (NYSED's count day) District and BOCES Summary Forms and School Data Forms online using the IRS Data Exchange (IDEx) application available via the NYSED Business Portal. This reporting must be completed using enrollment data on BEDS day, which NYSED sets annually in consultation with the NYSED Office Information and Reporting Services. This provides the enrollment on the specified date for all students in any given LEA. BEDS day is always the first Wednesday in October because it is expected that by this date in the school year, returning and new student registrations have been processed and stable enrollment counts can be obtained.

Attendance

NYSED will maintain the attendance reporting policy and system established in December 2020. This system requires reporting entities to report to NYSED each day, for each enrolled student, whether the student was present or absent. All student level attendance data must be reported daily throughout the school year. The reporting entity must also report the attendance (both positive and negative attendance [absence]) by instructional modality (in-person, remote or both on the same day). See Appendix B, which details this policy and others regarding the provision, recording, and reporting of both in-person and remote instruction. Attendance reporting is mandatory for all LEAs.

School Operating Status and Instructional Modes (the 2020-2021 School Year)

Beginning in December 2020, NYSED began collecting Daily Student Attendance by Modality through our Student Information and Repository System (SIRS).[54] Starting in fall 2021, NYSED

will use this data to analyze the impact the pandemic has had on student attendance, suspension, and performance over time for all ESSA subgroups. NYSED will report this data to LEAs so they can fully understand the impact of the pandemic on their communities and students and can most effectively implement research-based academic and social emotional intervention services. See Appendix B for additional information.

A.5.iii Planned Operational Status and Mode of Instruction for Summer 2021 and the 2021-2022 School Year

For the 2021-2022 school year, NYSED will maintain the attendance reporting model described above and further detailed in Appendix B.

B. SAFELY REOPENING SCHOOLS AND SUSTAINING THEIR SAFE OPERATIONS

B.1 Support for LEAs

B.1.i – Implementation of Prevention and Mitigation Policies in line with Centers for Disease Control and Prevention (CDC) Guidance

To support all LEAs in adopting and implementing safe and effective practices, including those recommended by the CDC for operation and reopening of school facilities, NYSED will explore the coordination of statewide cohorts of LEAs starting in the 2021-2022 school year focused on shared problems of practice that emerged during the COVID-19 pandemic and response. These convenings will focus on a wide variety of school-based decision makers. NYSED will support identification, testing, and sharing of effective practices among LEAs as promising practices emerge and are demonstrated to be effective. NYSED envisions that cohorts will be structured based on the research on interorganizational learning to provide the structures for identification, testing, and sharing of promising practices.[55] Best practices that emerge relevant to CDC guidance will be submitted to the USDOE's *Safer Schools and Campuses Best Practices* Clearinghouse for consideration.

The NYS DOH determines whether schools in the state follow CDC guidance or state specific guidance. Below is a summary of NYSED's response to mitigation strategies (listed as Table 4 in the ARP ESSER plan instructions).

Table 4: NYSED Prevention and Mitigation Policies to Support the Implementation of CDC Guidance

Mitigation Strategy	NYSED's Response
Universal and correct wearing of masks	NYSED Office of Student Support Services released its Reopening Guidance in July 2020, which provides guidelines on mask wearing.
Physical distancing (e.g., including use of cohorts/podding)	NYSED provides guidance on physical distancing by linking to the most recent NYS DOH instructions.
Handwashing and respiratory etiquette	NYSED Office of Student Support Services released its Reopening Guidance in July 2020, which provides guidance on this topic.

Cleaning and maintaining healthy facilities, including improving ventilation	NYSED Office of Student Support Services released its Reopening Guidance in July 2020, which details cleaning and maintaining healthy facilities.
Contact tracing in combination with isolation and quarantine, in collaboration with the State, local, territorial, or Tribal health departments	Guidance on contact tracing is described in NYSED Office of Student Support Services Reopening Guidance from July 2020. NYSED reinforced schools to follow NYS DOH April 2021 Guidance.
Diagnostic and screening tests	NYSED Office of Student Support Services released its Reopening Guidance in July 2020, which describes the use of diagnostic and screening tests.
Efforts to provide vaccinations to educators, other staff, and students, if eligible	NYSED reinforced schools to follow NYS DOH April 2021 Guidance.
Appropriate accommodations for children with disabilities with respect to the health and safety policies	This topic was addressed in the NYSED Office of Student Support Services Reopening Guidance in July 2020.

B.1.ii – Reopening and Operation of School Facilities

Guidance Memos and Other Information Documents

The following guidance documents and memos were disseminated to schools through the New York State Center for School Health (NYSCSH) listservs. NYSCSH is NYSED's contracted technical assistance center supporting school health professionals and school health educators. The NYS DOH and NYSED disseminated the information through their respective listservs and posted them on their websites.

- 2/5/20 NYSED and NYS DOH released a joint Guidance Memo to Schools on COVID-19
- 2/5/20 NYSED released a letter to parents/guardians on coronavirus Coronavirus Parent Letter
- 2/7/20 NYSED and NYS DOH provided a joint webinar to schools on the guidance
- 3/5/20 NYSED released Handwashing Recommendations and Alcohol-based Hand Sanitizer Use in Schools
- 03/06/2020 NYSED notifies schools how to report in the even that a school must close due to a COVID-19 outbreak or other emergency

- 3/9/20 NYS DOH provided a webinar update on COVID-19 to schools
- 3/9/20 NYSED and NYS DOH released a joint guidance memo to schools
- 3/13/20 NYSED released Preliminary Guidance on the Preparation for Novel Coronavirus (COVID-19) Outbreak in New York State
- 3/17/20 NYSED released Additional Guidance on Statewide School Closures Due to Novel Coronavirus (COVID-19) Outbreak in New York State
- 4/2020 NYS DOH released NYS DOH Guidance on the Contacts of a Close or Proximate Contact of a Confirmed or Suspected Case of COVID-19
- 5/21/20 NYSED issues memo School Health Examinations in Light of COVID-19 Pandemic to allow for additional time for students to obtain required health examinations for school attendance, and participation in sports.
- 6/8/20 NYS DOH released Interim Advisory for In-Person Special Education Services and Instruction
- 6/14/20 NYS DOH released Updated Interim Guidance for Graduation Celebrations
- 7/02/20 NYS DOH released COVID-19 Travel Advisory
- 7/16/20 NYSED Issues Recovering, Rebuilding, and Renewing: The Spirit of New York's Schools - Reopening Guidance
- 7/22/20 NYSED Reopening FAQs School Reopening FAQs
- 7/27/20 NYSED released Reopening Guidance for Religious and Independent Schools
- 8/07/20 NYS DOH released Supplement to the Interim Guidance for In-Person Instruction at Pre-K to Grade 12
- 8/12/20 NYS DOH released Interim Cleaning and Disinfection Guidance for Primary and Secondary Schools for COVID-19
- 8/15/20 NYS DOH released Interim Guidance for Sports and Recreation.
- 8/26/20, the NYS DOH released Interim Guidance for In-Person Instruction at Pre-K-12 Schools Detailed Guidelines. This was an update to the Interim Guidance released on 7/13/21.
- 8/28/20 NYS DOH released a memo regarding school immunization requirements during COVID-19
- School Immunization Requirements during COVID-19, reminding schools that all students, including those attending remotely, may only attend school for 14 days (which may be extended to 30 days) without proof of immunizations.
- 9/01/20 NYSED released Eligibility for Interscholastic Athletics, Inclusive Athletic and Extracurricular Activities
- 09/2020 NYSED released Suggested Considerations in Planning Required Emergency Drills for New York State Schools (Including Adjustments for the COVID-19 Pandemic)
- 09/09/2020 NYSED released 2020-2021 School Reopening – Instructional Models Report and Report of School Closure and Report of School Re-Opening
- 10/12/20 NYS DOH released Guidance for School Administrators Regarding Limited Temporary Enforcement of Student Immunization Requirement, extending the grace period to 11/01/20 for remote learners to continue to attend remotely while obtaining required immunizations.

- 10/23/20 NYSED released Responding to the Challenges of Learning in Masked Environments.
- 11/03/20 NYS DOH released, then revised on 12/4/21 Interim Guidance on Mandatory COVID-19 Testing in Public and Non-Public Schools Located in Areas Designated as "Yellow Zones" Under the New York State Cluster Action Initiative.
- 11/10/20 NYS DOH released Updated Guidance for School Administrators Regarding Limited Temporary Enforcement of Student Immunization Requirement extending the grace period to 12/11/20 for remote learners to continue to attend remotely while obtaining required immunizations.
- 11/12/21 NYS DOH released then revised 11/14/21 ADDENDUM to Interim Guidance on Mandatory COVID-19 Testing in Public and Non- Public Schools Located in Areas Designated as "Yellow Zones" Under the New York State Cluster Action Initiative October 9, 2020 (Updated November 12, 2020)
- 11/30/20 the State released Governor Cuomo's Winter Plan to Combat COVID-19 Surge In New York
- 12/1/20 NYSED and the NYS Center for School Health (NYSCSH) release a sample School COVID-19 Testing Consent Form
- 12/03/20 NYSED released guidance on Recent Amendments to Education Law 2801-a Regarding Pandemic Planning that require LEAs to adopt a continuation of operations plan if the governor declares a public health emergency involving a communicable disease
- 12/11/20 NYS DOH released Updated Guidance for School Administrators Regarding Limited Temporary Enforcement of Student Immunization Requirement, extending the grace period for remote learners to 1/10/21 to continue to attend remotely while obtaining the required immunizations.
- 12/17/20 NYSED released revised memo School Health Examinations in Light of COVID-19 Pandemic
- 12/26/20 the NYS DOH released a Health Advisory: Quarantine for Persons Exposed to COVID-19 to align with CDC quarantine guidance changes.
- 1/10/21 the NYS DOH released Updated Guidance for School Administrators Regarding Limited Temporary Enforcement of Student Immunization Requirement extending the grace period to 2/9/21 for remote learners to continue to attend remotely while obtaining the required immunizations.
- 1/22/21 the NYS DOH released the Interim Guidance For Sports and Recreation During The COVID- 19 Public Health Emergency.
- February 2021 NYS DOH released a revised Pre-K to Grade 12 COVID-19 Toolkit
- 4/9/21 NYS DOH released guidance that directs schools to submit their revised reopening plans to NYSED, and that local departments of health have enforcement authority in schools: Interim Guidance for In-person Instruction at Pre-K to Grade 12 Schools During the COVID-19 Public Health Emergency
- 4/10/21 NYDOH released Updated Guidance for School Administrators Regarding Limited Temporary Enforcement of Student Immunization Requirement, extending the grace period for remote learners to obtain the required vaccines to 6/30/21.

- 4/27/21 NYS DOH released revision of 4/12/21 guidance
- 5/13/21 NYS DOH released FAQs with specific section on schools SARS-CoV-2 Point of Care (POC) Antigen Tests

#SeeYouInSeptember In-Person Learning Campaign

NYSED plans to launch a #SeeYouInSeptember communications campaign in the coming weeks with the goal of having as many students as possible return to in-person learning full-time in September 2021. The campaign's three objectives are:

> **Objective 1:** For LEAS to do everything possible to be able to safely accommodate in-person learning for all students, or as many as possible, on a full-time basis in Fall 2021, prioritizing at-risk populations.
> **Objective 2:** For LEAs to communicate with families and students about the importance of safely returning to school in person in Fall 2021.
> **Objective 3:** For parents/guardians and families to choose to send their children to school in person, full time in Fall 2021.

NYSED will use a variety of platforms (social media, news release, webpage, video, and newsletters) to disseminate messaging about the importance of sending students back into the classroom in person. In addition, NYSED will provide LEAs with a communications toolkit for them to target parents/guardians, families, and students directly, including template letters for families and social media posts.

B.1.iii – Consultation with Federal, State, and Local Health Officials

NYSED has collaborated with the NYS DOH, which has been the lead state agency on all health issues related to COVID-19.[56] NYS DOH consults directly with the Centers for Disease Control and Prevention (CDC).[57] NYS DOH has provided school guidance on COVID-19 testing along with antigen test kits to schools that either were required to conduct testing because they are in an area with high transmission rates, or who chose to conduct testing in the schools.[58]

B.1.iv – Guidance, Professional Learning and Technical Assistance to LEAs

NYSED contracts with the New York Center for School Health (NYSCSH) to provide guidance, professional learning, technical assistance, and resources to assist school health professionals and health educators. The NYSCSH is very responsive to schools' needs, and created a NYSCSH COVID-19 webpage that provides a wealth of information and resources, including:

- Trending Information and Updates;
- State and Federal Resources;
- Testing and School Data Reporting;
- School Specific Resources; and

- COVID-19 Vaccine Information.

NYSCSH also provides professional development webinar sessions throughout the year on various health related topics.[59] In fall 2020, NYSCSH held webinars on the NYS DOH COVID-19 toolkit, Suicide Safety Prevention Awareness, and Adverse Child Experiences and Trauma-Informed Care in Schools. In October 2021, they will hold an in-person professional development day for all LEAs, including school health professionals and health educators in the state, that will include updates on COVID-19 and schools.[60] More information and recorded webinars can be found on their Professional Learning Webpage.[61]

In addition, the Office of Student Support Services also oversees two other contracted technical assistance centers: the New York State Center for School Safety (CFSS)[62] and the Safe and Supportive Schools Technical Assistance Center (SSSTAC).[63] One of the primary functions of the CFSS is to provide technical assistance and professional learning to LEAs and schools. In January 2021, the CFSS began providing training to LEAs and schools on Developing LEA-wide and Building-Level Emergency Response Plans under a USDOE-funded Grant to States for Emergency Management (GSEM).[64] Additional recorded training resources on topics related to measuring and improving school climate can be found at On-Demand Webinars.

