



**Committee:** Directly to Council  
**Committee Review:** N/A  
**Staff:** Essie McGuire, Senior Legislative Analyst  
**Purpose:** To receive testimony/final action - vote expected  
**Keywords:** #MCPS

AGENDA ITEM #17  
November 30, 2021  
**Public Hearing/Action**

## **SUBJECT**

Special Appropriation to the FY22 Operating Budget, Montgomery County Public Schools, \$252,242,245 for the Elementary and Secondary School Emergency Relief (ESSER) III Fund. (Source of Funds: Federal Grant)

## **EXPECTED ATTENDEES**

None

## **COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION**

- The Council introduced this special appropriation on November 16.

## **DESCRIPTION/ISSUE**

The County Council will hold a public hearing and take action on a Special Appropriation to the FY22 Operating Budget, Montgomery County Public Schools, \$252,242,245 for the Elementary and Secondary School Emergency Relief (ESSER) III Fund. The source of funds is a Federal grant.

## **SUMMARY OF KEY DISCUSSION POINTS**

- The Board of Education requested this appropriation on November 9, 2021.
- This special appropriation is needed because MCPS received additional funding from the U.S. Department of Education through the Maryland State Department of Education. The ESSER III Fund was included in the American Rescue Plan Act of 2021 (ARP) that was signed into law on March 11, 2021.
- Under ESSER III, the U.S. Department of Education awarded grants to address the impact that the Novel Coronavirus Disease 2019 (COVID-19) has had, and continues to have, on elementary and secondary schools across the nation.
- The requested funds will be used to provide for:
  - Position salaries;
  - Non-position salaries;
  - Stipends;
  - Associated employee benefits;
  - Contractual services;
  - Special education compensatory services;

- Instructional materials and technology support and resources.
- The requested grant funds will support a total of 271 additional positions. The positions to be added include: 113 teachers; 32 paraeducators; 50 social workers; 40 counselors; and a range of other positions. Additional information on the positions and other elements of the requested grant funds can be found in the Board of Education’s November 9, 2021, approval memorandum (attached and at the following link.)

[https://go.boarddocs.com/mabe/mcpsmd/Board.nsf/files/C8BLDZ562032/\\$file/FY2022%20Supp%20Approp%20ESSER%20III%20211109.pdf](https://go.boarddocs.com/mabe/mcpsmd/Board.nsf/files/C8BLDZ562032/$file/FY2022%20Supp%20Approp%20ESSER%20III%20211109.pdf)

- The Board of Education memorandum states: “MCPS will use ESSER III funds to provide all students in all grade levels access to summer school programs including transportation; academic and enrichment tutoring programs; and districtwide leadership and enrichment programs for secondary low-income students, racial and ethnic minority students, and young women. These funds also support the staffing of the Virtual Academy, and will provide additional counselors and social workers for mental health support. In addition, these funds will be used to purchase supplemental instructional materials and technology support and resources; provide stipends for the retention and recruitment of staff, as well as professional learning; and upgrade heating, ventilation, and air conditioning systems.”

**This report contains:**

Board of Education Transmittal (November 9, 2021)	©1-5
Draft Special Appropriation Resolution	©6-8
Council Sponsored Special Appropriation: Racial Equity and Social Justice	©9-11

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Office of the Superintendent of Schools  
MONTGOMERY COUNTY PUBLIC SCHOOLS  
Rockville, Maryland

November 10, 2021

MEMORANDUM

To: The Honorable Marc Elrich, County Executive  
The Honorable Tom Hucker, President,  
Montgomery County Council

From: Monifa B. McKnight, Interim Superintendent of Schools 

Subject: Transmittal of Board of Education Agenda Item #12.11

Recommended Fiscal Year 2022 Supplemental Appropriation for the Elementary and Secondary  
School Emergency Relief Fund III

