

Elementary and Secondary School Emergency Relief Fund (ESSER Fund I and II)
Frequently Asked Questions
Updated 1/7/2021

Purpose

The purpose of this document is to answer Frequently Asked Questions related to the Elementary and Secondary School Emergency Relief Fund (ESSER Fund I and II), as established as part of the Education Stabilization Fund in the Coronavirus Aid, Relief, and Economic Security (CARES) Act and Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act. The Maine Department of Education will continue to update this document regularly, as responses are provided by the U.S. Department of Education.

How much ESSER funding was provided to Maine?

Maine received \$43,793,319.00 in Elementary and Secondary School Emergency Relief (ESSER I) funding through the Coronavirus Aid, Relief, and Economic Security (CARES) Act. Maine will receive \$183,138,601.00 in the Elementary and Secondary School Emergency Relief Fund (ESSER II funds) through the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act.

What are the basic requirements for Elementary and Secondary School Emergency Relief (ESSER I & II) funding?

The basic requirements for ESSER funding:

- While ESSER allocations are based on Title IA, these funds are not Title I funds.
- The allowable uses include the following Federal programs: Adult Education and Family Literacy Act (AEFL), Elementary and Secondary Education Act (ESEA), Individuals with Disabilities Education Act (IDEA), Perkins (CTE), McKinney-Vento Homeless Assistance Act (MVH), and any of the following:
 - Coordination of COVID-19 preparedness and response efforts.
 - Providing principals and other school leaders with the resources necessary to address the needs of their individual schools.
 - Activities to address the unique needs of underserved or disadvantaged students.
 - Training and PD for staff on sanitation and minimizing the spread of infectious diseases as well as purchasing of supplies for sanitization and cleaning of facilities.
 - Planning for and coordinating during long-term closures, including for how to provide meals to eligible students, how to provide tech for online learning to all students, etc.
 - Purchasing educational technology (including hardware, software, and connectivity) for students who are served by the local educational agency 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.
 - Providing mental health services and supports.
 - Planning and implementing activities related to summer learning and supplemental afterschool programs.
 - Other activities that are necessary to maintain the operation of and continuity of services in local educational agencies.

Is there an application process to receive ESSER funds?

The Maine Department of Education released the ESSER I application for SAUs on Monday, May 18, 2020. The ESSER II application will be released by Friday, January 29, 2021. The Department's Consolidated Application and Grant Reimbursement [website](#) will be utilized by SAUs to complete the ESSER I & II applications and receive reimbursement.

How much ESSER II funding goes to K-12 non-public schools?

The CRRSA Act did not include equitable services for eligible non-publics through ESSER II. Rather, a separate program of Emergency Assistance is available for eligible non-public through the Governor's Emergency Education Relief Fund.

Will there be Reporting Requirements regarding the CARES Act and CRRSA Act?

As was the case with the American Recovery and Reinvestment Act and the State Fiscal Stabilization Act ten years ago, there will be quarterly reporting by the SAUs of the amounts of funds received, the amount spent or obligated

for each project or activity, and a detailed list of the projects and activities supported by the CARES and CRRSA Act funds, including a description and estimated number of jobs created or saved. In addition, the present Secretary of Education has imposed several additional requirements of the State Education Agencies.

Are there expectations of internal controls to ensure funds are utilized for allowable purposes and to have adequate cash management of the federal funds?

There are expectations that appropriate internal controls are in place to track the ESSER I and ESSER II separately from one another and apart from all other federal program funds.

Will COVID-19 related expenses from March be reimbursed?

Any approved COVID-19 ESSER funding project expense, which was encumbered “on or after” March 13, 2020 and served to address specific challenges brought on by COVID-19, is eligible for reimbursement.

Will SAUs be able to utilize ESSER funds for PPE and cleaning supplies?

The statutory language regarding uses of ESSER funds by LEAs states they may be used for coordination of LEA preparedness and response efforts to prevent, prepare for and respond to the coronavirus, providing principals and other school leaders with the resources necessary to address school needs, purchasing supplies to sanitize and clean LEA facilities, and other activities that are necessary to maintain operations and continuity of services.

Could the ESSER funds be used for digital equipment purchased after March 13, 2020 and were not part of the GEER equipment and connectivity project?

The CARES statute allows purchasing educational technology (including hardware, software, and connectivity) for students served by the LEA that aids in regular and substantive educational interactions between students and their classroom teachers, including assistance technology or adaptive equipment.

Can ESSER funds be used to purchase new desks or classroom furniture to accommodate distancing requirements?

The CARES statutory language on allowable uses reflects that “LEAs may spend their funds on a wide variety of activities such as providing principals and other school leaders with the resources necessary to address school needs.”

What should I do to better understand Maintenance of Effort for special education?

Track the personnel changes that have occurred this year, as well as numbers of students that have graduated. Changes in those types of areas (student movement and teacher retirement) fall within the exemptions to MOE. The Department’s Special Services Finance Manager, Barbara McGowen is available to support districts requiring technical assistance.

Can ESSER funds be used to pay the contracts for OT and PT during the COVID period as the guidance reflects to continue paying contracts as practicable?