The NYSED Teaching in Remote/Hybrid Learning Environments (TRLE) grant program, funded through the USDE's Education Stabilization Fund-Rethink K12 Education Models Grant fund, also provides professional learning opportunities to LEAs across New York State. TRLE is being implemented in three phases:

1. Phase 1 focuses on a rapid infusion of professional support in the field with an emphasis on supporting educators in the 25 counties hardest-hit by COVID-19;
2. Phase 2 focuses on developing and disseminating statewide resources to support remote/hybrid instruction, including a Quality Remote/Hybrid Teaching (QRT) Framework and a series of competency-based professional learning experiences (PLEs); and
3. Phase 3 focuses on providing statewide PLE trainings and in-field support for educators to implement effective remote/hybrid instructional practices.

As of May 28, 2021, over 100 professional learning events have been held as part of the implementation of Phase 1 focusing on the six core competencies of the TRLE program:

1. Shifting to Teaching Online;
2. Engaging Families as Partners in Remote/Hybrid Learning Environments;
3. Meeting the needs of Students with Disabilities through Remote/Hybrid Learning Environments;
4. Meeting the needs of ELLs through Remote/Hybrid Learning Environments;
5. Integrating CRSE in Remote Learning Environments; and
6. Integrating SEL in Remote Learning Environments.

The Request for Proposals for development of phase 2 resources of the TRLE program has been posted on the NYSED website and NYSED plans to identify successful bidders soon.

More information regarding the TRLE program can be found in Section D.1.i or on the TRLE website which includes a list of professional leaning opportunities available to educators in any LEA across NYS.

NYSED also utilized federal CARES Act SEA reserve funds to contract with the New York State Association for Computers and Technology in Education to offer professional development courses developed and facilitated by New York educators, aligned to New York State standards and expectations of quality, that reflect an understanding of New York's regional variations and needs. NYSCATE will also provide two webinar series, one for teachers and one for parents/guardians, on topics related to technology and remote learning.

B.2 Safe Return to In-Person Instruction and Continuity of Services

B.2.i.- Ensuing each LEA plan includes, or will be modified to include, the extent to which it has adopted policies and description of any such policies on each of the strategies listed in table 4

In the first step of the application process for ARP ESSER funds, in May of 2021, each LEA was required to submit a set of assurances that certify the LEA will meet the requirements in section 2001(i) of the ARP Act and the ARP ESSER Interim Final Requirements, which include assurances signaling that within 30 days of receipt of the funds, LEAs will develop and make publicly available on the LEA's website a plan for the safe return to in-person instruction and continuity of services.[65]

B.2.ii.- Ensuring continuity of learning

The second step will be the of the application process for ARP ESSER funds will require LEAs to submit a full application and budget to NYSED. Part two of the application will be issued in the coming weeks. In part two of the application, LEAs will submit narrative responses within the ARP ESSER application for funds that describe:

- The extent to which and how the funds will be used to implement prevention and mitigation strategies that are, to the greatest extent practicable, consistent with the most recent CDC guidance on reopening schools, to continuously and safely open and operate schools for in-person learning;
- How the LEA will use the funds it reserves under section 2001(e)(1) of the ARP Act to address the academic impact of lost instructional time through the implementation of evidence-based interventions, such as summer learning or summer enrichment, extended day, comprehensive afterschool programs, or extended school year;

- How the LEA will spend its remaining ARP ESSER funds consistent with section 2001(e)(2) of the ARP Act; and
- How the LEA will ensure that the interventions it implements, including but not limited to the interventions implemented under section 2001(e)(1) of the ARP Act to address the academic impact of lost instructional time, will respond to the academic, social, emotional, and mental health needs of all students, and particularly those students disproportionately impacted by the COVID-19 pandemic, including students from low-income families, students of color, English learners, children with disabilities, students experiencing homelessness, children in foster care, and migratory students.

B.2.iii.- SEA review of LEA plans

B.2.iv - LEA implementation of the most up-to-date CDC guidance listed in table 4

Prior to application approval, each application will receive a comprehensive review by trained NYSED staff to ensure compliance with each of the requirements in 2001(i) of the ARP Act and the requirements relating to the ARP ESSER funds published in the Federal Register.

As part of the technical assistance and comprehensive monitoring of ARP funds, NYSED will ensure that the LEA periodically reviews, at least every six months for the duration of the ARP ESSER grant period (i.e., through September 30, 2023), and revises as appropriate, its plan for safe return to in-person learning and continuity of services. NYSED will ensure that the LEA seeks public input and that the LEA takes such input into account regarding (1) whether revisions are necessary and, if so, (2) that the revisions to the plan are informed by stakeholder input.

On May 19, 2021, NYSED issued a memorandum to LEAs on the two federally required ARP ESSER plans.

C. PLANNING FOR THE USE AND COORDINATION OF ARP ESSER FUNDS

C.1 SEA Consultation

Ongoing SEA Consultations with the Public

Monthly Stakeholder Meetings

Each month, the Commissioner and senior NYSED staff meet with the leadership of numerous stakeholder groups including the New York State United Teachers, the New York State Council of School Superintendents, the New York State School Boards Association, the Big 5 Schools, the Council of School Supervisors and Administrators, Empire State Supervisors and Administrators Association, New York State Federation of School Administrators, New York State Parent and Teacher Association, and the School Administrators Association of New York State. Since the start of the pandemic, these meetings have included seeking and receiving ongoing input and feedback from these groups on what is working well and what challenges have arisen because of the pandemic. Similarly, the Commissioner and staff meet monthly with the BOCES District Superintendents seeking the same information. These meetings have informed the guidance NYSED issued since March 2020. The May 2020 stakeholder meetings were devoted to seeking feedback from the stakeholders on these three questions:

1. What has worked best to serve your students, teachers, families, communities, and your LEAs during the 2020-2021 school year? What successful practices would you like to continue into the 2021-2022 school year?
2. What have been the challenges for your students, teachers, families, communities, and your LEAs during the 2020-2021 school year? What would help you address these challenges in the 2021-2022 school year?
3. What guidance, support or regulatory flexibility is needed from SED so that you can better serve your students and families in the upcoming school year?

The information gathered during these meetings were considered by NYSED in developing reopening guidance as well as future guidance to help support LEAs as they prepare to return to school in the 2021-2022 school year.

Regional Task Force Meetings

During Regional Task Force Meetings held in summer 2020, stakeholders discussed the variety of student, family, and school personnel needs that must be addressed during transitions back to school. Overall, many students, families, and staff expressed concern that students and staff will return with fear or anxiety, and school and district staff will need to balance physical safety with social emotional needs.[66] Stakeholders expressed concern over local capacity to address increased social emotional needs with existing staff, and discussed opportunities to better position existing staff to build capacity to enhance student and family engagement, trauma-

responsive practices, social emotional learning, restorative practices, and fostering relationships, within both in-person and virtual environments.[67] They also expressed concerns about screen time for students should remote or hybrid learning be necessary, and the ability of students and families to access resources during periods of remote learning.

The guiding principles resulting from feedback received at the Regional Task Force Meetings were:

- The health, safety, and well-being of the children and adults is paramount;
- Educational equity will be at the forefront of decision-making;
- One size does not fit all. New York is a large state, in population and size. There is tremendous diversity among New York's people, geographic regions, and schools and LEAs;
- While it is important to provide LEAs with guidelines and policies, it is important as well to give them appropriate leeway to develop creative solutions to their unique challenges;
- LEAs will be enabled and encouraged to work directly with parents/guardians, teachers, administrators, and their local communities to develop and deliver workable solutions to their unique needs and succeed through a collective effort; and
- Planning for schools to reopen is not a one-time event. The Board and Department will continuously monitor the situation and provide updated guidance, policies, and regulatory changes as the situation requires.

Stakeholders also stressed the importance of clear communication with all stakeholders, including students, families, staff, and community, and considered how community partnerships could be leveraged to increase capacity. They recommended that social and emotional wellbeing be prioritized during transitions back to school and for as long as necessary to appropriately support student needs and emphasized that physical and emotional safety is necessary for the brain and body to be ready to learn.

Finally, stakeholders stressed the critical need to address adults' social emotional needs before the return to school and on an ongoing basis. Adults must have systems of support including meaningful peer relationships, opportunities to connect, and resources to support self-care. Without these supports in place, adults will not have optimal capacity to support the needs of students and families. This formative input shaped the Social Emotional Well-Being section of *Recovering, Rebuilding, and Renewing: The Spirit of New York's Schools: Reopening Guidance* pages 64-74.

NYSED plans to add artifacts of these public engagement activities in future versions of this plan.

Office of Bilingual Education and World Languages

The Office of Bilingual Education and World Languages (OBEWL) convened the ELL Leadership Council, a group of district administrators (ELL Directors and Assistant Superintendents) from the 41 districts that have the highest ELL enrollments within New York State.[68] This group has met regularly throughout the pandemic with the Associate Commissioner and staff to share information, identify student needs, and address concerns. In addition to these convenings, NYSED developed multiple working groups comprised of members of NYSED staff and the Leadership Council. These working groups focused on five key issues: Social Emotional Learning; Regulatory Compliance; Progress Monitoring, Feedback and Engagement Strategies; Strengthening ELL Instruction in Response to COVID-19 Closures; and Adapting ELL Instruction in a post COVID-19 Learning Environment. The result of these working groups included the development of new guidance that was distributed to the field and is published on the OBEWL website.[69]

OBEWL staff have also held multiple meetings with advocacy groups throughout the State, including the New York State Association of Bilingual Educators, the New York State Teachers of English to Speakers of Other Languages, SOMOS, Inc., the Hispanic Federation, and others, to gather feedback from stakeholders, help share the work and updates from NYSED, and disseminate effective practices.

OBEWL has maintained a partnership with the City University of New York Initiative on Immigration and Education (CUNY IIE).[70] The goal of this program is to create opportunities for educational stakeholders to learn from immigrant students, families, and educators directly impacted by restrictive immigration policies and educational inequality. CUNY IIE has created a series of videos and guidance resources to provide information for administrators, teachers, and community members named "Supporting Immigrants in School."[71]

Office of Special Education

The NYSED Office of Special Education (OSE) meets frequently with various stakeholder groups representing the interests of students with disabilities.[72] These stakeholder groups include, but are not limited to, the Commissioner's Advisory Panel for Special Education Services, Youth Advisory Panel, Board of Cooperative Educational Services Special Education Directors, the Conference of the Big 5 City School Districts (New York City, Buffalo, Rochester, Syracuse and Yonkers), NYS Coalition of 853 Schools, Special Act School District Coalition, 4201 School Association, Birth to Five Coalition, Interagency Council of Developmental Disabilities Agencies (IAC), Cerebral Palsy Associations of New York State (CP of NYS), The Alliance for Children with Special Needs, The ARC New York, ACTS Agencies for Children's Therapy, Advocates for Children, Birth to Five Coalition, and other parent and community advocacy groups, and organizations representing educators, administrators and school leaders.[73]

The OSE Educational Partnership, NYSED's primary professional development network for special education, also engages parents/guardians, families and LEA staff regarding issues that impact the education of students with disabilities.[74] With 16 regional teams across the State, the OSE Educational Partnership continually engages with parents/guardians and LEA personnel to gather information and feedback at the local level.[75] NYSED's OSE relies on this communication to both disseminate State and federal guidance related to education of students with disabilities during the COVID-19 pandemic and receive specific information regarding ever evolving needs identified by our primary stakeholders.[76]

The NYSED School Reopening Plan included a priority that high need students, including students with disabilities, would return to in-person learning. OSE released several guidance documents to support LEAs and programs in ensuring the safety of students with disabilities while meeting their unique needs during the COVID-19 pandemic and continues to provide frequent guidance to the field in response to expectations and challenges to providing education to students.[77] OSE has dedicated an electronic mailbox where it received over 2,100 questions and/or comments from parents/guardians, families, advocates, schools, and agencies. These questions inform the guidance and written communication issued by OSE. For the 2021-2022 school year, OSE will issue additional guidance regarding the extended school year and compensatory services for students with disabilities.

OSE staff has led virtual meetings in every region of the State where groups of LEA special education administrators had the opportunity to ask questions and seek clarification regarding State and federal guidance related to COVID-19 and the education of students with disabilities. These meetings included over 1,000 participants representing most of the State's LEAs.

Office of ESSA-Funded Programs

The Office of ESSA-Funded Programs solicited input from all McKinney-Vento liaisons statewide. The team also reached out to all regional Migrant Education Program directors and its Title I Committee of Practitioners. The Committee of Practitioners meets at least quarterly and if needed, materials for comment are distributed between meetings. Like many other stakeholder groups, NYSED conducts regular communications throughout the year to McKinney-Vento liaisons and Migrant Education Program directors regarding supports for impacted students through listservs and other NYSED communications. To facilitate input on the State ARP plan, NYSED conducted outreach to these groups to coincide with the launch of a NYSED ARP ESSER ThoughtExchange platform (see "Solicitation of Public Input on the ARP ESSER Plan" below).

