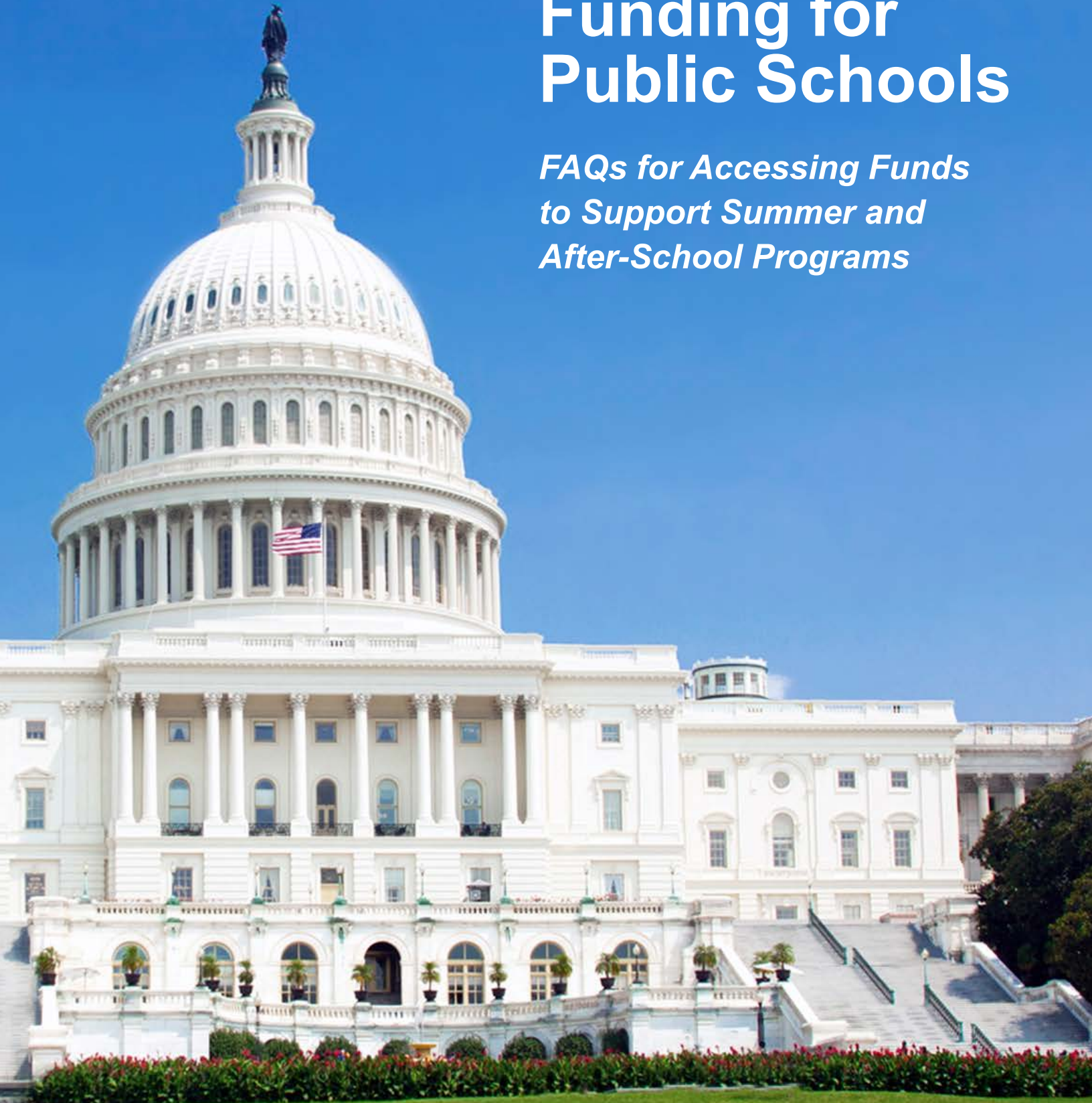


COVID-Relief Funding for Public Schools

*FAQs for Accessing Funds
to Support Summer and
After-School Programs*



What Education COVID-Relief Funding Means for Summer and After-School Programs

OST: Out of School Time

SEA: State Education Agency

ARP: American Rescue Plan

LEA: Local Education Agency

ESSER Fund: Elementary and Secondary School Emergency Relief Fund

ED: federal Department of Education

What are ESSER funds?