Section 18006 of the CARES Act requires that entities that receive ESSER funds to continue to pay employees and contractors “to the greatest extent practicable.”

Can ESSER funds be used to pay for extra food service personnel during the summer?

ESSER funds can be utilized for allowable use that occurred on or after March 13, 2020.

Are LEAs required to place their CARES Act ESSER funding application out for public comment?

LEAs are not required to put their local applications out for public comment.

Would I be able to use funds to provide payment for staff to do additional work? I am looking at developing a mentor type position that would help teachers better provide three pathways of instruction (in person, hybrid, and remote). Some teachers are very comfortable with the technology and juggling of having all three pathways within one class, while others are really struggling. I thought a position like this could help people. Time would be outside of the regular school hours.

The ESSER Fund provides LEAs considerable flexibility in determining how best to use ESSER funds (see Section 18003(d)). For your specific question, to provide payments to staff for a mentor type position is an example of providing principals and school leaders with the resources necessary to address the needs of their individual school.

Since learning can and should continue, the Department encourages LEAs to target ESSER funding on activities that will support remote learning for all students, especially disadvantaged or at-risk students, and their teachers.

We are providing outdoor instruction in order to provide in-person instruction districtwide and adhere to the CDC physical distancing requirements. Our students do not have the necessary items to spend a good portion of the day outside in Maine’s frigid weather. We’d like permission to purchase winter coats, snow pants, and boots for our most needy students.

The ESSER Fund provides LEAs considerable flexibility in determining how best to use ESSER funds (see Section 18003(d)). For your specific question, to provide winter gear for students to attend classes and activities outside is an example of providing principals and school leaders with the resources necessary to address the needs of their individual school. **Please be aware, the property (winter gear/clothing) purchased with Federal funds would remain property of the school, it must be labeled as school property and inventoried appropriately. Please maintain the records of such purchase and denote when the weather gets warmer, which winter gear/clothing did not last long (tears, seams, etc.) and log it appropriately in the property inventory.**

In the event of increased COVID-19 community spread, the need to provide day programming and child care is required while in hybrid and remote models. Is providing childcare or day programming an allowable ESSER expense?

Yes, if the costs are reasonable in amount and constitute a necessary response to the COVID-19 pandemic. See Sections 18003(d) of the CARES Act and 2 CFR §§ 200.403-200.405. For example, an LEA might contract with a daycare provider to make spaces available for teachers with young children whose regular daycare services are unavailable due to COVID-19 so that those teachers can continue to provide educational services to students. See CARES Act section 18003(d)(12). An LEA might also provide a retention incentive to teachers with young children that could offset the cost for childcare in order to retain those teachers, which is an allowable use of funds under Title II of the ESEA, if teacher retention is a challenge due to COVID-19. See CARES Act section 18003(d)(1). Childcare in the form of a preschool program is an allowable use of funds under the ESSER Fund if the need for the program is in response to COVID-19, the costs of the program are reasonable and necessary, and the child care program meets the definition of an “early childhood education program” under the ESEA. CARES Act section 18003(d)(1); 2 CFR §§ 200.403-200.405. ESEA section 8101(16) defines “early childhood education program” as it is defined in the Higher Education Act of 1965. Under that definition, an “early childhood education program” is: (A) a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.), including a migrant or seasonal Head Start program, an Indian Head Start program, or a Head Start program or an Early Head Start program that also receives State funding; (B) a State licensed or regulated child care program; or (C) a program that— (i) serves children from birth through age six that addresses the children’s cognitive (including language, early literacy, and early mathematics), social, emotional, and physical development; and (ii) is— (I) a State prekindergarten program; (II) a program authorized under section 619 or part C of the Individuals with Disabilities Education Act; or (III) a program operated by [an LEA].” In order to be an allowable use of funds under section 18003(d)(1) of the CARES Act, an early childhood education program funded under ESSER must meet this definition. CARES Act section 18007(8).

More broadly, an LEA may provide in-person programming for students who are engaged in remote learning or a hybrid model of learning and are not physically present in school for a portion of the week by, for example, providing technology and dedicated personnel to assist the students during the portion of the week they are engaged in remote learning, such as by providing additional academic supports during remote learning. Similarly, the LEA may provide services to students during the portion of the week they are not engaged in remote learning or physically present in school, such as by providing adult supervision to assist in academic assignments or provide other enrichment activities. As is the case with all ESSER Fund uses of funds, such uses of funds must be reasonable and necessary to prepare for, prevent, and respond to COVID-19.

May a district use ESSER funds to pay a portion of the cost of transporting students who have fallen behind academically to summer school, with the remainder of the cost of the transportation would be paid for with local funds?

Yes, ESSER funds may be used to pay a portion of the cost of transporting students who have fallen behind academically to summer school as long as the need for summer school is related to COVID-19 (e.g., the students have fallen behind because of the pandemic) and the cost is reasonable and necessary. As is the case with all uses of ESSER funds, the LEA must maintain financial records under the grant, including records of how the funds were

used, which would include records showing what portion of ESSER funds were used for the transportation. 2 CFR 200.34 and 34 CFR 76.730.