Digital Equity Summits

The Board of Regents and the State Education Department convened Digital Equity Summits in 2021 to establish a shared understanding of digital inequity in the state and to create a joint vision for achieving digital equity.[78] The summits brought together education, government, community, and business partners from across the state to develop recommended next steps in

the short-term and long-term involving business, industry, community organizations and all levels of government to benefit students and their families.[79] Following Summits 1 and 2 (held in February and March 2021), NYSED compiled the feedback received, and used an equity lens for analysis, and identified existing and emerging solutions that can serve as exemplars for digital equity work in the state. This work will help to identify opportunities for systems and policy change. On June 8, 2021, NYSED will present a report to the Board of Regents that outlines priority areas for focus and future attention. NYSED will host a third and final Summit on June 15, 2021 that will focus specifically on digital equity and inclusion efforts in P12 education. Participants will provide specific strategies, tools, and recommended solutions that other districts and schools can replicate in the key areas of Instruction and Digital Content, Devices and Broadband Access, and Community Connections and Support. The goal of the third Summit will be to identify both barriers and solutions/supports to better target future funding and/or programming and positively impact the digital divide in New York State.

Solicitation of Public Input on the ARP ESSER Plan

As LEAs develop their ARP ESSER plans, they must take into consideration the allowable use of these funds. LEAs may use their ARP ESSER allocations to invest in extended day, week, and year programming with a focus on accelerating student learning, supporting students' social emotional needs, and providing students with engaging enrichment opportunities. LEAs have the discretion to allocate funding to best meet local needs.

To provide LEAs with input and feedback from the public as they develop their ARP ESSER Plans, NYSED performed direct outreach to a wide range of stakeholders in NYS through an online "Thought Exchange" application to solicit input on the ARP ESSER plan. The ThoughtExchange platform was facilitated through a partnership with the Capital Region BOCES and was accessible in multiple languages.

To ensure a wide range of feedback representative of the diversity across NYS, NYSED issued a press release regarding the opportunity to provide public input on the NYS ARP ESSER Plan. A one-page guide translated into 11 different languages, was created to provide background and instructions on how to submit public comment. A wide range of stakeholders, listed in Appendix C, were directly sent information on the ThoughtExchange and how to access it.

In addition, NYSED promoted the survey through its social media channels (Twitter with 36,900 followers, Facebook with 19,500 followers and LinkedIn with 12,500 followers) and sent out information through its listservs which reach hundreds of thousands of New Yorkers. This outreach resulted in news coverage across New York State as well as features regarding this public input opportunity on a wide variety of stakeholder websites including those of civil rights organizations and LEAs.

Participants were highly engaged via "ThoughtExchange," an online conversation tool NYSED used to crowdsource thoughts and ideas. Participants' comments are captured in an online report that shows the top ranked thoughts and groups them together by keywords under themes.

Through the ThoughtExchange Platform, NYSED posed one open-ended question to which participants responded confidentially: "As we prepare for the next school year in New York, what are the most important academic, social emotional, and/or mental health supports for schools to provide to serve all students (i.e., general education students, students with disabilities, English language learners, and others)?" Participants could post their own thoughts, see posts by other users, and rate posts on a scale of 1-5, allowing the most common or shared "thoughts" to rise to the top.

As mentioned in Section A.3, as of May 26, 2021, almost 5,000 participants have provided 6,844 unique responses and over 95,000 ratings of the responses shared by stakeholders. Of the respondents, 37% are parents/guardians of a current student, 37% are faculty, staff, or an educator, 6% are district level administrators, 3% are building-level administrators, and 14% identify as "other." Respondents participated from across NYS with the following distribution:

- Capital Region: 11%
- Central NY: 8%
- Finger Lakes: 7%
- Long Island: 14%
- Lower Hudson Valley: 7%
- Mid-Hudson Valley: 9%
- Mohawk Valley: 2%
- New York City: 25%
- North Country: 3%
- Southern Tier: 5%
- Western New York: 9%

The most frequently identified needs (responses with most consensus and the highest ratings) are:

1. More counselors and resources to support social emotional learning and mental health for students and faculty;
2. Smaller class sizes and/or student-to-teacher ratios that allow for more individualized instruction; and
3. More teacher-selected classroom resources to meet the specific needs of their students.

The top themes that emerged from the comments, in order of prevalence, were:

1. Graduation pathways, special classes for students, and extracurricular activities;

2. Social emotional supports;
3. Academic supports and services;
4. Technology equipment and supplies;
5. Professional development;
6. Community support and engagement;
7. In-person instructional supports; and
8. Health and safety.

These themes will be shared with LEAs through the dissemination of this report and on the NYSED ARP ESSER website with the purpose of providing LEAs with public engagement data to inform the development of their ARP ESSER Plans.

A full report of the Thought Exchange data is available in Appendix D.

C.2 - Coordinating Funds

C.2.i – Use of Federal COVID-19 Funding

New York State was allocated $1.037 billion in Elementary and Secondary School Emergency Relief (ESSER 1) funds. All but $5.2 million in ESSER 1 funding was awarded to LEAs that received 2019-2020 Title I, Part A subgrants, including charter schools, Special Act School Districts and school districts employing fewer than eight teachers. Pursuant to the terms of the CARES Act, LEA allocations were calculated using the relative shares of grants awarded under Title I, Part A of the Elementary and Secondary Education Act (ESEA) for the most recent fiscal year (2019-2020).

The $5.2 million SEA reserve is being used as follows:

- $2.5 million to leverage the resources and experience of community-based partners to build capacity for parent and family support, including but not limited to family adjustment and resources, particularly in high-need communities;
- $1.35 million to provide instructional technology support to assist school districts in providing online learning;
- $1.25 million to support NYSED staff engaged in COVID-19 response; and
- $104,778 for NYSED administration of ESSER 1 funds.

New York State was allocated $164.2 million in Governor's Emergency Education Relief (GEER 1) funding. Pursuant to the 2020-2021 enacted State budget, all but $24.9 of the $164.2 million in GEER 1 funding was awarded to the State's 673 major school districts using the relative shares of grants awarded under Title I, Part A of ESEA for the most recent fiscal year (2019-2020). NYSED is retaining $24.9 million for administration of GEER 1 funds.

New York State was allocated just over $4 billion in Elementary and Secondary School Emergency Relief (ESSER 2) funds under the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSA Act). $3.6 billion (90 percent) has been allocated to LEAs, including charter schools that are LEAs. Pursuant to the terms of the CRRSA Act, LEA allocations have been calculated using the relative shares of grants awarded under Title I, Part A of the ESEA for the most recent federal fiscal year (2020). $395 million in ESSER 2 SEA reserve funds has been allocated to provide LEAs of lower wealth with a minimum per pupil allocation. $5.1 million in ESSER 2 SEA reserve funds is being used by NYSED for administration.

New York State was allocated $322.9 million under CRRSA's Governor's Emergency Education Relief (GEER 2) Fund. Of the $322.9 million, $250.1 million is for a new Emergency Assistance to Non-Public Schools (EANS) grant program. The remaining $72.8 million in GEER 2 funds has been allocated to provide LEAs of lower wealth with a minimum per pupil allocation.

C.2.ii – ESSER I and ESSER II Funds Awarded/Available to LEAs

NYSED issued LEA allocations for the Coronavirus Aid, Relief, and Economic Security (CARES) Act funding on July 20, 2020. When the USDOE equitable services Interim Final Rule was invalidated, NYSED made the necessary changes to the application form and guidance and re-issued the application on October 26, 2020 (the allocations remained unchanged). NYSED invited eligible LEAs to submit a single CARES Act Combined Funding Application for both ESSER 1 and, if applicable, Governor's Emergency Education Relief Fund (GEER 1), funding using the SED Monitoring and Vendor Reporting System. Completed applications were due by November 23, 2020 (with extensions by request) and were reviewed on a rolling basis. At the same time, NYSED issued guidance to LEAs regarding the uses of both GEER 1 and ESSER 1 funds.

Pursuant to the terms of the 2020-2021 enacted state budget, GEER 1 funding was allocated to the State's 673 eligible school districts.[80] Similarly, ESSER 1 funds to LEAs were also programmed in the 2020-2021 enacted New York State budget .[81] ESSER 1 funding (both the required 90% minimum allocation to LEAs and all but $5.2 million in SEA reserve funds) was allocated to NYS' LEAs, including charter schools and Special Act School Districts, that received 2019-2020 Title I, Part A subgrants. NYSED staff reviewed and approved applications and Grant Award Notifications were issued for more than 1,000 LEAs that applied for funds by May 4, 2021 – the one-year anniversary of receipt of funds.

On May 4, 2021, NYSED issued LEA allocations for the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA Act) ESSER 2 funding.[82] New York State was allocated just over $4 billion under the CRRSA Act's Elementary and Secondary School Emergency Relief (ESSER 2) Fund. Pursuant to the terms of the CRRSA Act, minimum 90% LEA allocations were calculated using the relative shares of grants awarded under Title I, Part A of the ESEA for the most recent federal fiscal year (2020). In addition, New York State was allocated $72.8 million under CRRSA's Governor's Emergency Education Relief (GEER 2) Fund. The 2021-2022 enacted state budget directed that $395 million in ESSER 2 SEA reserve funds and the full $72.8 million

of GEER 2 funds be allocated to provide LEAs of lower wealth with a minimum per pupil allocation. NYSED is retaining $5.1 million in ESSER 2 SEA reserve funds for administration.

On May 10, 2021, NYSED invited eligible LEAs to submit a single CRRSA Act Combined Funding Application for both ESSER 2 and, if applicable, GEER 2, funding. Completed applications are due by June 15, 2021 and will be reviewed on a rolling basis. LEAs have been encouraged to submit completed applications as soon as possible to expedite the review and approval process of CRRSA Act funding. To date, approximately 20 LEA applications have been received and are currently under review. Funds will be awarded upon completion of a standardized review process.[83]

C.2.iii – Use of Other Federal Funding

Office of ESSA-Funded Programs

On April 6, 2020, the USDOE offered states the ability to apply for waivers related to the expenditure of School Year (SY) 2018-2019 and 2019-2020 funds. NYSED pursued several waivers to ensure that LEAs could be afforded the maximum flexibilities allowable. These waivers included, but were not limited to, waiving the statutory limit on carryover for Title I, Part A funds; flexibility under Title II, Part A to provide professional development for educators to meet the immediate needs of children whose education has been severely disrupted by school closures; and increased flexibility in the use of Title IV, Part A funds to support continuity of services. As a result of these USDOE-approved waivers, LEAs were able to take advantage of the following flexibilities:

- The period of availability for school year SY 2018-2019 funds has been extended through the end of school year 2020-2021. LEAs will continue to have access to 2018-2019 funds through the carryover process by submitting an FS-10A budget amendment;
- LEAs could carryover up to 100% of 2019-2020 Title I, Part A funds to use during the 2020-2021 school year to meet new identified needs without submitting a waiver request to NYSED;
- For school year 2019-200 Title II, Part A funds, flexibility has been granted to the meaning of professional development as defined in section 8101(42) of ESEA. Therefore, LEAs were not required to provide only sustained professional development activities, but may also provide one-time, stand-alone training (if needed) to better meet the needs of teachers and students during this time;
- For SY 2019-2020 funds, LEAs with Title IV, Part A allocations of $30,000 or more were no longer required to conduct a formal needs assessment to be eligible to receive the LEA's allocation or make changes to planned use of funds;
- For SY 2018-2019 and SY 2019-2020, LEAs with Title IV, Part A allocations of $30,000 or more are no longer required to meet the content area spending requirements of using at least 20 percent of funds received for Well-Rounded Educational Opportunities, at

least 20 percent for Safe and Healthy Students, and a portion of funds for the Effective Use of Technology in section 4106(e)(2)(C), (D), and (E); and
- For SY 2018-2019 and SY 2019-2020, all LEAs that received Title IV, Part A funds were no longer required to limit the expenditure of funds for technology infrastructure to no more than 15% of the portion of funds obligated for the Effective Use of Technology.

On December 4, 2020, the USDOE offered states the ability to apply for waivers related to the expenditure of School Year 2020-2021 Student Support and Academic Enrichment Grant Program (Title IV, Part A of the Elementary and Secondary Education Act of 1965 (ESEA)) funds. NYSED immediately pursued the waivers to ensure that LEAs could be afforded the maximum flexibilities that were available. Pursuant to USDE's authority under section 8401(b) of the ESEA, NYSED was granted a waiver, on behalf of all local educational agencies (LEAs), to waive the following requirements in Title IV, Part A of the ESEA:

- Section 4106(d) of Title IV, Part A of the ESEA, related to LEA needs assessments for the 2020-2021 school year;
- Section 4106(e)(2)(C), (D), and (E) of Title IV, Part A of the ESEA, with respect to content-area spending requirements for Federal fiscal year (FY) 2020 Title IV, Part A funds; and
- Section 4109(b) of Title IV, Part A of the ESEA, with respect to the 15% spending limitation for technology infrastructure for FY 2020 Title IV, Part A funds.

These waivers provide LEAs the opportunity to leverage their federal Title funding in coordination with the CARES and CRRSA funding to support a safe return to and safely maximize in-person instruction, sustain these operations safely, and address the disproportionate impact of the COVID-19 pandemic on individual student groups (including students from low-income families, children with disabilities, English learners, racial or ethnic minorities, students experiencing homelessness, children and youth in foster care, and migratory students).

Office of Student Support Services

The NYSED Office of Support Services applied for, and subsequently was approved for, the federal waiver made available to 21st Century Community Learning Centers (21st CCLC - Title IV Part B which primarily serves low-income students and their families), to provide services to students to help them stay engaged with their remote classes during the school day when students were not physically present in school.[84] The 21st CCLC program office and the two 21st CCLC Technical Assistance Centers (TACs) provided guidance and resources to 21st CCLC subgrantee lead educational agencies (LEAs), and community-based organizations (CBOs) in partnership with LEAs, to support outreach efforts to meet the most immediate needs of participating students (over 60,000 statewide) and their families, including delivering lunches, delivering school supplies and take-home packets, as well as providing innovative and engaging virtual and in -person enrichment programming.[85] They also assisted and supported students and families with troubleshooting remote learning tools/technology, hosting informal virtual

meetings for parents/guardians to connect and share best practices for virtual learning, helping families find foodbanks and food pantries to address food scarcity issues, providing students and families with COVID related resources such as information on COVID testing sites in NYC, quarantine protocols, and places to get free personal protective equipment (PPE).