The Elementary and Secondary School Emergency Relief (ESSER) fund is a COVID-19 relief program for states and school districts. ESSER was funded through three separate laws:

- **March 2020 -- \$13.23 billion through CARES** (Coronavirus Aid, Relief, and Economic Security Act), often referred to as “ESSER 1,”
- **December 2020 -- \$54.3 billion through CRRSA** (Coronavirus Response and Relief Supplemental Appropriations Act), often referred to as “ESSER 2,” and
- **March 2021 -- \$121.975 billion through ARP** (American Rescue Plan), often referred to as “ESSER 3” or “ARP ESSER.”

The U.S. Department of Education (ED) awards ESSER funds to states and states must allocate at least 90% of the funds to school districts. ESSER funds retained at the state level are sometimes referred to as ESSER “state level” or “state reserve” funds; funds allocated to school districts are sometimes referred to as ESSER “local” funds.

ESSER allocation amounts for each state are available at the following links: [ESSER 1 allocations](#), [ESSER 2 allocations](#), and [ARP ESSER allocations](#).

ESSER funds are flexible compared to other federal education programs.¹ States and school districts must use ESSER funds to prevent, prepare for, or respond to COVID-19, which can include a broad variety of activities to address the effects of the pandemic, address pre-existing issues exacerbated by the pandemic, or emerge stronger post-pandemic.² ED has clarified that all three ESSER funding streams may be spent on the same activities,³ except for certain required set-asides in ARP ESSER.



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¹ While ESSER funds are allocated to states and school districts based on their proportion of Title I funding, ESSER funds are not Title I funds and Title I rules do not apply to ESSER. U.S. Department of Education, [Elementary and Secondary School Emergency Relief Fund: Frequently Asked Questions about the Elementary and Secondary School Emergency Relief Fund \(ESSER Fund\)](#), May 2020, Q&A 16.

² U.S. Department of Education, [Frequently Asked Questions: Elementary and Secondary School Emergency Relief Programs; Governor’s Emergency Education Relief Programs](#), May 2021, p. 9. This guidance is referred to as the May 2021 ESSER & GEER FAQs for the rest of this document.

³ [May 2021 ESSER & GEER FAQs](#) A-3. A-3 lists all the permissible uses of ESSER funds.

What is the timing of ESSER funds?

The chart below reflects the timing for each ESSER funding stream.

ESSER Funding Stream	Obligation ⁴ Deadline (Including Tydings Period) ⁵
ESSER 1 (CARES Act) - \$13.23 billion	September 30, 2022
ESSER 2 (CRRSA Act) - \$54.3 billion	September 30, 2023
ARP ESSER (ARP Act) - \$121.975 billion	September 30, 2024
All ESSER funding can be used for “pre-award” costs dating back to March 13, 2020	

Are any ESSER funds required to be spent on summer or afterschool programming?

Yes. ARP ESSER requires a certain amount of funding to be “set-aside” for specific activities. There are both state and local level set-asides, and activities funded through the set-asides should respond to students’ academic, social and emotional needs, and address the disproportionate impact of the pandemic on certain student groups.⁶

State level. States must reserve from their total ARP ESSER allocation:

- At least 5% to address learning loss (also referred to as the academic impact of lost instructional time⁷) through the implementation of evidence-based interventions, such as summer learning or summer enrichment, extended day, comprehensive afterschool programs, or extended school year programs,⁸
- At least 1% for evidence-based summer enrichment programs,⁹ and
- At least 1% for evidence-based comprehensive afterschool programs.¹⁰

⁴ The term obligation has a specific meaning defined in federal regulations. Briefly, it is a legal commitment to pay funds. Federal regulations define when an obligation occurs – for example, when an employee performs work, travel is taken, or a state or district enters into a contract for services, among other examples. [34 CFR §76.707](#) contains a chart defining when an obligation is made in various circumstances. All spending must be finished (“liquidated”) within 120 days after the obligation deadline. [34 CFR § 200.344\(b\)](#); [May 2021 ESSER & GEER FAQs](#), E-1 through E-3.

⁵ [May 2021 ESSER & GEER FAQs](#), E-1 through E-3. There has been some confusion over when the various ESSER funding streams must be obligated. The CARES law says its funds remain available for obligation through September 30, 2021, the CRRSA law says its funds remain available for obligation through September 30, 2022, and the ARP law says its funds remain available for obligation through September 30, 2023. These dates, however, are all extended by one additional year through the Tydings Amendment which is part of a separate law called the General Education Provisions Act (GEPA).