BOE Meeting Date: November 9, 2021

Amount: \$252,242,245

Type of Action: Approval

MBM:ESD:RR:mz

Attachment


Copy to:  
Mr. Reilly  
Montgomery County Office of Management and Budget

Office of the Superintendent of Schools  
MONTGOMERY COUNTY PUBLIC SCHOOLS  
Rockville, Maryland

November 9, 2021

MEMORANDUM

To: Members of the Board of Education

From: Monifa B. McKnight, Interim Superintendent of Schools 

Subject: Recommended Fiscal Year 2022 Supplemental Appropriation for the Elementary and Secondary School Emergency Relief Fund III

**Recommendation in Brief**

Authorization is requested to receive and expend, subject to County Council approval, a Fiscal Year 2022 supplemental appropriation of \$252,242,245 for the Elementary and Secondary School Emergency Relief (ESSER) III Fund. The ESSER III Fund was included in the *American Rescue Plan Act of 2021* (ARP) that was signed into law on March 11, 2021. Under ESSER III, the U.S. Department of Education awarded grants to address the impact that the Novel Coronavirus Disease 2019 (COVID-19) has had, and continues to have, on elementary and secondary schools across the nation. ESSER III has the same allowable uses as the *Coronavirus Aid, Relief, and Economic Security Act* (CARES) and the *Coronavirus Response and Relief Supplemental Appropriation Act* (CRRSA), and adds activities to address learning loss; preparing schools for reopening; and testing, repairing, and upgrading projects to improve air quality in school buildings. ESSER III funds do not have an equitable services requirement.

**Background**

The COVID-19 pandemic has had a major impact on Montgomery County Public Schools (MCPS) and its ability to provide teaching and learning to its students. As a result of the COVID-19 pandemic and in compliance with Governor Lawrence J. Hogan, Jr., and former Maryland State Superintendent of Schools Karen B. Salmon's direction, MCPS closed its school buildings beginning March 16, 2020. MCPS began to reopen school buildings to a limited number of students on March 1, 2021. MCPS instituted a Continuity of Learning plan that relied on distance learning for the remainder of the 2019–2020 school year, summer school, and the start of the 2020–2021 school year. For the 2021–2022 school year, MCPS has committed to provide in-person instruction, five days a week, for all students.

Local educational agencies (LEA) must reserve not less than 20% of their total allocation to address learning loss through the implementation of evidence-based interventions; ensure that the interventions respond to students' academic, social, and emotional needs; and address the disproportionate impact of COVID-19 on underrepresented student subgroups. The remaining ARP ESSER funds may be used for the same allowable purposes as the CARES and CRRSA ESSER funds, including hiring new staff and avoiding layoffs. Section 2001(e) of the ARP authorizes an LEA to use ARP ESSER funds to develop strategies and implement public health protocols. This includes, to the greatest extent practicable, policies aligned with the guidance from the Centers for Disease and Prevention Control for the reopening and operation of school facilities to effectively maintain the health and safety of students, educators, and other staff. An LEA may use ESSER and ESSER II funds for this purpose, although it is not expressly listed in the CARES or CRRSA Act.

### **Support of Board of Education Mission**

MCPS will use ESSER III funds to provide all students in all grade levels access to summer school programs including transportation; academic and enrichment tutoring programs; and districtwide leadership and enrichment programs for secondary low-income students, racial and ethnic minority students, and young women. These funds also support the staffing of the Virtual Academy, and will provide additional counselors and social workers for mental health support. In addition, these funds will be used to purchase supplemental instructional materials and technology support and resources; provide stipends for the retention and recruitment of staff, as well as professional learning; and upgrade heating, ventilation, and air conditioning systems.

### **Use of Funds**

Funds will be used to provide for:

- Position salaries;
- Non-position salaries;
- Stipends;
- Associated employee benefits;
- Contractual services;
- Special education compensatory services;
- Instructional materials and technology support and resources.