Schools relied on their 21st Century Community Learning Center (CCLC) community-based organization partners to stay connected to the needs of families in their communities. The program office was able to facilitate, via their 21st CCLC Technical Assistance Center's (TAC), weekly check-ins with families via Zoom and other platforms and held regular town hall meetings to assess student and family needs. The 21st CCLC TACs also provided webinars to support subgrantees on the following COVID-related topics: Effective Trauma Responses for Working with Schools and Communities, Mental Health Self Care, and Building Back Together: Recovery After COVID-19.[86]

The Office of Student Support Services also amended two Community School TAC (CSTACs) contracts with Fordham University and the Research Foundation of SUNY on behalf of Binghamton University.[87] The amendments are supported by $2.5 million in ESSER 1 (CARES Act) SEA reserve funds. The CSTACs are using the funding to partner with and convene community and faith-based organizations, as well as LEAs, to leverage the resources and experience of community-based partners to build capacity for parent and family support, support LEAs and build local capacity, and meet the social emotional and mental health needs of students, family and staff members while addressing transportation issues, with particular focus placed on addressing the needs of special populations and demographic groups most adversely impacted by coronavirus.[88]

Office of Child Nutrition

The Office of Child Nutrition administered over $73 million to schools through the Consolidated Appropriations Act, 2021, which provides funding for School Food Authorities that received less reimbursement in March – June of 2020 than they would have typically received if not for school shutdowns.

The Office of Child Nutrition is also administering funds to School Food Authorities to reimburse local-level administrative costs associated with Pandemic Electronic Benefit Transfer (P-EBT) made available through the Continuing Appropriations Act, 2021 and Other Extensions Act (P.L. 116-159) and Sec. 721 of the FY 2021 Omnibus and COVID Relief Response Act (P.L. 116-260).

Office of Bilingual Education and World Languages

The Office of Bilingual Education and World Languages (OBEWL) worked with LEAs to modify Title III budgets to create new programs and provide other supports that address the inequities of remote and hybrid learning on English Language Learners (ELLs) and their families.[89] This has included adoption of supplemental online tools that help ELLs engage with the virtual

classroom, professional development that addresses the special needs of ELLs in remote learning, and—when allowed by USDOE—the ability to purchase equipment and support high speed internet for families that otherwise were unable to access their online classes.[90]

OBEWL has also provided additional state funding to 25 school districts that had the largest number of English Language Learners who dropped out of high school last year. This funding will provide additional intensive tutoring by qualified English as a New Language (ENL) teachers, as well as funding for additional counselors and social workers to ensure that the academic, social, emotional, and mental health needs of the English Language Learner and Immigrant students are being met.

D. MAXIMIZING STATE-LEVEL FUNDS TO SUPPORT STUDENTS

D.1 - Academic Impact of Lost Instructional Time

D.1.i – Evidence-Based Interventions and Ongoing Evaluation

The 2021-2022 enacted state budget fully allocated the three required SEA reserves under section 2001(f)(1) of the ARP Act as subgrants to 398 LEAs. Similar to NYSED's administration of school improvement plans and related grant programs, NYSED plans to provide the 398 LEAs with a list of evidence-based interventions, and will require these 398 LEAs to utilize subgrant funds to implement evidence-based interventions either chosen from the NYSED-selected list or from another reputable source (e.g., What Works Clearinghouse). NYSED will provide technical assistance to support implementation and will monitor LEA progress in implementation efforts on an ongoing basis. (Please see Evidence-Based Interventions for an example of how NYSED provides guidance to schools and LEAs on how to identify and select evidence-based interventions.)

Previous efforts to identify promising practices have often relied on self-reporting from high-performing schools, with little assessment of local context, generalizability, or scalability of the specific practice. To capture, test, and scale promising practices as they emerge, NYSED will encourage the coordination of cohorts of LEAs through BOCES, NYSED stakeholder groups, and effective practice sharing opportunities, to facilitate interorganizational learning. Through programs like NYSED's TRLE grant program, all LEAs will be encouraged to participate in voluntary cohorts focused on specific problems of practice emerging from the identified needs of students because of the COVID-19 pandemic. Guided by the Regional Educational Laboratory Northeast and Islands, a USDOE-funded center that translates research to practice in partnership with policymakers and practitioners in Connecticut, Maine, Massachusetts, New Hampshire, New York, Puerto Rico, Rhode Island, the U.S. Virgin Islands, and Vermont, Toolkit on Continuous Improvement, as highlighted in the USDOE's COVID-19 Handbook v.2, NYSED will encourage facilitators to guide cohorts toward the identification and sharing of best practices and encourage stakeholder groups to provide the capacity support necessary for individual LEAs as they test, document, and disseminate promising practices in a variety of contexts and

working with various student populations. For an example of how NYSED supports educators, schools, and LEAs in interorganizational learning, see the TRLE website, which provides a summary of NYSED's federal Rethink K-12 Education Models Grant.

Based on NYSED's review of data, community input, and research on evidence-based practices to address lost instructional time and close performance gaps, LEAs will be able to use their ARP ESSER funds in the following areas:

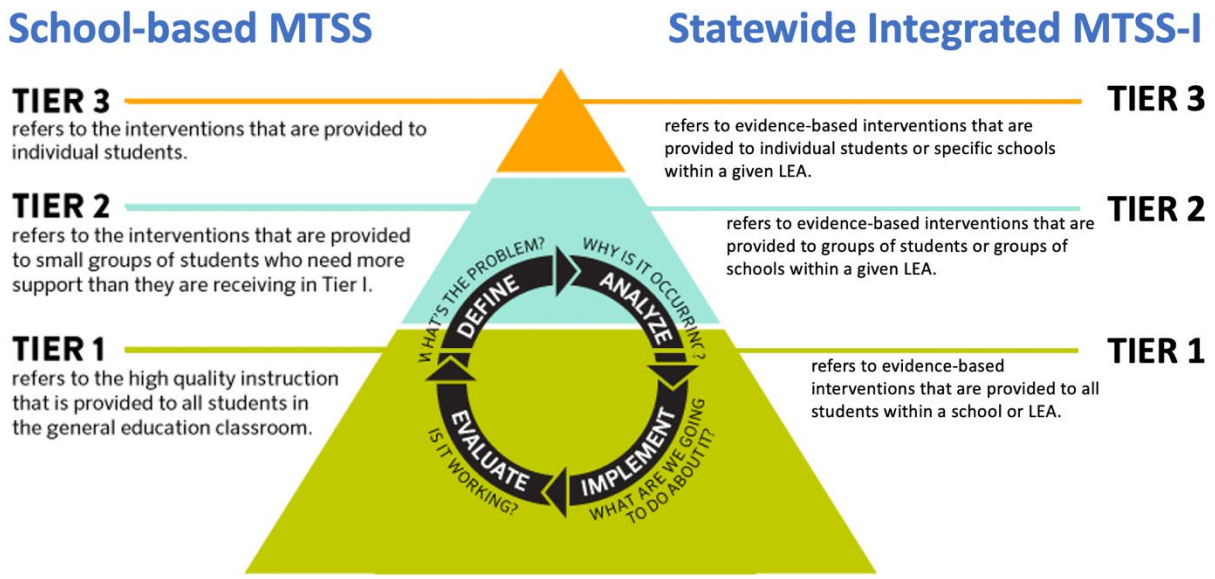
- LEA grants to address the impact on K-12 students of lost instructional time. LEAs, based on locally available data, public engagement feedback, including from students, families, and educators, and data disseminated to LEAs from the NYSED ARP ESSER ThoughtExchange platform (see Section C.1 and Appendix D), will determine how they use these grant funds to have the greatest impact on their students and communities. ThoughtExchange data brought into focus that, as indicated by the top comments received and ranked, ameliorating the effects of lost instructional time will need to include addressing academic needs (including academic enrichment) as well as social emotional/mental health needs. Furthermore, guidance from NYSED directed LEAs to focus interventions and supports pertaining to the academic, social, emotional, and mental health needs of all students, particularly those students disproportionately impacted by the COVID-19 pandemic, including students from low-income families, students of color, English learners, children with disabilities, students experiencing homelessness, children in foster care, and migratory students.[91] NYSED will support LEAs as they use their ARP ESSER allocations to support evidence-based interventions that address the academic impact of lost instructional time, such as summer learning or enrichment programs, extended day programs, comprehensive afterschool programs, extended year programs. A key goal is to accelerate learning for all students and close performance gaps;
- LEA grants to integrate evidence-based practices in SEL and CRSE in their approaches to addressing lost instructional time and pre-existing performance gaps. As the LEAs select summer learning or enrichment programs, extended day programs, comprehensive afterschool programs, extended year programs and other evidence-based interventions, NYSED will work with LEAs, under the general framework of DEI as described in Section A of the plan, to integrate SEL and CRSE approaches in ways that will support students to recover and grow following the pandemic. NYSED is preparing a series of briefs to provide technical assistance to LEAs in implementing CRSE principles. The roadmap for implementation is forthcoming. In addition, NYSED, through a lens of equity, is updating guidance pertaining to equity focused SEL to better support young people and adults in schools, families, and communities, and strengthening identity, agency, and belonging through the five core SEL competencies of self-awareness, self-management, social awareness, relationship skills, and responsible decision-making. NYSED has convened a workgroup comprised of internal NYSED partners, the NYC Department of Education (DOE), parents/guardians, students, BOCES, and teachers, among others, to help guide this work;

- LEA grants to fund creation of new full-day universal prekindergarten programs for 4-year-olds and expansion of existing programs. Pre-school children have been dramatically impacted by the pandemic as daycares, pre-school programs, enrichment programs and the like were closed for much of the past year. NYS will expand the opportunities for 4-year-olds to attend free, public pre-K programs where they will be able to catch up on lost early childhood learning, socialization, and other foundational skills required for long-term success. NYSED is in the process of developing quality indicators to document and monitor efficacious early childhood programs. These quality indicators will be updated and approved in the 2021-2022 school year. LEAs will complete and submit their 2-year self-assessment and action plan starting in September 1, 2022. More information on the NYSED pre-K quality indicators can be found at the State-Administered Prekindergarten Programs Quality Indicators webpage; and
- Charter LEA grants to expand facilities funding for charter schools that increased enrollment during the pandemic. Charter schools in New York City serve a high number of economically disadvantaged students who were disproportionately impacted by the pandemic. In addition, the number of students served in charter schools during the pandemic increased.[92] A portion of ARP ESSER SEA reserve funds will allow these public schools to equitably access facilities as they shift back to in-person learning and must accommodate the increased number of students.

D.1.ii – Differentiated and Targeted Interventions through MTSS-I

NYSED will support LEAs in implementing evidence-based interventions within MTSS-I, an overarching priority in NYSED's ARP ESSER Plan.[93] With the support of a State Personnel Development Grant (SPDG),[94] NYSED is developing and implementing a pilot program to establish MTSS-I as a framework that helps educators prioritize the needs of the whole child and integrates academic, behavioral, and social emotional support within a culturally responsive and sustaining framework.[95] The multi-tiered system of supports helps LEAs and schools prioritize interventions by establishing tiers of support. School-based multi-tiered systems of support (MTSS) focuses on providing interventions to students whereas MTSS-I ("Statewide Integrated MTSS") focuses on the larger systemic components (e.g., groups of students across schools/LEAs, schools, or groups of schools). The purpose of MTTS-I is to better align interventions with the needs of communities and individual students (see Figure 1). NYSED is currently expanding MTSS-I to all LEAs and will use the framework in Figure 1 to help LEAs identify and deliver evidence-based interventions with ARP ESSER funds.

Figure 1. MTSS and MTSS-I
New York State



At the core, the MTSS process, both school-based and integrated statewide, is a continuous improvement process that uses data to identify and analyze challenges, select evidence-based interventions, and target them to the appropriate student(s)/school(s), and then evaluate the effectiveness of the interventions. Please see section A.4 for a description of NYSED's approach to collecting data during and after the pandemic; these data sources, as well as others collected by the LEAs and schools, will be used to drive the continuous improvement process.

The MTSS/MTSS-I processes directly address the disproportionate impact of COVID-19 across our diverse communities by ensuring that solid data sources inform the kind, form, amount, and implementation of evidence-based interventions at all levels.

D.1.iii – Identifying Most Vulnerable Students

NYSED has already implemented data reporting systems that allow schools, LEAs and NYSED to identify those students who missed the most in-person instruction during the COVID pandemic, as well as those students who did not consistently participate in remote instruction. Please see Section A.5 for details.

D.2 – Evidence-Based Summer Learning and Enrichment Programs

See our response to D.1 and the two specific program areas listed for LEA funding opportunities:

1. LEA grants to address the impact of lost instructional time on K-12 students. LEAs will determine how to use these grant funds to have the greatest impact on their communities. NYSED will support LEAs in using these funds to support evidence-based interventions that address the academic impact of lost instructional time such as summer learning or enrichment programs, extended day programs, comprehensive afterschool programs, extended year programs.
2. LEA grants to integrate evidence-based practices in SEL and CRSE in their approaches to addressing lost instructional time and pre-existing performance gaps. As the LEAs select summer learning or enrichment programs, extended day programs, comprehensive afterschool programs, extended year programs and other evidence-based interventions, NYSED will provide LEAs with best practices and guidance to enable SEL and CRSE approaches to be integrated in ways that will support student recovery and development following the pandemic.