⁶ These reservations must address the disproportionate impact of COVID-19 on certain students subgroups, including, but not limited to students from low-income families, students of color, English learners, children with disabilities, students experiencing homelessness, children and youth in foster care, and migratory students. [May 2021 ESSER & GEER FAQs](#), A-4 and A-9 through A-15. See also ARP Act, Sections 2001(e)(1) and (f).

⁷ While the CARES Act, CRRSA Act, and ARP Act use the term “learning loss,” ED uses the term “academic impact of lost instructional time.” See [May 2021 ESSER & GEER FAQs](#), A-3, footnote 6.

⁸ This set-aside for learning loss accounts for 50% of the state reserve if the state reserves the full 10% permitted. States must reserve 7% of their total ARP ESSER allocations for the set-asides listed in this section. States may also reserve an additional 3% for other optional activities. For example, if a state receives \$1,000,000 in total ARP ESSER funds, it must reserve at least \$50,000 for learning loss, \$10,000 for summer enrichment programs, and \$10,000 for comprehensive afterschool programs. The state could also choose to set aside an additional \$30,000 for optional activities. These mandatory and optional set-asides together come to \$100,000, or 10% of the total ARP ESSER allocation. The set-aside for learning loss, therefore, accounts for 50% of the state reserve, or 5% of the total ARP ESSER allocation.

⁹ This set-aside for summer enrichment programs accounts for 10% of the state reserve if a state reserves the full amount permitted (see footnote 8).

¹⁰ This set-aside for comprehensive afterschool programs amounts to 10% of the state reserve if the state reserves the full amount permitted (see footnote 8).



Local level (school districts). School districts must reserve at least 20% of their ARP ESSER allocation to address learning loss (also referred to as 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 programs.

What is “evidence-based” under ESSER?

The required state and local set-asides in ARP ESSER must only be used to support evidence-based interventions. ARP ESSER uses the same definition of evidence-based as the Elementary and Secondary Education Act (ESEA). ESEA specifies four levels of evidence:

1. **Strong Evidence**, meaning there is at least one well-designed and well-implemented experimental study (e.g., a randomized control trial) on the intervention. This is sometimes referred to as “Tier 1” evidence
2. **Moderate Evidence**, meaning there is at least one well-designed and well-implemented quasi-experimental study on the intervention. This is sometimes referred to as “Tier 2” evidence.
3. **Promising Evidence**, meaning there is at least one well-designed and well-implemented correlational study with statistical controls for selection bias on the intervention. This is sometimes referred to as “Tier 3” evidence.
4. **Demonstrates a Rationale**, meaning the intervention includes: 1) a well-specified logic model that is informed by research or an evaluation that suggests how the intervention is likely to improve relevant outcomes; and 2) an effort to study the effects of the intervention. This is sometimes referred to as “Tier 4” evidence.”¹¹

ED clarified that for an activity to be considered evidence-based, an activity is not required to have generated such evidence during the COVID-19 pandemic.¹²

Please note, the evidence-based requirements only apply to the ARP ESSER required set-asides – the evidence-based requirements do not apply to “regular” ESSER funds (described more below) except when ESSER funds are used to support full-service community schools. For example, “regular” ESSER funding could be used to pay for students to attend a summer camp, or to participate in an out-of-school robotics program, even if there is not a specific evidence-base for those activities.¹³

¹¹ See ESEA, Section 8101(21) for statutory definition of “evidence-based.” See also, U.S. Department of Education, [Non-Regulatory Guidance: Using Evidence to Strengthen Education Investments](#), 2016, pp. 8-12.

¹² [May 2021 ESSER & GEER FAQs](#), A-10.

¹³ Other federal requirements must also be satisfied for a cost to be allowable, such as the “necessary and reasonable” requirement, among others. See, for example 2 CFR § 200.403.

Can “regular” ESSER funds (funds that are not specifically “set-aside” for afterschool or summer learning) be used for these costs?

Yes. While some ARP ESSER funds must be “set-aside” for evidence-based activities to address learning loss, summer enrichment, and afterschool programs, “regular” ESSER funds (from all three ESSER funding streams) at both the state and district level are quite flexible and can be used for a variety of costs, including summer and afterschool programming.

