COVID-Relief Funding for Public Schools

FAQs for Accessing Funds to Support Summer and After-School Programs
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 funds were 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.”

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. 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. ED has clarified that all three ESSER funding streams may be spent on the same activities, except for certain required set-asides in ARP ESSER.

What is the timing of ESSER funds?

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

<table>
<thead>
<tr>
<th>ESSER Funding Stream</th>
<th>Obligation</th>
<th>Deadline (Including Tydings Period)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ESSER 1 (CARES Act)</td>
<td>$13.23 billion</td>
<td>September 30, 2022</td>
</tr>
<tr>
<td>ESSER 2 (CRRSA Act)</td>
<td>$54.3 billion</td>
<td>September 30, 2023</td>
</tr>
<tr>
<td>ARP ESSER (ARP Act)</td>
<td>$121.975 billion</td>
<td>September 30, 2024</td>
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</tbody>
</table>

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.

**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 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,
- At least 1% for evidence-based summer enrichment programs, and
- At least 1% for evidence-based comprehensive afterschool programs.

### Set-asides

<table>
<thead>
<tr>
<th>Obligation</th>
<th>Deadline (Including Tydings Period)</th>
</tr>
</thead>
<tbody>
<tr>
<td>$6.5 billion</td>
<td>July 1, 2022 through June 30, 2023</td>
</tr>
<tr>
<td>$3.5 billion</td>
<td>July 1, 2022 through June 30, 2023</td>
</tr>
<tr>
<td>$1.21975 billion</td>
<td>February 28, 2023 through June 30, 2023</td>
</tr>
</tbody>
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### Note

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, Frequently Asked Questions: Elementary and Secondary School Emergency Relief Fund; Frequently Asked Questions about the Elementary and Secondary School Emergency Relief 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.
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 § 200.344(b); May 2021 ESSER & GEER FAQs, E-1 through E-3.
5. Obligation occurs within 120 days after the obligation deadline. 34 CFR 200.344(b); May 2021 ESSER & GEER FAQs, E-1 through E-3.
6. The ARP law says its funds remain available for obligation through September 30, 2024. The CRRSA law says its funds remain available for obligation through September 30, 2023. The CARES law says its funds remain available for obligation through September 30, 2022. ARP, CRRSA, and CARES dates are extended by one additional year. May 2021 ESSER & GEER FAQs, A-4 and A-9 through A-15. See also ARP Act, Sections 2001(c)(1) and (j).
8. The set-aside for learning loss accounts for 50% of the state reserve if the state reserves the full 5% permitted. States must reserve 7% of their total ARP ESSER allocations for the set-asides listed in this section. States may also reserve 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, $50,000 for summer enrichment programs, and $100,000 for comprehensive afterschool programs.
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.

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.

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 are not specific evidence-base for those activities.

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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. 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.

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

• Summer learning and enrichment programs, including summer camps, 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).

• Summer bridge programs to help students make the successful transition to postsecondary education, training, pre-apprenticeship, registered apprenticeship, or other career pathway programs.

• 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.

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.

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, these programs can occur before and after the regular school day, as well as on weekends or during school breaks.

• 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.

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.

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.
NSLA and CCSSO extend a special thank you to Melissa Junge and Sheara Krvaric, co-founders of the Federal Education Group, PLLC (FEG).

FEG’s practice areas include all major federal K-12 education programs, including ESSA, IDEA, Perkins, and COVID-19 relief programs, as well as federal grants management requirements, such as the Uniform Grant Guidance.