### **Recommended Resolution**

WHEREAS, Montgomery County Public Schools has received conditional approval from the Maryland State Department of Education for the Elementary and Secondary School Emergency Relief Fund III established in the *Coronavirus Response and Relief Supplemental Appropriations Act of 2021* for \$252,242,245; now therefore be it

Resolved, That the interim superintendent of schools be authorized to receive and expend, subject to County Council approval, a Fiscal Year 2022 supplemental appropriation of \$252,242,245 for the Elementary and Secondary School Emergency Relief III fund in the following categories and Full-time Equivalent positions:

<u>Category</u>	<u>Positions*</u>	<u>Amount</u>
02 Mid-Level Administration	16.0	\$ 5,463,002
03 Instructional Salaries	171.0	107,511,896
04 Textbooks and Instructional Supplies		29,432,108
05 Contractual Services		19,888,000
06 Special Education	33.0	16,653,983
07 Student Personnel Services	50.0	8,087,642
09 Student Transportation	1.0	3,590,854
10 Plant Operations		5,000,000
11 Plant Maintenance		12,600,000
12 Fixed Charges		29,225,815
13 Food Services		14,788,945
<u>Total</u>	<u>271.0</u>	<u>\$ 252,242,245</u>

Positions\*

<u>Position*</u>	<u>FTE</u>
Coordinator - Summer School	1.0
Coordinator – Unaccompanied Minors	1.0
Assistant School Administrators	6.0
Teacher	99.0
Resource Teacher	1.0
Paraeducator	14.0
Counselors	40.0
Social Worker	50.0
Wellness Coordinator	4.0
Wellness Coach	8.0
Director	2.0
Supervisor	2.0
Administrative Secretary	2.0
Attendance Secretary	2.0
Registrar	1.0
Coordinator	4.0
IT Systems Specialist	1.0
Resource Teacher – Special Education	1.0
Teacher – Special Education	14.0
Paraeducator – Special Education	18.0
<u>Total</u>	<u>271.0</u>

and be it further

Resolved, That a copy of this resolution be forwarded to the county executive and County Council;  
and be it further

Resolved, That the county executive be requested to recommend approval of this resolution  
to the County Council.

MBM:ESD:RR:iaw:amh

Resolution No.: \_\_\_\_\_  
Introduced: November 16, 2021  
Adopted: \_\_\_\_\_

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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By: County Council

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**SUBJECT:** Special Appropriation to the FY22 Operating Budget  
Montgomery County Public Schools  
\$252,242,245 for the Elementary and Secondary School Emergency Relief Fund III  
(Source of Funds: Federal Relief Grant - American Rescue Plan Act of 2021)

**Background**

1. Section 308 of the County Charter provides that a special appropriation is an appropriation which states that it is necessary to meet an unforeseen disaster or other emergency, or to act without delay in the public interest. Each special appropriation shall be approved by not less than six Councilmembers. The Council may approve a special appropriation at any time after public notice by news release. Each special appropriation shall specify the source of funds to finance it.
2. The Board of Education has requested a special appropriation of \$252,242,245 for the Montgomery County Public Schools' FY22 Operating Budget for the Elementary and Secondary School Emergency Relief (ESSER) III Fund. The ESSER III Fund was included in the American Rescue Plan Act of 2021 (ARP) that was signed into law on March 11, 2021. Under ESSER III, the U.S. Department of Education awarded grants to address the impact that the Novel Coronavirus Disease 2019 (COVID-19) has had, and continues to have, on elementary and secondary schools across the nation.
3. The requested funds will be used to provide for:
  - Position salaries;
  - Non-position salaries;
  - Stipends;
  - Associated employee benefits;
  - Contractual services;
  - Special education compensatory services;
  - Instructional materials and technology support and resources.