Summer and afterschool programming are specifically listed as permissible uses of ESSER funds.¹⁴ This means that “regular” ESSER funds – which constitute the vast majority of ESSER funding – can be spent on summer and afterschool programming.

“Regular” ESSER funds are not subject to evidence-based requirements.

How might summer and OST providers access ESSER funding to support their summer learning and out-of-school time services?

Summer and OST providers might access ESSER funding to provide services through grants or through contracts. *Please note that only state-level ESSER funding is available to make grants to providers.*

Grants. States are permitted to subgrant state-level ESSER funding to eligible recipients, which can include summer and OST providers. If a provider receives an ESSER subgrant from a state, it is subject to all of the relevant legal obligations of federal grant recipients, including but not limited to requirements detailed in the Uniform Grant Guidance,¹⁵ such as financial management system standards, personnel paperwork, inventory management, reporting, audit, and other requirements. Summer and OST recipients of state-level ESSER grants are considered “subgrantees” and are not permitted to “regrant” ESSER funds to other entities.¹⁶ States are responsible for overseeing ESSER subgrantee compliance.¹⁷

*School districts are **not** permitted to grant or subgrant ESSER funds to any entity, including summer and OST providers. (School districts can however contract with summer and OST providers.)*

Contracts. Both states and school districts may contract with summer and OST providers to provide services with ESSER funds. States must follow state procurement and contracting processes when contracting with ESSER funds. School districts must follow federal, state, and local procurement processes when contracting with ESSER funds. The federal procurement and contracting standards that school districts must follow are described in the Uniform Grant Guidance.¹⁸ Please note that in certain limited situations, “noncompetitive” procurements are permitted under federal rules – for example, when only a single source can provide the item, there is a public emergency, or the federal agency or “pass through entity” (the SEA for ESSER) approves the noncompetitive procurement in writing.¹⁹ ED clarified that school districts might want to consider noncompetitive procurement options for 2021 summer enrichment programs.²⁰

Who administers and oversees ESSER funding?

At the federal level, the U.S. Department of Education (ED) administers ESSER funds and allocates ESSER funding to states. In this role, among other duties, ED is responsible for providing technical assistance to grant recipients, monitoring the use of funds, providing access to ED’s grants management system where states draw down funds, providing training and information to auditors, and overseeing reporting requirements.

¹⁴ See CARES Act, Section 18003(d)(11); CRRSA Act, Section 313(d)(11); and ARP Act Section 2001(e)(2)(M).

¹⁵ [May 2021 ESSER & GEER FAQs](#), p. 1 and A-16.

¹⁶ See 34 CFR § 76.50. Subgrants are only permitted when authorized by law. CARES, CRRSA, and ARP authorize states to subgrant funds to certain entities but do not permit those entities to subgrant or regrant funds to others.

¹⁷ [May 2021 ESSER & GEER FAQs](#), A-12; 2 CFR § 200.331.

¹⁸ 2 CFR §§ 200.318 - 200.327.

¹⁹ 2 CFR § 200.320(c).

²⁰ [May 2021 ESSER & GEER FAQs](#), C-27.

At the state level, State Education Agencies (SEAs) – typically known as state departments of education or state departments of public instruction – allocate ESSER funds to school districts, spend state-level ESSER funds either directly or through subgrants to eligible recipients or contracts with providers, and oversee subgrantees. This oversight role includes reviewing and approving school district applications for ESSER funding, providing technical assistance to subgrantees (which could include summer or OST subgrant recipients), monitoring subgrantees for compliance with federal rules, and ensuring that subgrantees receive required audits.

At the local level, local education agencies (LEAs) – typically known as school districts – apply to their SEAs to receive the funding, submit required plans to the SEA, administer ESSER funds at the local level, and spend ESSER funds. At the local level ESSER funds can either be spent directly for the LEA – for example, to pay school district staff – or through contracts with providers for goods or services.

What kinds of summer learning costs can ESSER pay for?