For both of these program areas, NYSED will engage with stakeholders (including parents/guardians and students) and measurement experts in discussions about how to best measure and report the effectiveness of these initiatives and engage in considerations regarding applicable performance measures. In addition to reporting the typical data collection measures specific to student outcomes, NYSED will survey LEAs to rate the effectiveness of their initiatives on addressing student academic, social, emotional, and mental health needs.

To assist LEAs further incorporate SEL practices into the supports for students during the pandemic and as they return to school, NYSED collaborates with the Mental Health Association of New York State to provide LEAs with Mental Health First Aid Training.[96] Mental Health First Aid is a public education program that introduces participants to risk factors and warning signs of mental illnesses, builds understanding of their impact, and overviews common supports. This training program is included on the Substance Abuse and Mental Health Services Administration's (SAMHSA) National Registry of Evidence-based Programs and Practices.[97] NYSED also supports LEAs through a SAMHSA Project AWARE (Advancing Wellness and Resiliency in Education) State Education Agency Grant.[98] The focus of this program is to build connections between LEAs and community-based mental health resources.

D.3 – Evidence-Based Comprehensive Afterschool Programs

Based on NYSED's review of data, community input, and research on evidence-based practices to address lost instructional time and close performance gaps, LEAs will be able to use their ARP ESSER funds in the following areas focusing on afterschool opportunities:

- LEA grants to address the impact on K-12 students of lost instructional time a. LEAs will determine how to use these grant funds to have the greatest impact on their communities. NYSED will support LEAs as they implement evidence-based interventions that address the academic impact of lost instructional time such as summer learning or enrichment programs, extended day programs, comprehensive afterschool programs, and extended

year programs. A key goal is to accelerate learning for all students and close performance gaps; and

- LEA grants to integrate evidence-based practices in SEL and CRSE in their approaches to addressing lost instructional time and pre-existing performance gaps. As the LEAs select summer learning or enrichment programs, extended day programs, comprehensive afterschool programs, extended year programs and other evidence-based interventions, NYSED will work with LEAs to integrate SEL and CRSE approaches in ways that will support student recovery and development following the pandemic. NYSED is preparing a series of briefs to provide technical assistance to LEAs in implementing CRSE principles. The roadmap for implementation is forthcoming. In addition, NYSED, through a lens of equity, is updating guidance pertaining to equity-focused SEL. NYSED has convened a workgroup comprised of internal NYSED partners, the NYC DOE, parents/guardians, students, BOCES, and teachers, among others, to help guide this work.

D.4 Emergency Needs

NYSED is utilizing ARP ESSER SEA reserve funds for emergency needs under ARP section 2001(f)(4) as follows:

- $195 million to support a multi-year expansion of new full-day 4-year-old universal prekindergarten expansion grants;
- $15 million for prekindergarten expansion grants via a competitive bid; and
- $35 million to support NYC charter school facilities.

Charter LEA facilities grants will be used to create equitable facilities opportunities for charter schools in private space in NYC. Charter schools in NYC serve a high number of economically disadvantaged students who were disproportionately impacted by the pandemic. In addition, the number of students served in charter schools during the pandemic increased. These funds will allow these public schools to expand facilities as they shift back to in-person learning and must accommodate the increased number of students.

Additional information on the use of these funds may be found in Section D.1.i of this plan.

E. SUPPORTING LEAs IN PLANNING FOR AND MEETING STUDENTS' NEEDS

E.1 - LEA Plans for the Use of ARP ESSER Funds

In the first step of the application process for ARP ESSER funds, in May of 2021, each LEA was required to submit a set of assurances that certify the LEA will meet the requirements in section 2001(i) of the ARP Act and the ARP ESSER Interim Final Requirements, which include assurances signaling that within 30 days of receipt of the funds, LEAs will develop and make publicly

available on the LEA's website a plan for the safe return to in-person instruction and continuity of services.[99] LEAs will also submit narrative responses within the application for ARP ESSER funds that describe:

- The extent to which and how the funds will be used to implement prevention and mitigation strategies that are, to the greatest extent practicable, consistent with the most recent CDC guidance on reopening schools to continuously and safely open and operate schools for in-person learning;
- How the LEA will use the funds it reserves under section 2001(e)(1) of the ARP Act to address the academic impact of lost instructional time through the implementation of evidence-based interventions, such as summer learning or summer enrichment, extended day, comprehensive afterschool programs, or extended school year;
- How the LEA will spend its remaining ARP ESSER funds consistent with section 2001(e)(2) of the ARP Act; and
- How the LEA will ensure that the interventions it implements, including but not limited to the interventions implemented under section 2001(e)(1) of the ARP Act to address the academic impact of lost instructional time, will respond to the academic, social, emotional, and mental health needs of all students, and particularly those students disproportionately impacted by the COVID-19 pandemic, including students from low-income families, students of color, English learners, children with disabilities, students experiencing homelessness, children in foster care, and migratory students.[100]

Prior to application approval, each application will receive a comprehensive review by trained NYSED staff to ensure compliance with each of the requirements in 2001(i) of the ARP Act and the ARP ESSER Interim Final Requirements. As part of the technical assistance and comprehensive monitoring of ARP ESSER funds, NYSED will ensure that the LEA periodically reviews, no less frequently than every six months for the duration of the ARP ESSER grant period (i.e., through September 30, 2023), and revises as appropriate, its plan for the safe return to in-person learning and continuity of services. NYSED will ensure that the LEA seeks public input and takes such input into account on (1) whether revisions are necessary and, if so, (2) the revisions to the plan through the collection of evidence of public input during the monitoring and oversight process.

On May 19, 2021, NYSED issued a memorandum to LEAs on the two federally required ARP ESSER plans.

E.2 - LEA Consultation

As part of the LEA's application for ARP ESSER funds, the LEA will submit narrative responses that describe how they will engage in meaningful consultation with stakeholders, including but not limited to students, families, school, and LEA administrators (including special education administrators), as well as teachers, principals, school leaders, other educators, school staff and their unions. To the extent present in or served by the LEA, the narrative must also include how

they will engage in meaningful consultation with Native American Nations, civil rights organizations (including disability rights organizations), and stakeholders representing the interests of children with disabilities, English learners, children experiencing homelessness, children and youth in foster care, migratory students, children who are placed in the juvenile justice system, and other underserved students.[101] Finally, LEAs will be required to give assurances that they will publicly post their plans for the use of ARP ESSER on websites and supply online tools to allow the public to provide input on the plan and its development.

On May 19, 2021, NYSED issued a memorandum to LEAs on the two federally required ARP ESSER plans.

E.3 – Support and Monitoring of LEA use of ARP ESSER Funds

E.3.i – SEA Support and Monitoring of LEA Implementation of Evidence-Based Interventions

As part of the technical assistance and comprehensive monitoring of ARP ESSER funds, NYSED will ensure that the LEA periodically reviews its plan for the safe return to in-person learning and continuity of services, no less frequently than every six months for the duration of the ARP ESSER grant period (i.e., through September 30, 2023), and revises as appropriate. NYSED will ensure that the LEA seeks public input and takes such input into account on (1) whether revisions are necessary and, if so, (2) the revisions to the plan through the collection of evidence of public input during the monitoring and oversight process.

E.3.ii – SEA Support and Monitoring of LEA Addressing the Needs of Vulnerable Students

Please see our responses to A.4 and A.5 for summaries of how NYSED is supporting LEAs in the collection of student performance and outcomes data as well as school operational data such as mode of instruction, enrollment, and attendance. NYSED will help LEAs use these data sets to identify the impact of the pandemic on individual students and groups of students so that they can effectively implement MTSS-I strategies described in Section D.1.ii.

E.3.iii – SEA Support and Monitoring of LEA Addressing Students Experiencing the Impact of Lost Instructional Time

Please see our responses to A.4 and A.5 for summaries of how NYSED is supporting LEAs in the collection of student performance and outcomes data as well as school operational data such as mode of instruction, enrollment, and attendance. NYSED will help LEAs use these data sets to identify the impact of the pandemic on individual students and groups of students so that they can effectively implement MTSS-I strategies described in Section D.1.ii.

E.4 – Educational Equity

E.4.i – Allocating funding based on student need

The 2021-22 enacted state budget allocated the three required ARP ESSER SEA reserves via a formula to 398 of the state's highest need LEAs. The formula was based on an equity-driven approach to ensure LEAs received a minimum per pupil allocation.

E.4.ii – Equitable and Inclusive Return to Instruction

Please see Section D1.ii for additional information. MTSS-I is an integration of Response to Intervention (RtI) models that focus on academic interventions and Positive Behavioral Intervention Systems (PBIS) that employ tiered interventions in relation to student behavioral and social emotional needs. MTSS-I helps ensure that students are educated in the least restrictive learning environments and that schools avoid the over-use of exclusionary measures to address behavioral issues. MTSS-I supports the creation and development of positive and supportive learning environments for all students. MTSS-I, coupled with the implementation of SEL and CRSE supports, and the recourses provided under ARP ESSER, will provide LEAs with the tools and supports needed to facilitate an equitable and inclusive return to in-person instruction.

F. SUPPORTING THE EDUCATOR WORKFORCE

F.1 – Supporting and Stabilizing the Educator Workforce

F.1.i - Shortages of Educators in NYS

NYSED collects data on teacher shortages in certain subject areas at the statewide level for the USDOE. The 2020-2021 teaching assignment data collection is currently underway. The 2021-2022 teacher shortage areas are listed below and are based on 2019-2020 teaching assignment data:[102]

- Bilingual Education;
- Bilingual Special Education;
- Career and Technical Education;
- English Language Arts;
- Health Education;
- Literacy;
- Social Studies;
- Special Education (all grades); and
- World Languages other than English

More than 10% of New York City public school teachers who had teaching assignments in the following subject areas during the 2019-2020 school year were not certified in the subject area: arts (art, dance, music, theater), library media specialist, mathematics, sciences, and all the subject areas listed above. In addition, more than 10% of teachers in the Big Four school districts (Buffalo Public Schools, Rochester City School District, Syracuse City School District, and Yonkers Public Schools) who had teaching assignments in the following subject areas during the 2019-2020 school year were not certified in the following subject areas: bilingual education, bilingual special education, career and technical education, English language arts, literacy, sciences, and special education (middle school/secondary).

F.1.ii – Assisting LEAs to Identify Most Urgent Area of Shortages

Although NYSED collects data on statewide teacher shortages, shortage areas within a particular LEA or school vary based on local needs. Therefore, NYSED will develop a survey to be administered to LEAs during the 2021-2022 school year through which they will identify their most urgent shortages or potential shortages and most significant needs, which would be specific to their context. With the survey results, NYSED will explore identifying resources for the LEAs and/or develop policies that would address their shortages and needs.

In May 2020, in response to limited test center availability for certification exams during the pandemic, the Emergency COVID-19 certificate was created to allow individuals to work in New York State public schools while taking and passing the required exams for the certificate sought. The certificate is valid for two years, enabling these individuals to fill vacancies for the upcoming school year and expanding the educator pipeline while they complete the exam requirement for certification.

Another teacher shortage area is in UPK education. NYSED plans to use a portion of ARP ESSER SEA reserve funds to dramatically expand Universal Pre-Kindergarten (UPK) throughout the state as a means to bring greater equity to educational opportunities to all New York families, regardless of income.[103] As daycares and early childhood programs were disproportionately impacted during the pandemic, this will also allow New York to accelerate learning for the youngest students so that they gain the foundational skills and attributes necessary for long-term success. A by-product of this expansion, however, will be a need to increase the workforce focused on UPK and teachers trained in early childhood education.

UPK teachers have two pathways for preparation to become certified to teach UPK. Teacher candidates can attend an Institution of Higher Education (IHE) and work toward an approved program to receive certification in Birth - Grade 2 as an Early Childhood Educator. Teacher candidates can also attend an IHE and work toward a degree in Childhood Education (Grades 1 - 6) but can take additional coursework to receive an extension to obtain certification in Birth - Grade 2. LEAs may allocate a portion of their ARP ESSER funds for hiring of UPK personnel.

F.1.iii – Actions to Fill Gaps in the Teacher Workforce, Expand the Educator Pipeline, and Promote Educator Diversity

NYSED is currently implementing several programs that will continue to support, expand, and diversify the teacher pipeline:

- Teacher Opportunity Corps II (TOC II). This program seeks to increase the participation rate of historically underrepresented and economically disadvantaged individuals in teaching careers. NYSED has awarded TOC II grants to 16 colleges and universities to date and recently issued a new Request for Proposals (RFP) to fund programs from September 2021 through August 2026;[104]
- Teacher Diversity Pipeline Pilots. The state funds two Teacher Diversity Pipeline pilots designed to assist teacher aides and teaching assistants in attaining the necessary education and professional training to obtain teacher certification. The goals of this program include increasing the diversity of the teaching force in high-need districts and schools, as well as addressing teacher shortages/needs in high-need districts and high-need schools;[105] and
- Teachers of Tomorrow. The Teachers of Tomorrow grant program provides incentives to encourage prospective teachers to teach in a school district experiencing a teacher shortage or subject shortage, especially low-performing schools.[106]

NYSED addresses shortages in a variety of ways for the following groups of potential teachers.