Funds will be allocated as follows:

Category	Positions	Amount
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2: Mid-Level Administration	16	\$5,463,002
3: Instructional Salaries	171	\$107,511,896
4: Textbooks & Instr. Supplies		\$29,432,108
5: Other Instructional Materials		\$19,888,000
6: Special Education	33	\$16,653,983
7: Student Personnel Services	50	\$8,087,642
9: Student Transportation	1	\$3,590,854
10: School Plant Operations		\$5,000,000
11: Maintenance of Plant		\$12,600,000
12: Fixed Charges		\$29,225,815
13: Food Services		\$14,788,945
<b>Total:</b>	<b>271</b>	<b>\$252,242,245</b>

4. This appropriation is needed to provide spending authority for the use of grant funds received from the U.S. Department of Education through the Maryland State Department of Education. As a grant award, there is no effect on the County's current or future maintenance of effort requirements.
5. Notice of public hearing was given and the public hearing was held.
6. The County Council declares this request is in the public interest to be acted upon without delay as provided for under special appropriation requirements described in Article 3, Section 308 of the Montgomery County Charter.

### **Action**

The County Council for Montgomery County, Maryland approves the following resolution:

A special appropriation to the FY22 Operating Budget of the Montgomery County Public Schools is approved as follows:

<b>Category</b>	<b>Positions</b>	<b>Amount</b>
2: Mid-Level Administration	16	\$5,463,002
3: Instructional Salaries	171	\$107,511,896
4: Textbooks & Instr. Supplies		\$29,432,108
5: Other Instructional Materials		\$19,888,000
6: Special Education	33	\$16,653,983
7: Student Personnel Services	50	\$8,087,642
9: Student Transportation	1	\$3,590,854
10: School Plant Operations		\$5,000,000
11: Maintenance of Plant		\$12,600,000
12: Fixed Charges		\$29,225,815
13: Food Services		\$14,788,945
<b>Total:</b>	<b>271</b>	<b>\$252,242,245</b>

This is a correct copy of Council action.

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Selena Mendy Singleton, Esq.  
Clerk of the Council

## **Council Sponsored Special Appropriation: Racial Equity and Social Justice**

### **SUBJECT**

- Special Appropriation to the FY22 Operating Budget, Montgomery County Public Schools, \$252,242,245 for the Elementary and Secondary School Emergency Relief (ESSER) III Fund. (Source of Funds: Federal Grant)
- Board of Education requested: November 9, 2021
- Council introduced: November 16, 2021
- Public Hearing and Action: scheduled November 30, 2021

### **Description and Background**

MCPS received additional funding from the U.S. Department of Education through the Maryland State Department of Education. The ESSER III Fund was included in the American Rescue Plan Act of 2021 (ARP) that was signed into law on March 11, 2021. Under ESSER III, the U.S. Department of Education awarded grants to address the impact that the Novel Coronavirus Disease 2019 (COVID-19) has had, and continues to have, on elementary and secondary schools across the nation.

The requested funds will be used to provide for:

- Position salaries;
- Non-position salaries;
- Stipends;
- Associated employee benefits;
- Contractual services;
- Special education compensatory services;
- Instructional materials and technology support and resources.

The Board of Education memorandum indicates that no less than 20 percent of the ESSER grant funds are Federally required to be allocated to “address learning loss through the implementation of evidence-based interventions; ensure that the interventions respond to students’ academic, social, and emotional needs; and address the disproportionate impact of COVID-19 on underrepresented student subgroups.” Remaining funds may be used to support a range of purposes including hiring new staff, avoiding layoffs, strategies to implement public health protocols, and reopening and operation of school facilities to effectively maintain health and safety.

The Board of Education memorandum further states: “MCPS will use ESSER III funds to provide all students in all grade levels access to summer school programs including transportation; academic and enrichment tutoring programs; and districtwide leadership and enrichment

programs for secondary low-income students, racial and ethnic minority students, and young women. These funds also support the staffing of the Virtual Academy, and will provide additional counselors and social workers for mental health support. In addition, these funds will be used to purchase supplemental instructional materials and technology support and resources; provide stipends for the retention and recruitment of staff, as well as professional learning; and upgrade heating, ventilation, and air conditioning systems.”