ESSER is a flexible program, therefore a variety of summer learning costs are permissible, and programs can address the needs of students of all ages.²¹ ED encourages states and school districts to maximize enrollment in summer programs, with particular focus on underserved students and students most impacted by the COVID-19 pandemic, including providing transportation and meal services.²²

Examples of permissible costs include, but are not limited to:

- Summer learning and enrichment programs, including summer camps,²³ along with necessary and reasonable costs to reduce barriers for students to attend high-quality programs (such as transportation and other costs related to attending).²⁴
- Summer bridge programs to help students make the successful transition to postsecondary education, training, pre-apprenticeship, registered apprenticeship, or other career pathway programs.²⁵
- Summer learning and enrichment programs that provide training, work-based learning, and jobs to high school students, including service learning or other volunteer opportunities for high school students.²⁶

Please note that if ARP ESSER set-aside funds are used to pay for the above kinds of programming, the programs must be evidence-based. “Regular” ESSER funds are not subject to the evidence-based requirements.²⁷

What kinds of OST costs can ESSER pay for?

As with summer learning, because ESSER is a flexible program, a wide variety of OST costs are permissible. Examples include, but are not limited to:

- Afterschool, or other out-of-school time, programs that address students’ social, emotional, and academic needs,²⁸ these programs can occur before and after the regular school day, as well as on weekends or during school breaks.²⁹
- Costs that expand programming options for students through in-school or out-of-school programming, which could include arts or sports programming; or clubs, such as a robotics or STEM club.³⁰

21 [May 2021 ESSER & GEER FAQs](#), C-25

22 [May 2021 ESSER & GEER FAQs](#), C-25

23 [May 2021 ESSER & GEER FAQs](#), C-25

24 U.S. Department of Education, [COVID-19 Handbook: Roadmap to Reopening Safely and Meeting All Students’ Needs](#), Volume 2, April 2021, p. 22. This publication is referred to as the Volume 2 COVID-19 Reopening Handbook for the rest of this document.

25 [May 2021 ESSER & GEER FAQs](#), C-17

26 [May 2021 ESSER & GEER FAQs](#), C-26

27 The importance of summer programs, and the use of ESSER funds to support summer programs is also described in: U.S. Department of Education, [How American Rescue Plan Funds Can Prevent and Respond to Crime and Promote Public Safety](#), June 2021.

28 [Volume 2 COVID-19 Reopening Handbook](#), p. 1

29 [Volume 2 COVID-19 Reopening Handbook](#), p. 21

30 [May 2021 ESSER & GEER FAQs](#), C-3

Please note that if ARP ESSER set-aside funds are used to pay for the above kinds of programming, the programs must be evidence-based. “Regular” ESSER funds are not subject to the evidence-based requirements.³¹

How are states using ESSER funding to support students for summer and out-of-school time?

States are engaging in a wide variety of approaches, some examples include:

- [Connecticut](#): Connecticut is funding [grants](#) to expand summer 2021 programming in for low-income children, and to support innovative summer offerings in rural and urban areas, including opportunities in sports and recreation, hands-on academic experiences, theater and poetry, and mentorship.
- [Georgia](#): Georgia will run the [Building Opportunities in Out of-School Time](#) (BOOST) grant competition, which offer three-year grants, renewed annually, to community-based organizations or municipalities that operate comprehensive out-of-school time (OST) programming over the summer months, after school during the academic year, or year-round, with the goal of providing evidence-based afterschool and summer programming focusing on academic and non-academic barriers for students most impacted by COVID-19.
- [New Hampshire](#): Under the [Rekindling Curiosity](#) program, the New Hampshire Department of Education is partnering with camps and other summer learning organizations to make summer 2021 enrichment opportunities available to students with disabilities and from low-income backgrounds.
- [Utah](#): Utah is running a [competitive grant program](#) where providers must commit to combining summer learning and afterschool programming, and must partner with school districts and community based organizations.
- [West Virginia](#): West Virginia is funding the [Summer SOLE program](#) (Student Opportunities for Learning and Engagement) which provides hands-on, engaging and interactive 2021 summer learning experiences that will begin to address students’ social-emotional needs and support their recovery from pandemic learning loss. Funded programs offer in-person, research-based opportunities including full-day programs for K-8 as well as access to a minimum of 4 days per week for at least 4 weeks with free transportation and meals for all K-12 students.

Other summer and OST approaches are described in recently approved state ARP ESSER plans, summaries of which can be accessed [here](#).

What federal resources are available to learn more about ESSER?

ED’s [ESSER](#) and [ARP ESSER](#) websites link to a number of resources.

31 The publication referenced in footnote 27 also addresses OST programs.



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as well as federal grants management
requirements, such as the Uniform Grant Guidance.

