

## **Availability of Funding through the Elementary and Secondary School Emergency Relief (ESSER) Fund**

*As authorized and appropriated by the Coronavirus Aid, Relief, and Economic Security (CARES) Act  
April 23, 2020*

On April 23, the U.S. Department of Education (USED) announced **\$13.2 billion for states** is being made available under the **Elementary and Secondary School Emergency Relief (ESSER) Fund** in the Coronavirus Aid, Relief, and Economic Security (CARES) Act. Under the CARES Act, these **grants are awarded to State educational agencies (SEAs)** to provide **local educational agencies (LEAs) with emergency relief funds to address the impact of the coronavirus**. The Department notes that funding could be used for both **continuing to provide educational services, such as remote learning, and developing and implementing plans for the return to normal operations**.

Below are links to information, including expected allocations for states and the Certification and Agreement (or application) for SEAs. Additionally, the Department has stated that it will post answers to frequently asked questions (FAQs) about the ESSER Fund on its website in the coming days.

### **Timeline:**

- **Each SEA has until July 1, 2020**, to submit a signed Certification and Agreement (or application) to the Department.
- The **Department expects to obligate the funds within three business days** of receiving a signed Certification and Agreement from a SEA.
- **Within 60 days of receiving funding**, SEAs are required to submit an initial report, including:
  - a budget for the portion of funds the SEA intends to reserve for itself outlining how the SEA will use funds for emergency needs to address the coronavirus; and
  - an Internal Control and Subrecipient Monitoring Plan to ensure that funds are used for allowable purposes.
- The Department **does not require SEAs to release funds to LEAs within a specific time period** (as the CARES Act did not specify a timeline for SEAs to release funds).
  - Regarding timing, the Department states in the Notice Announcing Availability of Funds, that there is an, “expectation that SEAs and LEAs will also use every effort to expend the funds quickly to address exigent [or immediate] student needs.”
- **Each SEA will have one year**, from the date of its award, to award funds to LEAs.
- Funds remain available for **obligation by LEAs through September 30, 2022**.
  - The Department has taken the position that **LEAs can reimburse themselves for eligible expenses backdated to March 13**, when the President declared a national emergency. While the date was not specified in the materials released by the Department on April 23, this information was stated on a call with education stakeholders and key USED officials. This will likely be included in FAQs yet to be released by the Department.

### **Key Takeaways:**

- The Secretary encourages SEAs in its cover letter to Chief State School Officers, “to think **creatively about new delivery methods** and **focus on investing in the technology infrastructure and professional development and training** that will help all students continue to **learn through some form of remote learning**.” Building on this, the certification and agreement for SEAs:
  - **requires SEAs to provide an assurance**, when applicable, that they will provide **technical assistance to LEAs on the use of funding for remote learning**; and
  - asks SEAs to what extent each **intends to use the portion of funds that it reserves** to support:

- **technological capacity and access**, including hardware and software, connectivity, and instructional expertise (as well as to describe the strategies a SEA will use to serve disadvantaged populations); and
  - **development of new informational and academic resources** and expansion of **awareness of, and access to, best practices and innovations in remote learning**.
- While LEAs may use funding for any of the broad allowable uses included in the CARES Act (See below), the Department requests **information on what SEAs may ask LEAs to include** in their subgrant applications. Additionally, USED provides **specific examples that SEAs might include** in developing their subgrant applications for LEAs aligned to the Department's priorities. These examples include: (1) how the LEA will determine its **most important educational needs** as a result of the coronavirus; (2) the **LEA's proposed timeline** for providing services and assistance to students and staff in both public and non-public schools; (3) the extent to which the LEA intends to use funding to **promote remote learning**; and (4) how the LEA intends to assess and address **student learning gaps** resulting from the disruption in educational services.
    - Relatedly, USED Secretary Betsy DeVos stated on a call with education stakeholders to announce the availability of funding that she is hopeful, given the waived testing this spring, that states will consider testing students in the fall.
  - SEAs are also required to provide an assurance **LEAs in their local applications (to the extent applicable) will describe the steps that they propose to take to assist students and teachers in overcoming barriers to participating in programs** (including barriers based on gender, race, color, national origin, disability, and age).
  - SEAs will be required to **submit quarterly reports** to the Department. The Department may require SEAs to report on the **methodology LEAs will use to provide services or assistance to students and staff in both public and non-public schools**. Additional reporting requirements may be on **use of funds by the LEAs** or other entities, such as any **use of funds to address the digital divide** (this could include securing access to home-based connectivity and remote-use devices), and related issues in **supporting remote learning for all students, including disadvantaged populations**. The Department may also require reporting on the **assurances for SEAs included in the Certification and Agreement** (as outlined above), among other reporting requirements to be determined in the future.

#### **Allocation of Funds:**

- The Department will award **\$13,229,265,000 to SEAs**. Under the CARES Act, states will receive funding based on the **same proportion that each state received funds under Title I part A of ESEA** in fiscal year (FY) 2019 (See state allocation table below).
- Each state will then allocate **not less than 90% of the funding as subgrants to LEAs** (including charter schools) in the proportion that each received funding under Title I part A of ESEA in FY2019. SEAs will be required to provide an assurance that they will ensure that LEAs use funds only for allowable activities (See below).
- As a **condition of receiving funding** (under the CARES Act), a **state must maintain support for elementary and secondary education and state support for higher education** in FY2020 and FY2021 at least at the levels of such support in the three fiscal years preceding March 27, 2020. The **Secretary may waive this requirement** if a state has experienced a precipitous decline in financial resources.

#### **Use of SEA Funds:**

- With the **remaining funds (up to 10%)**, a **state has further flexibility** and may reserve not more than 0.5% for administrative costs and the remainder for emergency needs as determined by the SEA to address issues responding to coronavirus.

**Use of LEA Funds:**

- As authorized by the CARES Act, **LEAs may use funds for a long list of other allowable activities**, including coordination in response to coronavirus; resources for principals and school leaders to meet the needs of their schools; procedures and systems to improve preparedness and response efforts; training and professional learning on sanitation and minimizing infectious disease; purchasing supplies to clean and sanitize; planning for and coordinating during long-term closures, such as providing meals to students, providing technology for on-line learning to all students, and providing guidance on carrying out IDEA requirements; purchasing education technology for students; providing mental health services; planning and implementing summer learning and afterschool programs; continuing to employ existing LEA staff; and other activities to maintain operations and continue services. (See Appendix A of the Certification and Agreement for the text of the CARES Act).

**Additional Resources (as provided by USED):**

- [Cover Letter to SEAs](#)
- [Certification Agreement/Application for States](#)
- [State-by-State Allocations](#)
- [Notice Announcing Availability of Funds](#)
- [USED Press Release](#)

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