

Federal Elementary and Secondary School Emergency Relief Fund (ESSER Fund)

On April 23, 2020, U.S. Secretary of Education (USED) Betsy DeVos announced the availability of an application for State education agencies (SEAs) to apply for the [Elementary and Secondary School Emergency Relief Fund](#) (ESSER Fund) authorized through the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). The USED awards grants to SEAs for the purpose of providing local educational agencies (LEAs), including charter schools that are LEAs, with emergency relief funds to address the impact that Novel Coronavirus Disease 2019 (COVID-19) has had, and continues to have, on elementary and secondary schools across the nation.

The Utah State Board of Education (USBE) applied for and anticipates receiving ESSER funds to support LEAs in meeting needs resulting from COVID-19. ESSER funds are allocated to LEAs based on the LEA's State FY 2020 percentage of Title I, Part A funds. LEAs that were not eligible for FY 2020 Title I, Part A funds or chose to waive Title I, Part A funds will receive a base allocation from the set-aside for state level activities. Although ESSER funds are based on the Title I, Part A formula, there is flexibility in the ways in which LEAs may use the funds.

LEA Uses of ESSER Funds

LEAs may use ESSER funds for any purposes listed in section 18003(d) of the [CARES Act](#). Under these provisions, an LEA that receives ESSER funds may use the funds for any activity authorized by the following Federal education acts:

- A. The Elementary Secondary Education Act (ESEA) of 1965, currently reauthorized as the [Every Student Succeeds Act](#) (ESSA) of 2015.

ESSA includes the following Federal education programs:

- a. Title I, Part A: Improving Basic Programs Operated by LEAs, including the portions of the state education agency's (SEA's) Title I, Part A award used to carry out section 1003 school improvement for schools identified for comprehensive support and improvement (CSI) and Targeted Support and Improvement (TSI)
 - b. Title I, Part C: Education of Migratory Children
 - c. Title I, Part D: Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At Risk
 - d. Title II, Part A: Supporting Effective Instruction
 - e. Title III, Part A: English Language Acquisition, Language Enhancement, and Academic Achievement
 - f. Title IV, Part A: Student Support and Academic Enrichment Grants
 - g. Title IV, Part B: 21st Century Community Learning Centers
 - h. Title V, Part B, Subpart 2: Rural and Low-Income School Program
 - i. Title VI: American Indian and Alaska Native Education
 - j. Title VII, Part B: McKinney-Vento Education for Homeless Children and Youth Program
- B. The [Individuals with Disabilities Education Act](#) (IDEA)

- C. The [Adult Education and Family Literacy Act](#) (AEFLA)
- D. The [Carl D. Perkins Career and Technical Education Act](#) (CTE)
- E. Subtitle B of Title VII of the [McKinney-Vento Homeless Assistance Act](#)

Additional LEA Uses of ESSER Funds

In addition to supporting authorized activities under the Federal education programs listed above, LEAs that receive ESSER funds may use the funds for any of the following purposes:

- A. Coordination of preparedness and response efforts of LEAs with State, local, Tribal, and territorial public health departments, and other relevant agencies, to improve coordinated responses among such entities to prevent, prepare for, and respond to coronavirus.
- B. Providing principals and others school leaders with the resources necessary to address the needs of their individual schools.
- C. Activities to address the unique needs of low-income children or students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth, including how outreach and service delivery will meet the needs of each population.
- D. Developing and implementing procedures and systems to improve the preparedness and response efforts of LEAs.
- E. Training and professional development for staff of the LEA on sanitation and minimizing the spread of infectious diseases.
- F. Purchasing supplies to sanitize and clean the facilities of the LEA, including buildings operated by the LEA.
- G. Planning for and coordinating during long-term closures, including how to provide meals to eligible students, how to provide technology for online learning to all students, how to provide guidance for carrying out requirements under the IDEA, and how to ensure other educational services can continue to be provided consistent with all Federal, State, and local requirements.
- H. Purchasing educational technology (including hardware, software, and connectivity) for students who are served by the LEA that aids in regular and substantive educational interaction between students and their classroom instructors, including low-income students and students with disabilities, which may include assistive technology or adaptive equipment.
- I. Providing mental health services and supports.

- J. Planning and implementing activities related to summer learning and supplemental afterschool programs, including providing classroom instruction or online learning during the summer months and addressing the needs of low-income students, students with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.
- K. Other activities that are necessary to maintain the operation of and continuity of services in LEAs and continuing to employ existing staff of the LEA.

Equitable Services to Non-Public Schools

LEAs receiving funds under sections 18002 or 18003 of the CARES Act shall provide equitable services in the same manner as provided under section 1117¹ of Title I, Part A of the ESEA of 1965 to students and teachers in non-public schools, as determined in consultation with representatives of non-public schools.²

The control of funds for the services and assistance provided to a non-public school under subsection (a), and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds, materials, equipment, and property and shall provide such services (or may contract for the provision of such services with a public or private entity).³

Continued Payment to Employees

A LEA, State, institution of higher education (IHE), or other entity that receives funds under the CARES Act Education Stabilization Fund, shall to the greatest extent practicable, continue to pay its employees and contractors during the period of any disruptions or closures related to coronavirus.⁴

LEAs must continue to document the time and effort of employees paid in whole or in part by Federal education funds.⁵

¹ [USED Equitable Services Guidance](#)

² CARES Act Sec. 18005(a)

³ [USED Non-public Education FAQs](#)

⁴ CARES Act Sec. 18006.

⁵ USED COVID-19 Fiscal FAQs: [Select Questions Related to Use of Department of Education Grant Funds During the Novel Coronavirus Disease 2019](#)