- **Prospective teachers**. The Emergency COVID-19 certificate was created to give individuals who meet all requirements for certification, other than the exam requirement(s), an opportunity to work in New York State public schools for two years while taking and passing the required exam(s) for the certificate sought.
- **Career changers***.* Individuals who hold an undergraduate or graduate degree in a subject area can enroll in an alternative teacher program at a New York State institution of higher education. After they are hired by a school district, they would apply for a Transitional B or C certificate that enables them to teach while they complete their program requirements for the Initial certificate. The certificate is valid for three years or until the completion of the program, whichever occurs first.
- **College professors***.* The Transitional G certificate is an option for individuals who hold a graduate degree in the subject area of a certificate title and have at least two years of satisfactory teaching experience at the postsecondary level in the subject area. Individuals who are employed by a school district and meet the certificate requirements can teach for up to two years to gain the teaching experience needed for the Initial certificate.
- **Practicing teachers***.* Teachers who hold a valid certificate are eligible for the five-year Supplementary certificate in a subject area if they pass the appropriate content specialty test, complete a specified number of semester hours of coursework in the subject area, and have a school district recommendation explaining that they are

seeking to employ the teacher in a position with a demonstrated shortage of certified teachers in the subject area. The certificate gives teachers time to fulfill the coursework requirement for a subject area extension or additional certificate in the subject area.

- **Out-of-state teachers***.* Teachers who have at least three years of experience teaching in public schools in another state within the past seven years may be eligible for certification through the "Endorsement of a Certificate" (reciprocity) pathway. In this flexible pathway, teachers do not take certification tests.

Collaborative partnerships between LEAs and institutions of higher education (IHEs) with teacher preparation programs are critical for expanding the educator pipeline and educator diversity as well as addressing the needs of students disproportionately impacted by the COVID-19 pandemic. Grow Your Own programs and clinical experiences for teacher candidates, such as student teaching, residencies, practicum, and alternative teacher preparation program in-service components, are examples of initiatives that LEAs and IHEs could jointly pursue. For example, Grow Your Own programs can address teacher shortages and lack of diversity in the workforce by recruiting potential teachers into the profession who have a deep and shared cultural understanding of the students they will eventually teach.

NYSED encourages LEAs and IHEs to develop clinical experiences for teacher candidates that enable them to gain the knowledge and skills needed to effectively teach students, such as providing supportive learning environments. Through clinical experiences, teacher candidates have opportunities to work with teachers to meet students' academic, social, and emotional needs while becoming familiar with the roles and responsibilities of teachers; school/district priorities and initiatives; and the whole school community. Residencies and other LEA/IHE clinical experience partnerships, including clinical experiences that employ the co-teaching model, can also help address the urgent learning and opportunity gaps created by COVID-19 by more rapidly impacting student outcomes during the school year, and in afterschool and summer programs.

F.2 - Staffing to Support Student Needs

Pupil Personnel Services (PPS) staff, school counselors, school nurses, school social workers and school psychologists are integral members of the education team in a school setting. School counselors are the only mandated personnel under NYS law. As such, it is imperative that school administrators are knowledgeable and supportive of the roles PPS staff members play in the supporting students and helping them thrive and achieve. During the pandemic, their presence has proven to be crucial to the health and safety of students. NYSED and the New York State Center for School Health (NYSCSH) will continue to educate school administrators

regarding the importance of having PPS staff in school to support both physical and mental health of students.[107]

G. MONITORING AND MEASURING PROGRESS

G.1 - Capacity for Data Collection and Reporting

NYSED will continue to ensure its capacity and the capacity of its LEAs to collect data on reporting requirements as we prepare for and implement evidence-based strategies this summer, throughout the 2021-2022 school year, and beyond. This will enable NYSED to build off existing data collection to grow a more robust data set to ensure availability of needed data and to improve and maintain a high level of data quality. Working with stakeholders will allow NYSED to determine the best method for collecting and reporting of the data, whether it be student level or institutional level data, and using the appropriate mechanism for that type of collection.

NYSED's capacity and strategy to collect data from LEAs begins with focusing on the end reporting product to clearly identify the outcome of the data reporting and the integrated data elements. This must be done while incorporating appropriate timelines that coordinate with current reporting requirements to make the data available when needed with an easy to use, integrated data collection over time. This will ensure quality and timely reporting for programmatic planning and an opportunity to learn with a focus on ensuring equity. NYSED will collaborate with its Level 1 Regional Centers and Big 5 School Districts to identify the best source to ensure ease of collection to increase data quality and improve timely reporting while continuing to observe and inform LEAs of the appropriate guidelines for data privacy and information security. This will support LEA compliance with all reporting requirements at such time, in such manner and containing such information as the Commissioner may reasonably require.

Please see the responses to A.4 and A.5 for summaries of how NYSED is supporting LEAs in the collection of student performance and outcomes data as well as school operational data such as mode of instruction, enrollment, and attendance. NYSED will help LEAs use these data sets to identify the impact of the pandemic on individual students and groups of students so that they can effectively implement the MTSS-I strategy described in Section D.1.ii.

In those pilot schools participating in NYSED's MTSS-I initiative, multiple measures are used to collect and report student academic, behavioral, and social emotional progress. Formative assessment processes are embedded in instruction to assist in determining where students are in their learning and where gaps in knowledge and understanding exist to inform day-to-day teaching and learning. Evidenced-based interim assessments are also used to evaluate student skills and knowledge in specific areas and assist in measuring the effectiveness of MTSS-I strategies on student outcomes as well as inform classroom and LEA level decision-making.

Furthermore, each LEA, as part of its submission for ARP ESSER funding, was required to provide an assurance by May 24, 2021 that the LEA will comply with all reporting requirements, including on matters such as, but not limited to:

- Data on each school's mode of instruction (remote, hybrid, in-person), including student attendance data (disaggregated by student subgroup) for each modality;
- LEA uses of funds to meet students' social, emotional, and academic needs, including through summer enrichment programming and other evidence-based interventions, and how they advance equity for underserved students;
- LEA uses of funds to sustain and support access to early childhood education programs;
- 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);
- Student data (disaggregated by student subgroup) related to how the COVID-19 pandemic has affected instruction and learning;
- Requirements under the Federal Financial Accountability Transparency Act (FFATA); and
- Additional reporting requirements as may be necessary to ensure accountability and transparency of use of ARP ESSER funds.

Part 1 of the ARP ESSER Application can be found at the ASP-ESSER Application: Part 1 website. As of May 27, 2021, all 1,008 LEAs in New York State have provided the mandated assurances required in part 1 of the application.

G.2 - Monitoring and Internal Controls

NYSED'S Office of ESSA-Funded Programs, in collaboration with NYSED's Chief Financial Officer and Office of Grants Finance, will be responsible for the administration of New York State's ARP ESSER funds. NYSED will use a triangulated approach in supporting its LEAs in the use and monitoring of ARP ESSER funds which includes ARP ESSER technical assistance, application review, and monitoring of use of funds.

Technical Assistance

Technical assistance will be provided to LEAs on a continuous basis via multiple platforms including but not limited to 1-1 phone calls, emails, webinars and office hours to support schools and districts and to help ensure fidelity in implementation of the ARP ESSER funds.

Application Review

In consultation with NYSED'S Chief Financial Officer, the Office of ESSA-Funded Programs has determined an allocation amount for each Local Education Agency (LEA) to be awarded the minimum 90% allocation of ARP ESSER funds based on each eligible LEA's relative Title I Part A allocation in the 2020-2021 school year. Each LEA awarded an ARP ESSER allocation is required

to submit to NYSED a completed “ARP ESSER Application” through NYSED’s secure online business portal. Each ARP ESSER application must include a program narrative, budget, and budget narrative. All application materials must be signed and submitted by the Chief Administrative Officer (or a properly authorized designee) and sent to NYSED for review and approval. Part 2 of the application is still under development, and the application for the 398 LEAs allocated ARP ESSER SEA reserve funds is also still under development.

All application materials, including budgets and budget narratives, will be reviewed by NYSED staff for allowability and consistency with the requirements of the ARP Act pertaining to ESSER funds; the relevant Terms and Conditions listed in NYS’ ARP ESSER Grant Award Notification; the relevant assurances in New York State’s Certification and Agreement for Funding under the Education Stabilization Fund Program, Elementary and Secondary School Emergency Relief Fund; and the terms of the U.S. Department of Education’s Interim Final Requirements. Staff completing reviews will be provided with training prior to conducting application reviews. Reviewers will also be engaged in subsequent trainings using a community of practice approach to help troubleshoot questions or concerns that arise throughout the review process.

The budgets will be entered by the program office administrator into the Project Tracking System (PTS) component of NYSED’s internal grant payment system, CAFÉ. Approval of the FS-10 Budget (or FS-10-A if applicable) will be documented by signature of the program administrator on the FS-10. The budget’s status will be updated in PTS by the program administrator to reflect the program office decision to approve or disapprove. The total amount of the budget will be entered into the PTS system by the approving Program Officer.

Upon receiving programmatic approval, application materials including the FS-10 Budget with original signature and one copy are sent to the Grants Finance office for further administration. Grants Finance reviews the FS-10 for mathematical accuracy, use of proper indirect cost rate, and then assigns an initial advance payment. While NYSED anticipates providing most LEAs with an initial advance of 10% of each LEA’s minimum 90% ARP ESSER allocation, this percentage may vary depending on the size of the LEA’s allocation and whether the LEA has an assigned monitor. NYSED anticipates providing the 398 LEAs receiving the three required ARP ESSER SEA reserve set-aside funds with a 20% initial advance. Subsequent payments are made as eligible reimbursement claims are received, reviewed, and approved.

The CAFÉ system generates a Grant Award Notice that is mailed out to the local education agency/grantee. Separately, a copy of the approved budget and project summary report is then returned to the local agency so that any budget changes can be noted and project accounting records established. To ensure continuity, budget amendments submitted during the project period will be reviewed and approved by the same program staff that conducted initial reviews of an LEA’s initial application.

Monitoring

NYSED will monitor each LEA's use of ESSER funds to ensure compliance with all applicable Federal requirements, including but not limited to ensuring that funds are used in a manner that is consistent with section 2001 of the ARP Act for allowable purposes, and with 2 CFR §200.303 under the Uniform Grants Guidance. NYSED will develop and implement monitoring protocols and create a schedule for subrecipient monitoring that includes both programmatic and fiscal indicators. The monitoring operates on a risk-based system. This system may consider the total allocation and items noted in the LEAs application/budget. NYSED's monitoring activities occur in two phases: 1. Pre-Award, and 2. Post-Award Monitoring:

1. Pre-Award Monitoring: NYSED will utilize the secure online business portal (already in use for distribution of Federal funds under ESSA) for the LEA ARP ESSER application submission to NYSED. The secure online portal allows LEAs to upload materials for review by program staff and allows NYSED staff to ensure that an LEA's use of funds is consistent with approved applications, budgets, and budget amendments. While NYSED's primary purpose is to ensure funds are delivered as efficiently as possible to LEAs, ESSA Funded Program Office staff will collaborate closely with LEA staff to ensure the application and budget are aligned with ESSER uses of funds and other statutory requirements.

2. Post-Award Monitoring: In addition to the programmatic and fiscal monitoring activities conducted during the data collection and application review processes, NYSED will conduct follow-up monitoring with LEAs that receive funds under the ARP ESSER program. NYSED will deploy a review protocol to collect and review programmatic and fiscal documents from awarded LEAs. Such a review protocol will include indicators requiring LEAs to provide evidence of allowability and primary documentation demonstrating accordance with cash management principles and the Uniform Guidance and 2 CFR §200.331 and private school participation, as applicable.

As needed, NYSED will leverage existing on-site monitoring protocols that are used for LEAs with an elevated risk of non-compliance to follow up with any LEAs that are non-responsive or for which additional information is needed. In all cases, NYSED will take appropriate enforcement actions if it determines that an LEA's use of funds does not meet the requirements of the program.

To complete these key application review, technical assistance, and monitoring functions, NYSED will increase current capacity through the hiring of 12 temporary project staff in the Office of ESSA-Funded Programs and the hiring of 6 temporary project staff in the Office of Grants Finance. These staff will complete key functions under the direction of the Director and Supervisor of Education Programs and the Assistant Director of Financial Administration, as detailed below in Table 5:

Table 5. ARP ESSER Application Reviews
The Office of ESSA-Funded Programs

Roles	Responsibilities
Director	Oversee administration of ARP ESSER funds Develop ARP ESSER Funding Application Establish application review protocol Provide staff training on procedure for reviewing and approving applications Review and approve applications Provide LEAs targeted technical assistance
Supervisor of Education Programs	Develop and manage a grant project workplan Assist in application development Assist in development of review protocol Participate in application review training Provide staff targeted support with application reviews Review and approve applications Provide LEAs targeted technical assistance
Project Coordinators (Temportary Staff) **Project Assistants (Temporary Staff)**	Facilitate clear and timely communication among internal and external grant stakeholders; Prepare LEA application forms and review protocols to ensure consistent assessment of all LEA grant applications Assist LEAs in the preparation and completion of their grant applications Prepare monitoring forms and monitoring review protocols to ensure the successful oversight of grant programs Develop data collection tools focused on reporting elements required by the USDOE Present grant status reports and findings to internal and external stakeholders Manage grant implementation according to the Uniform Grants Guidance Develop and manage a grant project workplan Collaborate with NYSED's fiscal team to track budgets and facilitate multiple procurement processes Collaborate with internal staff to ensure the collection, analysis, and dissemination of data required for the successful implementation and coordination of the grant Manage the effective administration of grant activities including, but not limited to, data reporting and analysis, budget administration, and workplan amendments Ensure compliance with State and federal statute and regulations Monitor ESSER programs to determine LEA compliance with programmatic and fiscal requirements Prepare and submit all required reports and oversee recordkeeping of all documents related to the grant Serve as a subject matter expert in the delivery of LEA technical assistance regarding grant implementation

	Develop various technical assistance resources including but not limited to guidance documents, webinars, and presentations
Support Staff	Process materials submitted by mail in a timely fashion Enter budgets on CAFÉ system Programmatically approve budgets on CAFÉ system after reviewer issues application approval Transmit approved budget to Grants Finance Unit for final processing

APPENDIX A – NYS SCHOOL REOPENING GUIDANCE

For the full document please visit [Recovering, Rebuilding, and Renewing: The Spirit of New York's Schools - Reopening Guidance](#).

