



A Guide to Funding Amounts, Uses, and Requirements



EDUCATING THROUGH CRISIS

TABLE OF CONTENTS

4	List of Acronyms
5	Educator Advocacy and Voice
6	Federal Emergency Aid for Public Education: Overview
7	Funding Process and Allocations
11	Period of Fund Availability
12	Fiscal Requirements
19	State & Local Plan Requirements
23	Summary of Fund Uses under ESSER
24	FUND USES: Employing Existing or Hiring New Staff + Other Activities as Needed
29	FUND USES: COVID Opportunity Gaps + Summer School & Afterschool Programs
38	FUND USES: Unique Needs of Students
41	FUND USES: Mental Health Services and Supports
43	FUND USES: Activities under ESEA, IDEA, CTEA, and AEFLA
46	FUND USES: Purchasing Educational Technology

TABLE OF CONTENTS

49	FUND USES: Preparedness & Response + Coordination with Public Health Departments + Public Health Protocols
51	FUND USES: Long-Term Closures
54	FUND USES: Cleaning Supplies & PPE + Staff Training on Cleaning & Prevention
56	FUND USES: Indoor Air Quality + School Facility Repairs & Improvements
58	Outside Policy Expert Recommendations
61	Survey of Fund Uses by School Districts
63	Governor's Emergency Education Relief
64	Emergency Assistance for Non-Public Schools
65	Homeless Children & Youth (ARP-HCY) Fund
69	Emergency Connectivity Fund
72	Additional NEA Resources: Tax-free Employer Student Loan Payments Extended Until 2026

LIST OF ACRONYMS

SEA	State Educational Agency
NYSED	New York State Education Department
LEA	Local Educational Agency
ESEA	Elementary & Secondary Education Act
CARES ACT	Coronavirus Aid, Relief, and Economic Security Act
CRRSA ACT	Coronavirus Response and Relief Supplemental Appropriations Act, 2021
ARP ACT	American Rescue Plan Act of 2021
ESSER	Elementary and Secondary School Emergency Relief
GEER	Governor's Emergency Education Relief

Now is the time to increase educator advocacy and voice.

Rather than simply trying to return to “normal,” we have an unprecedented opportunity to create the public schools all our students deserve—regardless of demography or geography.

Unions can lead the way. Working together with parents, communities and other caring stakeholders, we can advocate for equitable and just conditions for all of our students.



CRRSAA

Coronavirus Response and Relief Supplemental Appropriations Act

FUNDING FOR STUDENTS



There are three main federal laws providing emergency aid for public education.



Coronavirus Aid, Relief, and Economic Security Act (CARES Act)

March 2020



Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSA Act)

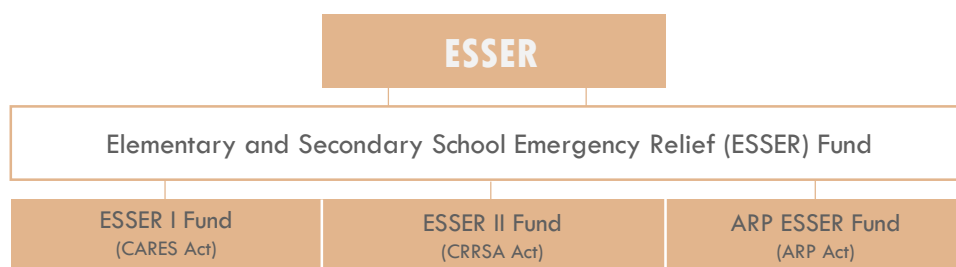
December 2020



American Rescue Plan Act of 2021 (ARP Act)

March 2021

Each law has a main source of funding for public elementary and secondary education.



There are other potential sources of funding for public elementary and secondary education under the three federal laws.



Unlike ESSER funds, GEER funds may be used for emergency grants to LEAs, institutions of higher education, or any other education-related entity as designated by the Governor.

SEA Reserve under all three ESSER Funds

For the portion of ESSER funds retained by the SEA (known as the “SEA Reserve”) and not allocated by formula as subgrants to LEAs, the SEA may use the funds for emergency needs as determined by the SEA to address issues responding to coronavirus, which may include grants to LEAs.

ESSER

Allocations to New York

*All three federal laws (CARES, CRRSA, and ARP) require the U.S. Department of Education to allocate ESSER funds based on the proportion that each state received under Title I, Part A in the most recent fiscal year.**

ESSER I Fund	\$1,037,045,603
ESSER II Fund	4,002,381,738
ARP ESSER Fund	8,988,780,836
Total, ESSER	\$14,028,208,177
per student	\$5,149

\$14 billion in federal emergency aid is provided to New York in support of public elementary and secondary education, or about \$5,150 per student.

