



## ESSER II

The Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA) was signed into law on December 27, 2020. It provides additional money for the Elementary and Secondary School Emergency Relief Fund (ESSER) and the Governor's Emergency Education Relief Fund (GEER), programs created by the Coronavirus Aid, Relief, and Economic Security Act (CARES) in March 2020.

**It is important to note these additional ESSER and GEER funds under CRRSA will come to local educational agencies (LEAs) as new awards that must be tracked separately from the ESSER and GEER funds LEAs received under CARES.**

To highlight that point, this summary will refer to the CARES Act funds as ESSER I and GEER I and will refer to the CRRSA Act funds as ESSER II and GEER II.

### **ESSER II Allocations**

ESSER II funds are required to be allocated to Title I-A LEAs in the same way as ESSER I, based on the proportion of Title I-A funds each LEA received in the most recent fiscal year. For ESSER II purposes the most recent fiscal year is 2020-2021, so ESSER II awards will be based on each LEA's FY21 (SY2020-2021) Title I-A allocation.

Although ESSER II award amounts are initially required to be calculated based on Title I-A allocations, they are not Title I-A funds. **Title I-A requirements do not apply to ESSER II.**

Additional funds have been allocated using Arizona Department of Education (ADE) SEA reserve funds for statewide activities to support Non-Title I LEAs and entities, with additional adjustments provided to Title I-A LEAs, to ensure *all* non-profit LEAs receive a minimum allocation of \$150,000, all rural LEAs receive a minimum of \$175,000 and all rural, remote LEAs receive \$200,000.

### **Period of Availability**

ESSER II funds are available for obligation through September 30, 2023 and may be used for pre-award costs dating back to March 13, 2020. LEAs should be mindful in their local planning that ESSER I funds expire first, on September 30, 2022, as opposed to September 30, 2023 for ESSER II.

### **Allowable Uses of Funds**

ESSER II funds can be spent on all the same activities as ESSER I and vice versa. While the ESSER II law lists three categories of allowable activities that were not specifically listed in ESSER I (addressing learning loss, school facility repairs and improvements, and improving indoor air quality in school facilities), the U.S. Department of Education (ED) clarified these activities are also allowable under ESSER I.

## LEAs that receive ESSER funds may spend them on:

- Any activity authorized by ESSA (*Title I-A, Title I-C (Migrant Education), Title I-D (Neglected and Delinquent Students), Title II-A, Title III-A (English Language Learners), Title IV-A, Title IV-B 21st Century Community Learning Centers, Title V-B REAP (SRSA and RLIS), Title VI-A (Indian Education), Title VII (Impact Aid)*), IDEA, Adult Education and Family Literacy Act, Perkins, or McKinney-Vento,
- Coordination of COVID-19 preparedness and response efforts,
- Providing principals and other school leaders with resources to address individual school needs,
- Activities to address the unique needs of low-income children, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth, including outreach and service delivery,
- Procedures and systems to improve LEA preparedness and response efforts,
- Training and professional development for LEA staff on sanitation and minimizing the spread of infectious disease,
- Purchasing supplies to sanitize and clean LEA and school facilities,
- Planning for and coordinating during long-term closures, including on how to provide meals, technology for online learning, guidance for carrying out IDEA requirements, and providing educational services consistent with applicable requirements,
- Purchasing educational technology (including hardware, software, and connectivity) for the LEA's students,
- Providing mental health services and supports,
- Planning and implementing summer learning and supplemental after-school programs,
- Addressing learning loss among students, including vulnerable populations, by administering and using valid and reliable high-quality assessments to assess academic progress, implementing evidence-based activities to meet the comprehensive needs of students, providing information and assistance to parents and families on how to effectively support students, and tracking student attendance and improving student engagement in distance education,
- School facility repairs and improvements to enable operation of schools to reduce risk of virus transmission and exposure to environmental health hazards, and to support student health needs,
- Inspection, testing, maintenance, repair, replacement and upgrade projects to improve the indoor air quality in school facilities, including heating, ventilation, and air conditioning systems, filtering, purification and other air cleaning, fans, control systems, and window and door repair and replacement, and
- Other activities necessary to maintain LEA operations and services and employ existing LEA staff.