New York State
EDUCATION DEPARTMENT
Knowledge › Skill › Opportunity

RECOVERING, REBUILDING, AND RENEWING: THE SPIRIT OF NEW YORK'S SCHOOLS

REOPENING GUIDANCE

APPENDIX B – NYSED INSTRUCTIONAL MODE AND ATTENDANCE REPORTING MEMO

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

December 1, 2020

TO: BOCES District Superintendents School
District Superintendents
School District State Aid Designees
Regional Information Center Directors
Charter School Leaders
Data Warehouse Project Managers

FROM: Kim Wilkins, Deputy Commissioner for P-12 Instructional Support
Marybeth Casey, Assistant Commissioner for Curriculum and Early Learning
Brian S. Cechnicki, Director of Education Finance
David Frank, Executive Director of Educational Innovation and Strategic Initiatives Jason Harmon, Assistant Commissioner, Office of Accountability
Rose LeRoy, Director of Educational Data and Research, Office of Information and Reporting Systems
Phyllis D. Morris, Chief Financial Officer

RE: Recording and Reporting Attendance and Hours of Instruction for In-Person and Remote Instruction in the 2020-21 School Year

This memorandum provides important information regarding the provision, recording, and reporting of both in-person and remote instruction pursuant to the reopening plans required of school districts, BOCES, and charter schools (collectively referred to in this memorandum as "reporting entities") to NYSED. All reporting requirements and additional clarification contained in this memorandum apply to the beginning of the 2020-21 school year in September 2020 and are supplemental to previous directives issued by NYSED.

A summary of the flexibility available in and changes to reporting requirement for the 2020-21 school year is provided below. Attachment 1 provides additional detailed information that should be shared with staff who are responsible for issues pertaining to student attendance, scheduling, and State aid:

- **Provision of Instruction:** For the 2020-21 school year, reporting entities are required to provide options for both in-person and remote learning, particularly in situations where a school building may be required to close.
- **Supplemental School Reopening Information:** In December, NYSED will be distributing a supplemental reopening schedule form for all reporting entities to report their current schedules for the school year, noting the clock hours dedicated to in-person and synchronous remote instruction in a typical week (i.e., one without holidays or standalone conference days), and the expected amount of student self-work during periods of asynchronous instruction for all grade levels in all school buildings. Please note that this survey is required and will be public information.
- **Reporting In-person and Remote Attendance:** For the purpose of collecting and reporting daily student-level attendance of students in different learning modalities, NYSED will introduce new reporting requirements to record attendance used beginning with September of the 2020-21 school year. Reporting entities will now have to report to NYSED for each enrolled student for each day whether the student was present or absent. All student level attendance data are to be reported daily throughout the school year. The reporting entity must be prepared to report the attendance (both positive and negative attendance) by instructional modality (in-person, remote or both on the same day).
- **Recording In-person and Remote Instruction for State Aid Purposes:** Districts are responsible for developing a mechanism to collect and report daily teacher/student engagement or attendance regardless of the instructional setting. For state aid purposes for school districts only, NYSED will continue to use the calendar spreadsheet and SAMS 180-day form process for the 2020-21 school year, which districts are to complete in Summer 2021. The Office of State Aid will provide more detailed instructions later in the school year.
- **Conversion of Snow Days into Remote Instruction (School Districts):** As part of NYSED's ongoing efforts to provide districts with flexibility in meeting local needs during the pandemic, NYSED has established a one-year pilot to enable school districts, at district option and consistent with each district's reopening educational plan, to pivot to remote instruction to provide continuity of instruction on what would otherwise be a day of school closure due to a snow and other weather and non-weather emergencies. In order to count such day as a day of instruction, the district must provide remote instruction to all enrolled students, including those who may have been scheduled to attend in person instruction on that day. Districts electing to exercise this option are considered to be in session and must continue to provide transportation and other required services to charter and nonpublic schools on such days if such schools remain open.
- **Minimum Instructional Time Waivers for the 2020-21 School Year (School Districts):** The Board of Regents has adopted a regulation permitting districts to

seek a waiver of the instructional hour requirement normally in place. While the regulation gives flexibility to districts/schools to create schedules that meet their community's needs while ensuring the health and safety of their students and staff, it is still the expectation of NYSED that districts make every effort to create a plan to meet the 900-990-hour requirement. School districts may have already applied waivers for either or both years in the 2020-21 SAMS forms due on September 2, 2020. Districts that did not apply will have an additional opportunity to apply for the 2020-21 school year in the 2021-22 SAMS form set.

Next Steps and Additional Information

- December 2020: Supplemental reopening schedule form will be distributed to all school districts via SED Monitoring;
- August 2021: 2020-21 School Year Form A and 180-Day Calendar SAMS forms available (due September 2, 2021)
- For questions about calendar spreadsheet submissions and the snow day pilot, please contact 180days@nysed.gov
- For questions about reporting data in SIRS please contact the Office of Information and Reporting Services at 518-474-7965 or Data Support

Enclosure

Attachment 1

Recording and Reporting Attendance and Hours of Instruction for In-Person and Remote Instruction in the 2020-21 School Year

With the school year underway, and both the state and districts experiencing new challenges in educating students during the COVID-19 public health crisis, the New York State Education Department (NYSED or "the Department") understands that districts are implementing their reopening plans with all possible fidelity so as to maintain robust educational programs. With these challenges comes a need for better understanding among school and district leaders of state and local roles and responsibilities in maintaining attendance records of students.

To that end, this memorandum provides additional clarification regarding the provision, recording, and reporting of both in-person and remote instruction pursuant to the reopening plans required of school districts, BOCES, and charter schools (collectively referred to in this memorandum as "reporting entities") to the Department. All reporting requirements and additional clarification contained in this memorandum apply to the beginning of the 2020-21 school year in September 2020 and are supplemental to previous directives issued by NYSED.

For the 2020-21 school year, reporting entities are required to provide options for both in-person and remote learning, particularly in situations where a school building may be required to close. While in-person instruction will largely follow the program and reporting requirements that have been in place in prior years, the option to provide remote instruction, both synchronous and asynchronous, requires the Department to provide further clarification regarding the recording and reporting of such instruction.

The table below summarizes the definitions of each type of instruction and provides a few examples.

Instruction Type	In-Person Instruction	Synchronous Remote Instruction	A-Synchronous Remote Instruction
Description	Student is present in the building to receive instruction	Student is NOT present in the building and receives instruction in real time from a teacher present by video or audio.	Student is NOT present in the building and is engaged in learning experiences planned and supported by a teacher that may be done at any time during the day.
Examples	Student attends school in person and is assigned to a teacher for instruction	Teacher live streams a lesson in which the student participates in real time. There is two-way interaction	Teacher pre-records a lesson video and assigns activities to be completed by a due date/time. Teacher offers support or

		between students and teacher Teacher schedules a conference call with a group of students to teach a lesson or engage in other instructional activities	feedback by video, audio or email or text Teacher plans an instructional activity packet. The activity is delivered to the student to complete at home and return to the teacher, who provides the student feedback in writing, by phone or email Following best practices, allotted time on task, including material review and self-work, should be comparable to instruction provided in a face-to-face setting

Supplemental School Reopening Information

In December, the Department will be distributing a supplemental reopening schedule form for all reporting entities to report their current schedules for the school year, noting the clock hours dedicated to in-person and synchronous remote instruction in a typical week (i.e., one without holidays or standalone conference days), and the expected amount of student self-work during periods of asynchronous instruction for all grade levels in all school buildings. Please note that this survey is required and will be public information.

Below is an example of the type of information that will be collected (final format to be determined):

Modality	Monday	Tuesday	Wednesday	Thursday	Friday
In-Person and Synchronous Remote	8AM-3PM (7 hours; 6 instructional hours)	8AM-3PM (7 hours; 6 instructional hours)	None	8AM-3PM (7 hours; 6 instructional hours)	8AM-3PM (7 hours; 6 instructional hours)
Asynchronous Remote	None	None	4 hours	None	None

It is incumbent upon each reporting entity to maximize the instruction provided to enrolled students, especially in this challenging time. Commissioner's regulations require districts and schools to provide 900 hours of instruction for students in grades K-6 and 990 hours of instruction for students in 7-12, regardless of the modality (i.e., in-person, synchronous remote or asynchronous remote) by which such instruction is provided. Charter schools are required to provide at least as much instruction time during a school year as required of other public schools but may be required to provide additional instructional time pursuant to the school's charter.

Instructional experiences are not defined solely as a student's time spent in front of a teacher or in front of a screen, but time engaged in standards-based learning under the guidance and direction of a teacher. These experiences might include, but are not limited to: completing online modules or tasks; viewing instructional videos; responding to posts or instructor questions; engaging with other class participants in an online or phone discussion; conducting research; doing projects; or meeting with an instructor face to face, via an online platform or by phone. Schools must ensure that the learning is supported, and students have access to assistance from a qualified teacher when they need it.

While the Commissioner's regulations provide flexibility and have been temporarily amended to allow for a waiver for districts that are unable to meet the minimum requirement, districts should make every attempt to provide that amount of instruction through the experiences noted above. In preparing to respond to the Department's supplemental form, districts should consider whether their current reopening plan maximizes the amount of student instructional time and experiences as much as possible.

Reporting In-person and Remote Attendance

State Education law and Commissioner's regulations require the collection and reporting of daily student attendance. Since the reopening plans completed by reporting entities include varying combinations of instructional modalities, the Department is working to develop a method for reporting entities to collect and report to the Department daily student attendance based upon whether students receive instruction in-person or remotely. The Department will continue to use the existing Day Calendar Type codes for instructional and non-instructional days for day calendar reporting in the Student Information and Repository System (SIRS).

For the purpose of collecting and reporting daily student-level attendance of students in different learning modalities, the Department will introduce new reporting requirements to be used beginning with the 2020-21 school year. Reporting entities will now have to report to the Department for each enrolled student for each day whether the student was present or absent. All student level attendance data are to be reported daily throughout the school year.

Pursuant to NYSED reopening plan requirements, reporting entities are to collect and maintain accurate daily student attendance records for all students regardless of whether a student is

receiving in person instruction, remote instruction, or both on the same day. The reporting entity must be prepared to report the attendance (both positive and negative attendance) by instructional modality (in-person, remote or both on the same day). Your documentation must include:

- Positive and negative attendance at the student level for in-person instruction: Present, Excused, Unexcused, Tardy, Out of School Suspension (OSS) and In School Suspension (ISS)
- Positive and negative attendance at the student level for remote instruction: Present, Excused, Unexcused, Tardy, Out of School Suspension (OSS) and In School Suspension (ISS).
- Positive and negative attendance at the student level for in-person and remote instruction on the same day: Present, Excused, Unexcused, Tardy, Out of School Suspension (OSS) and In School Suspension (ISS).

As with all data reported in SIRS, the Department will use individual student-level attendance as reported by the reporting entity for all State and federal reporting, including but not limited to the calculation and reporting of student attendance rate, chronic absenteeism, and suspension rates.

Recording In-person and Remote Instruction for State Aid Purposes

As noted in "Recovering, Rebuilding, and Renewing: The Spirit of New York's Schools," districts are responsible for developing a mechanism to collect and report daily teacher/student engagement or attendance regardless of the instructional setting. While districts are maintaining those records, the Department is noting that it may collect any or all of the information in the paragraph below for state aid purposes for the 2020-21 school year. The Office of State Aid will provide more detailed instructions later in the school year. School superintendents will be required, as always, to certify the accuracy of this reporting when submitting their district's state aid forms.

For state aid purposes for school districts <u>only</u>, the Department will continue to use the calendar spreadsheet and SAMS 180-day form process for the 2020-21 school year, which districts are to complete in Summer 2021. Districts should maintain accurate records of the following information:

- The in-person instructional hours, using the "traditional" spreadsheet and existing regulatory guidance;
- The estimated number of daily hours of synchronous remote instructional hours, where students are directly engaged in learning with a teacher present by video or audio, including if such instruction differs from in-person as described above and allowing for remote snow days as described below;

- The estimated number of daily hours of asynchronous remote instructional time, where a student is engaged in learning activities planned and supported by a teacher but without a teacher present;
- The estimated percent of students in in-person, synchronous remote instruction, and asynchronous remote instruction, recognizing these amounts may change over the course of the year;

Conversion of Snow Days into Remote Instruction (School Districts)

As part of the Department's ongoing efforts to provide districts with flexibility in meeting local needs during the pandemic, the Department has established a one-year pilot to enable school districts, at district option and consistent with each district's re-opening educational plan, to pivot to remote instruction to provide continuity of instruction on what would otherwise be a day of school closure due to a snow and other weather and non-weather emergencies, including but not limited to floods, tornadoes, and building fires. In order to count such day as a day of instruction, the district must provide remote instruction to all enrolled students, including those who may have been scheduled to attend in person instruction on that day. This pilot is in effect for the 2020-21 school year, after which the Department will review the outcome of the pilot in determining whether to continue this flexibility in subsequent school years.

For school districts with a fully remote instructional model, the conversion of existing snow days may be used so long as the same level of instruction is provided on those snow days as is on standard remote instructional days. This may result in additional flexibility for the district to utilize additional instructional days, beyond the minimum 180-day requirement, for other purposes. Such changes must be consistent with all existing laws and regulations, including the minimum instructional hour requirement, as well as any collective bargaining agreement.