## Data

The Office of Racial Equality and Social Justice has referenced the following data in analyses of related MCPS appropriations:

As of September 30, 2021, MCPS had a total enrollment of 160,564 students<sup>1</sup>, operating 209<sup>2</sup> schools in the 2020-2021 school year. The majority of MCPS students are students of color with the following distribution by race and ethnicity: 21.8% Black/African American; 14.3% Asian; 32.8% Hispanic/Latino; 25.8% White; .1% American Indian/Alaska Native; 5% two or more races; no students reported being Native Hawaiian/Pacific Islander. Students in MCPS also have diverse socioeconomic characteristics and are represented in the following service groups in 2021: 16.4% were enrolled in English as a Second language (ESOL) programs; 38.7% were in Free and Reduced Meals (FARMS) programs; and 12.5% received special education instruction. Trends in MCPS student enrollment reveal that the school system has become more diverse and is largely a socioeconomic and racially segregated system<sup>3</sup>.

Prior to the Covid-19 pandemic, students of color experienced disparities in resources, opportunities, and outcomes across educational settings (K-12 and post-secondary)<sup>4</sup>. These disparities are explored in a 2019 Montgomery County Office of Legislative Oversight (OLO) report, MCPS Performance and Opportunity Gaps<sup>5</sup>. The report notes persistent disparities across a number of achievement performance metrics by race, ethnicity, and service group status. The analysis also explains the inequities underlying many of these disparities, describing how “concentrated poverty and segregation among MCPS schools and the under-funding of compensatory education and English Speakers of Other Languages (ESOL) programs relative to student need”<sup>6</sup> shapes student opportunity. A growing body of evidence suggests that racial, ethnic, and service group disparities have been exaggerated by the pandemic. The US Department

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<sup>1</sup> MCPS Data Dashboard. Learning Accountability and Results. “Enrollment: Individual Measures”. Available at: <https://www.montgomeryschoolsmd.org/data/LAR-charts/enrollment.html>

<sup>2</sup> “About MCPS”. Available at: <https://www.montgomeryschoolsmd.org/about/>

<sup>3</sup> Elaine Bonner-Tompkins. MCPS Performance and Opportunity Gaps. Report Number 2019-4. December 2019. Available at: <https://www.montgomerycountymd.gov/OLO/Resources/Files/2019%20Reports/OLOReport2019-14.pdf>

<sup>4</sup> Education in a Pandemic: The Disparate Impact of Covid-19 on America’s Students. US Department of Education Office for Civil Rights. June 2021. Available at: <https://www2.ed.gov/about/offices/list/ocr/docs/20210608-impacts-ofcovid19.pdf>

<sup>5</sup> Elaine Bonner-Tompkins.

<sup>6</sup> Elaine Bonner-Tompkins.

of Education explained in a June 2021 report how the pandemic has impacted students of all ages and backgrounds, noting the following challenges for students of color, students with disabilities, and students experiencing the destabilizing effects of new or persistent financial insecurity:

- Live in households where adults are more likely to experience job losses or covid-19 exposure, creating or exaggerating economic constraints and negative health outcomes.
- Disparities in access to mental health services or the full range of academic and wrap around services that a school provides.
- Barriers in access to technology or necessary supports to stay connected to school and educational opportunities.
- Amplification of language barriers for students and households with English-language learners.
- Disrupted educational opportunities for students with Individualized Education Plans (IEPs) and;
- Overall, the report noted for all groups slow to non-existent recovery in academic achievement due to preexisting resource and opportunity gaps that produce disparate student performance outcomes.

### **Council Staff Comments**

The purpose and implementation of this special appropriation as stated in the Board of Education materials appears consistent with the intent of the Federal grant, which is to mitigate the impacts of the COVID-19 pandemic on disproportionately impacted student subgroups as well as on the school system as a whole. The requested appropriation of Federal grant funds will be used to support a wide range of programs and interventions across the instructional and operational functions of MCPS; mitigate potential impact on the system workforce; and support the needs of students and families in Montgomery County Public Schools.