For a full description of allowable activities, please see Section 313(d) of the CRRSA <https://www.congress.gov/116/bills/hr133/BILLS-116hr133enr.pdf> (starting on page 749).

### **According to ED, LEAs *may not spend ESSER funds on:***

- Bonuses, merit pay, or similar expenditures, unless related to disruptions or closures related to COVID-19,
- Subsidizing or offsetting executive salaries and benefits of individuals who are not LEA employees, or
- Expenditures related to state or local teacher or faculty unions or associations.

### **Supplement not Supplant**

ESSER II funds are not subject to a supplement, not supplant requirement.

## **Additional Spending Rules and Considerations for ESSER II**

ESSER II funds are subject to the Education Department General Administrative Regulations (EDGAR) and the federal government's Uniform Grant Guidance (UGG), including the requirement that spending be necessary and reasonable.

### **Equitable Services**

Unlike ESSER I, ESSER II does not have a requirement for LEAs to provide equitable services for private schools.

### **Maintenance of Effort**

ESSER II does not include a local Maintenance of Effort (MOE) requirement. In other words, LEAs are not required to maintain effort to receive ESSER II funds. LEAs must, however, continue to comply with Maintenance of Effort requirements in other federal education laws such as ESEA and IDEA.

### **Allocation Determination**

\$1.084 billion of Arizona's ESSER II funds have been allocated to LEAs. Funds are allocated from the **90% set aside for LEA Assistance** for FY21 Title I-A LEAs based on each LEA's proportionate share of Title I-A funds received in FY21 (SY20-21)

**Additional funds** have been provided from the Arizona Department of Education's **SEA Activities set-aside** to fund non-profit, Non-Title I-A LEAs and Entities, and to make additional adjustments to the FY21 Title I-A LEA cohort.

### **The following is the methodology used to provide these additional funds:**

- Determine a per-pupil amount (PPA) based on 50% of the state FY21 Total Final Adjusted Poverty for the FY21 Title I-A Cohort (*Total for LEA Assistance / Total Adjusted Poverty*)
- Ensure all LEA allocations meet the 50% PPA as applied to their final adjusted poverty count
- **Make the following Minimum Support Level Determinations:**
  - Ensure all **Small LEAs** and **CTED Entities** receive a **minimum allocation of \$150,000**
  - Ensure all **Rural LEAs** receive a **minimum allocation of \$175,000**
    - '**Rural LEAs**' are defined per [15-249.13](#). Definition of "rural" for purpose of federal funding eligibility.
  - Ensure all **Rural and Remote LEAs** receive a **minimum allocation of \$200,000**
    - '**Rural and Remote LEAs**' are defined as LEAs in which all schools have a National Center for Education Statistics (NCES) Locale Code of either 41, 42 or 43:
      - **Rural – Fringe (41):** Census-defined rural territory that is less than or equal to 5 miles from an Urbanized Area, as well as rural territory that is less than or equal to 2.5 miles from an Urban Cluster
      - **Rural – Distant (42):** Census-defined rural territory that is more than 5 miles but less than or equal to 25 miles from an Urbanized Area, as well as rural territory that is more than 2.5 miles but less than or equal to 10 miles from an Urban Cluster

- **Rural – Remote (43):** Census-defined rural territory that is more than 25 miles from an Urbanized Area and also more than 10 miles from an Urban Cluster

This process ensures that all LEAs, regardless of whether they received Title I-A funds in FY21, will receive an allocation based on a minimum per pupil amount based on poverty data, and that all LEAs will receive at least a minimum allocation of \$150,000. It further provides additional funds for LEAs that are rural, and remote and remote.