Districts that utilize this option will be required to report the usage of such days as part of the 2021-22 SAMS form process in summer 2021. Additional information on the specific reporting requirements will be available from the Office of State Aid later in the school year.

In accordance with Education Law, districts electing to exercise this option are considered to be in session and must continue to provide transportation and other required services to charter and nonpublic schools on such days if such schools remain open. The required provision of these services may not be waived, and the efficacy and safety of providing them should be a consideration when opting to convert an in-person instructional day to remote instruction due to a weather or other emergency.

Information about transportation services under these conditions may be found at:

- Information about transportation services for charter schools
- Information about transportation services for nonpublic schools

Minimum Instructional Time Waivers for the 2020-21 School Year (School Districts)

Understanding that the COVID-19 crisis has placed significant challenges on a school's ability to have all their enrolled students attend in person, the Department has permitted significant flexibility in planning this year's instructional program. Such flexibility allows school districts to provide instruction in person, remotely or with a hybrid combination. In addition, the Board of Regents has adopted a regulation permitting districts to seek a waiver of the instructional hour requirement normally in place. The revised Part 175.5 regulation states:

> *For the 2019-20 and 2020-21 school years, notwithstanding any other provision of this section to the contrary, any school district may be eligible for a waiver from the annual instructional hour requirement set forth in subdivision (c) of this section if the district is unable to meet such requirement as a result of an Executive Order(s) of the Governor pursuant to the State of emergency declared for the COVID-19 crisis, or pursuant to Education Law §3604(8), as amended by Chapter 107 of the Laws of 2020, or reopening procedures implemented as a result of the COVID-19 crisis, provided that such district meets the requirements outlined in subparagraphs (i), (iii), and (iv) of paragraph (1) of subdivision (m) of this section.*

While the regulation gives flexibility to districts/schools to create schedules that meet their community's needs while ensuring the health and safety of their students and staff, it is still the expectation of the Department that districts make every effort to create a plan to meet the 900990-hour requirement, with the understanding that there may be circumstances that could cause a district to be unable to meet the instructional hours requirement. These circumstances could include a rise in COVID-19 cases among the teaching staff that curtail a school's ability to provide instruction in certain grades or subjects, or an inability to secure substitute teachers or support personnel.

School districts may have already applied for either or both years in the 2020-21 SAMS forms due on September 2, 2020. Districts that did not apply will have an additional opportunity to apply for the 2020-21 school year in the 2021-22 SAMS form set.

Next Steps and Additional Information

- December 2020: Supplemental reopening schedule form will be distributed to all school districts via SED Monitoring.
- August 2021: 2020-21 School Year Form A and 180-Day Calendar SAMS forms available (due September 2, 2021).
- For questions about calendar spreadsheet submissions and the snow day pilot, please contact 180days@nysed.gov.

- For questions about reporting data in SIRS please contact the Office of Information and Reporting Services at 518-474-7965 or Data Support.

APPENDIX C – LIST OF THOUGHTEXCHANGE PUBLIC ENGAGEMENT STAKEHOLDERS

List of ThoughtExchange Public Engagement Stakeholders

- A. Philip Randolph Institute (APRI)
- Advocates for Children of New York (AFC)
- Alternative Education Listserv
- Association of School Business Officials
- Big 5 School Districts Board of Cooperative Education Services listserv
- Brooklyn Center for Independence of the Disabled
- Center for Family Representation
- Child Welfare Organizing Project
- Class Size Matters
- Coalition for Educational Justice (CEJ)
- Coalition for the Homeless
- Council of School Supervisors and Administrators
- Charter School Listserv
- District Superintendents Listserv
- Empire State Supervisors and Administrators Association
- Every Person Influences Children (EPIC)
- Excellent Education for Everyone
- Family Resource Network, Inc.
- GO Project
- Hispanic Federation
- Independent Living Centers
- Kings Park Advocates for Education
- Kingston Teachers' Federation
- Long Island Parent Center
- Make the Road
- Migratory Youth Listserv
- My Brother's Keeper Listserv
- National Association for the Advancement of Colored People (NAACP)
- National Center for Children in Poverty
- National Down Syndrome Society
- Native American Nations contact list
- Network for Youth Success
- New York Communities for Change (NYCC)
- New York State Association of School Nurses
- New York State Association of Small City School Districts
- New York State Council of School Superintendents

- New York State Education Department P-12 Newsletter
- New York State Federation of School Administrators
- New York State Office for People with Developmental Disabilities
- New York State Office of Alcohol and Substance Abuse Services
- New York State Office of Children and Family Services (Requested that OCFS share with its listservs for detention, Runaway and Homeless Youth shelters, foster care congregate care facilities and juvenile justice facilities)
- New York State Parent and Teacher Association
- New York State Parent Education and Awareness Program
- New York State School Boards Association
- New York State United Teachers
- North Country Alliance for Public Education
- New York State Nurses Association
- New York State Parenting Education Partnership
- Office of Bilingual Education and Work languages Listserv
- Office of Special Education Listserv
- Ossining Citizens for Schools
- Oswego County for Public Education Discussion Group
- Parent Network of the Capital Region
- Parent Network of Western New York
- Parent to Parent of New York State
- Parent Voices NY
- ParentChild+
- Parents/guardians to Improve School Transportation (PIST)
- Parent/Guardian Listserv
- PICO National Network
- Port Washington Advocates for Public Education
- Principals Listserv
- Regional Bilingual Education Resource Networks
- Resources for Children with Special Needs, Inc
- School Administrators Association of New York State
- Students Experiencing Homelessness Listserv
- StudentsFirstNY
- Teachers listserv
- The Albany Parent Advocacy
- The Child Center of NY
- The Network for Public Education (NPE)
- The New York Immigration Coalition
- The Westchester Institute for Human Development
- Title I Practitioners Listserv
- UnitedNY

- United Federation of Teachers
- Urban Youth Collaborative

APPENDIX D - ARP ESSER STAKEHOLDER FEEDBACK GATHERED VIA THOUGHTEXCHANGE

ARP ESSER Stakeholder Feedback Gathered via ThoughtExchange

Participants were highly engaged via "ThoughtExchange," an online conversation tool NYSED used to crowdsource thoughts and ideas. Participants' comments are captured in an online report at https://my.thoughtexchange.com/report/77b55a6fedb538e271da8acf52dca311 that shows the top-ranked thoughts and groups them together by keywords under themes. For example, thoughts surrounding 'Pathways, Special Classes, Extracurricular Activities" were grouped under that theme. The report is interactive, enabling viewers to:

- use filters to see how comments were rated by users from different regions, higher education sectors, or roles (i.e., administrators, faculty, or staff);
- hover over different themes and click to see the thoughts that fall under that specific theme.

As of May 25, 2021, almost 5,000 participants have provided 6,844 unique responses and over 95,000 ratings. Of the respondents, 37% are parents/guardians of a current student, 36% are faculty, staff or an educator, 7% are district level administrators, 4% are building-level administrators, and 16% identify as "other."

Concerns about additional supports for students, smaller class sizes, additional supports for teachers, and the need for student enrichment opportunities were the single biggest set of issues raised on ThoughtExchange making up the top ten ThoughtExchange comments.

Figure 2. Top 10 ranked comments

1	We need more counselors for students.
2	Smaller class sizes.
3	Additional supports for teachers.
4	Making sure that educators feel secure and safe to assist all students and that educators also have emotional support.
5	Students need more enrichment activities.
6	Students need more arts-focused enrichment activities.
7	Counselors are needed in every school.

8	School needs to be well staffed to support the challenges of students returning back to school.
9	Smaller class sizes.
10	Additional teacher aides are needed.

Figure 3. Different issues rose to the top among different groups

Groups	Top-Ranked Comments
Parents/Guardians	Increasing reading and writing skills with systematic monitoring of specific skills to assess growth of students in all early grades to ensure mastery.
Faculty/Staff/Educators	Every school in the state should have a librarian and a library.
District-level Administrators	The need for culturally responsive education.
Building-level Administrators	The importance of mental health supports.
Charter School Faculty/Staff/Educators	Supports for students with disabilities and mental health issues.
Charter School Leader/Administrators	The need for emotional support services.
School Board Members	Facilities needs post-pandemic.

USDOE Template Appendix A: School Operating Status and Instructional Mode Data

Table 1. New York State Instructional Modes 2020-2021 School Year
All Students
Based on Basic Educational Data System (BEDS) Day Enrollment (October 7, 2020)

Reopening Mode	Number of Schools	Number of Students	Offered to all students attending the schools?
Remote or online only	664	372,999	Y
Hybrid - school buildings open with both remote/online and in-person instruction	3,293	1,813,434	Y
Fully In-Person – school buildings open with full-time in-person instruction	453	174,597	Y

Table 2. New York State Instructional Modes 2020-2021 School Year
Percentage Served by Subgroup
Based on BEDS Day Enrollment (October 7, 2020)

Student Group	% Hybrid	% In-Person	% Remote
All Students	77%	7%	16%
Economically Disadvantaged	81%	4%	15%
Black/African American	78%	1%	20%
Latinx/Hispanic	83%	3%	14%
Asian/Pacific Islander	86%	6%	8%
White	70%	13%	17%
Multiracial	70%	9%	21%
American Indian	85%	2%	13%
English Language Learners	83%	3%	14%
Students with Disabilities	80%	6%	14%

USDOE Template Appendix B: Reporting Language Included in the Grant Award Notification ("GAN")

As described in the Grant Award Notification ("GAN"), the SEA will comply with, and ensure that its LEAs comply with, all reporting requirements at such time and in such manner and containing such information as the Secretary may reasonably require, including on matters such as:

- How the State is developing strategies and implementing public health protocols including, to the greatest extent practicable, policies and plans in line with the CDC guidance related to mitigating COVID-19 in schools;
- Overall plans and policies related to State support for return to in-person instruction and maximizing in-person instruction time, including how funds will support a return to and maximize in-person instruction time, and advance equity and inclusivity in participation in in-person instruction;
- Data on each school's mode of instruction (fully in-person, hybrid, and fully remote) and conditions;
- SEA and LEA uses of funds to meet students' social, emotional, and academic needs, including through summer enrichment programming and other evidence-based interventions, and how they advance equity for underserved students;
- SEA and LEA uses of funds to sustain and support access to early childhood education programs;
- 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);
- Student data (disaggregated by student subgroup) related to how the COVID-19 pandemic has affected instruction and learning;
- Requirements under the Federal Financial Accountability Transparency Act ("FFATA"); and
- Additional reporting requirements as may be necessary to ensure accountability and transparency of ARP ESSER funds.

USDOE Template Appendix C: Assurances

By signing this document, the SEA assures all of the following:

- The SEA will conduct all its operations so that no person shall be excluded from participation in, be denied the benefits of, or be subject to discrimination under the ARP ESSER program or activity based on race, color, national origin, which includes a person's limited English proficiency or English learner status and a person's actual or perceived shared ancestry or ethnic characteristics; sex; age; or disability. These non-discrimination obligations arise under Federal civil rights laws, including but not limited to Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments Act of 1972, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975. In addition, the SEA must comply with all regulations, guidelines, and standards issued by the Department under any of these statutes;
- The SEA will comply with all ARP Act and other ARP ESSER requirements and all requirements of its Grant Award Notification, including but not limited to:
    - Complying with the maintenance of effort provision in section 2004(a)(1) of the ARP Act, absent a waiver by the Secretary pursuant to section 2004(a)(2) of the ARP Act; and
    - Complying with the maintenance of equity provisions in section 2004(b) of the ARP Act, and ensuring its LEAs comply with the maintenance of equity provision in section 2004(c) of the ARP Act (please note that the Department will provide additional guidance on maintenance of equity shortly);
- The SEA will allocate ARP ESSER funds to LEAs in an expedited and timely manner and, to the extent practicable, not later than 60 days after the SEA receives ARP ESSER funds (i.e., 60 days from the date the SEA receives each portion of its ARP ESSER funds). An SEA that is not able to allocate such funds within 60 days because it is not practicable (e.g., because of pre-existing State board approval requirements) will provide an explanation to the Department within 30 days of receiving each portion of its ARP ESSER funds (submitted via email to your Program Officer at [State].OESE@ed.gov (e.g., Alabama.OESE@ed.gov)), including a description of specific actions the SEA is taking to provide ARP ESSER funds to LEAs in an expedited and timely manner and the SEA's expected timeline for doing so;
- The SEA will implement evidence-based interventions as required under section 2001(f) of the ARP Act and ensure its LEAs implement evidence-based interventions, as required by section 2001(e)(1) of the ARP Act;
- The SEA will address the disproportionate impact of the COVID-19 pandemic on underserved students (i.e., students from low-income families, students from racial or ethnic groups (e.g., identifying disparities and focusing on underserved student groups by race or ethnicity), gender (e.g., identifying disparities and focusing on underserved student groups by gender), English learners, children with disabilities, students experiencing homelessness, children and youth in foster care, and migratory students), as required under section 2001(f) of the ARP Act, and ensure its LEAs address the disproportionate impact of the COVID-19 pandemic on underserved students (i.e., students from low-income families, students from racial or ethnic groups, gender, English learners, children with disabilities, students experiencing homelessness, children and

youth in foster care, and migratory students), as required by section 2001(e)(1) of the ARP Act; and

- The SEA will provide to the Department: (1) the URL(s) where the public can readily find data on school operating status and (2) the URL(s) for the SEA and/or LEA websites where the public can find the LEA plans for a) the safe return to in-person instruction and continuity of services required under section 2001(i) of the ARP Act, and b) use of ARP ESSER funds. SEAs should consider ensuring a standardized URL format in all cases (e.g., xxx.gov/COVIDplan).

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