



A Plan for Safe Return to In-Person Instruction and Continuity of Services Pursuant to the Federal American Rescue Plan Act, Section 2001(i) – ESSER III

Introduction and Background

On March 11, 2021, President Biden signed the [American Rescue Plan \(ARP\) Act of 2021](#), Public Law 117-2. The ARP Act includes nearly \$122 billion for the Elementary and Secondary School Emergency Relief (ESSER III) Fund that allows state and local education agencies (LEAs) to take additional steps for continued safe in-person instruction and to address unfinished teaching and learning to mitigate the COVID-19 pandemic.

These resources will allow school districts to take additional measures to safely sustain their healthy operations, this includes using funds to enact appropriate measures to help schools to invest in mitigation strategies consistent with the [Centers for Disease Control and Prevention's \(CDC\) Operational Strategy for K-12 Schools](#) to the greatest extent practicable; address the many impacts of COVID-19 on students, including unfinished instruction; implement strategies to meet students' social, emotional, mental health, and academic needs; offer crucial summer, afterschool, and other extended learning and enrichment programs; support early childhood education; invest in staff capacity; and avoid devastating layoffs at this critical moment, ensuring that all students have access to teachers, counselors, and other school personnel to support their needs.

[Section 2001\(i\)\(1\)](#) of the ARP Act requires each LEA that receives ARP ESSER funds to develop and make publicly available on the LEA's website, no later than 30 days after receiving ARP ESSER funds, a plan for the safe return to in-person instruction and continuity of services for all schools (Safe Return Plan) A Safe Return Plan is required of all fund recipients, including those that have already returned to in-person instruction. [Section 2001\(i\)\(2\)](#) of the ARP Act further requires that the LEA seek public comment on the Safe Return Plan and take those comments into account in finalization of the Safe Return Plan.

[Previous Plan - Section 2001\(i\)\(3\)](#) of the ARP Act states provides that if a LEA has developed a Safe Return Plan before the date of enactment of the ARP Act that meets the requirement in paragraphs Section 2001(i)(1) and (2), such plan shall be deemed to satisfy the requirements of this subsection.

[Plan Revisions](#) - Effective April 22, 2021, under the interim final requirements published in [Volume 86, No. 76 of the Federal Register](#) by the U.S. Department of Education (USDE), clarifies how an LEA must meet the statutory requirement to develop a Safe Return Plan. An LEA must periodically, but no less frequently than every six months through September 30, 2023*, review (taking into consideration the timing of significant changes to CDC guidance on reopening schools) and, as appropriate, revise its Safe Return Plan. **If an LEA developed a plan prior to enactment of the ARP Act that meets the statutory requirements under sections 2001(i)(1) and (2) of the ARP Act but does not address all the safety recommendations established by the CDC, the LEA must, revise to address such element and post its plan no later than six months after receiving its ARP ESSER funds to meet the statutory requirement. Revisions should be made publicly available on the LEAs website.**

[Understandable and Uniform Format](#) – An LEA's Safe Return Plan must be – (i) In an understandable and format; To the extent practicable, written in a language that parents can understand or, if it is not practicable to provide written translations to a parent with limited English proficiency, be orally translated for such parent; and (iii) Upon request by a parent who is an individual with a disability as defined by the ADA, provided in an alternative format accessible to that parent.

[Document Retention for Programmatic Monitoring](#) - An LEA will maintain documentation locally. The Nebraska Department of Education (NDE), Office of ESEA Programs will monitor Safe Return Plans for the above requirements. The LEA should keep records of the following: staff involved in writing the plan, general comments received about the plan, original and changes to the plan, policies referenced within the plan, and screenshots of where the plan is posted on the website.

Pursuant to those requirements and the Nebraska Department of Education will be issuing subrecipient Grant Award Notifications on June 15, a District must post on their website their Safe Return Plans by July 15, 2021 which sought public comment and took those comments into account in the development of that plan.

To assist districts with the development of their Safe Return Plans, the NDE is providing the following worksheet.

*ARP ESSER funds are subject to the Tydings amendment and are therefore available to LEAs for obligation through September 30, 2024. Review and revisions, if necessary, are not required during the Tydings period

WORKSHEET: A Plan for Safe Return to In-Person Instruction and Continuity of Services

Pursuant to the Federal American Rescue Plan Act, Section 2001(i) – ESSER III

District Name:

Date:

Dates Revised:

Maintaining Health and Safety

Mitigation strategies listed below (a-i) are required in the District's plan. By checking the box before each item, the district is agreeing to include information in their local plan to address the component listed.

- a) Universal and correct wearing of masks
- b) Modifying facilities to allow for physical distancing (e.g., including use of cohorts/podding)
- c) Handwashing and respiratory etiquette
- d) Cleaning and maintaining healthy facilities, including improving ventilation
- e) Contact tracing in combination with isolation and quarantine, in collaboration with the State, local, territorial, or Tribal health departments
- f) Diagnostic and screening testing
- g) Efforts to provide vaccinations to school communities
- h) Appropriate accommodations for children with disabilities with respect to the health and safety policies
- i) Coordination with State and local health officials. Including the needs for support and technical assistance to implement strategies consistent to the greatest extent practicable, with relevant CDC guidance. [Operational Strategy for K-12 Schools through Phased Prevention | CDC](#)

Ensuring Continuity of Services

Describe how the district will ensure continuity of services, including but not limited to services to address students' academic needs and students' and staff's social, emotional, mental health, and other needs, which may include student health and food services.

Public Comment Requirements

Describe how the district sought public comment on its plan or plan revisions, and how it took those public comments into account in the development of its plan. Note, the ARP Act requires that the district seeks public comment for each six-month revision or revisions due to significant changes to CDC guidance.

WORKSHEET: A Plan for Safe Return to In-Person Instruction and Continuity of Services

Pursuant to the Federal American Rescue Plan Act, Section 2001(j) – ESSER III

Describe how the district ensured that the plan is in an understandable and uniform format; is to the extent practicable written in a language that parents can understand or, if not practicable to provide written translations to a parent with limited English proficiency, will be orally translated for such a parent; and upon request by a parent who is an individual with a disability as defined by the ADA, will be provided in an alternative format accessible to that parent.