From their state allocations under ESSER, SEAs may reserve up to 10 percent of their grant award for emergency needs as determined by the SEA to address issues responding to coronavirus, which may include grants to LEAs. (Under the ARP Act, most of the SEA Reserve must be further committed for specific purposes.)

maximum NYSED reservation

ESSER I Fund	\$103,704,560
ESSER II Fund	400,238,174
ARP ESSER Fund	898,878,084
Total, NYSED Reserve	\$1,402,820,818

* Section 1122(c)(3) of the ESEA prohibits the Education Department from considering the Title I, Part A hold harmless provisions in ESEA section 1122 in calculating State or local allocations for any other program administered by the Secretary, including the ESSER Fund. Therefore, to determine the ESSER Fund allocations, the Department used the fiscal year 2019 (CARES Act) and the fiscal year 2020 (CRRSA Act and ARP Act) State shares of Title I, Part A allocations without the application of the hold harmless provisions in ESEA section 1122. Under the CARES Act, the Department used the fiscal year 2019 State shares of Title I, Part A allocations. Under CRRSA Act and ARP Act, the Department used the fiscal year 2020 State shares of Title I, Part A allocations.

ESSER

Allocations to LEAs in New York

Across all three federal laws (CARES, CRRSA, and ARP), SEAs must use at least 90 percent of their grant awards to make subgrants to LEAs in proportion to the amount of funds that each LEA received under Title I, Part A in the most recent fiscal year.

minimum NYSED distribution to LEAs	
ESSER I Fund	\$933,341,043
ESSER II Fund	3,602,143,564
ARP ESSER Fund	8,089,902,752
Total, ESSER	\$12,625,387,359
per student	\$4,634

\$12.6 billion in federal emergency aid is allocated by formula to LEAs in New York in support of public elementary and secondary education, or about \$4,630 per student.

LEA Eligibility under ESSER

Under the CARES Act, if an LEA did not receive an FY 2019 Title I, Part A subgrant for school year 2019-2020, or under the CRRSA Act and the ARP Act, if an LEA did not receive an FY 2020 Title I, Part A subgrant for school year 2020-2021, the LEA is not eligible to receive a formula subgrant under ESSER. Instead, an LEA that is not eligible for a formula subgrant under ESSER may receive ESSER funds from an SEA’s Reserve as determined by NYSED.

ESSER Funds are Not Title I Funds

Although an LEA receives ESSER formula funds via the Title I, Part A formula, ESSER formula funds are not Title I, Part A funds and are not subject to Title I, Part A requirements. As such, LEAs may distribute ESSER funds to schools regardless of a school’s Title I status. All three laws authorize a broad array of potential uses by LEAs of ESSER formula funds. The ESSER Fund is a separate Federal program. ESSER funds must be awarded and tracked separately from Title I, Part A funds.

ESSER

NYSED and LEA Fund Reservations

SEA & LEA
Reservation to
Address COVID
Opportunity Gaps

The ARP Act requires specific reservations of funding for what the law refers to as “learning loss” (hereinafter referred to as COVID opportunity gaps.) SEAs are required to reserve not less than 5 percent of the total amount of grant funds awarded to the state for this purpose. LEAs are required to reserve not less than 20 percent of their formula-allocated subgrant to address COVID opportunity gaps.

minimum reservation of funding to address COVID opportunity gaps	
NYSED	\$449,439,042
LEAs	1,617,980,550
Total, Reservation	\$2,067,419,592
per student	\$759

In New York, at least \$2.1 billion in federal emergency aid must be directed to address COVID opportunity gaps, or about \$760 per student.

NYSED, either directly or through grants or contracts, and LEAs in New York must carry out activities to address COVID opportunity gaps by supporting the implementation of evidence-based interventions, such as summer learning or summer enrichment, extended day, comprehensive afterschool programs, or extended school year programs, and ensure that such interventions respond to students’ academic, social, and emotional needs and address the disproportionate impact of the coronavirus on students from low-income families, students with disabilities, English learners, students from major racial and ethnic groups, gender, migrant students, students experiencing homelessness, and children and youth in foster care. NYSED can also do so by providing additional support to LEAs to fully address such impacts.

ESSER

NYSED Fund Reservations

Additional SEA
Reservations for
Summer Enrichment
and Afterschool
Programs

Under the ARP Act, of the total amount of grant funds awarded to the state, SEAs are required to reserve not less than 1 percent for summer enrichment programs, and not less than 1 percent for comprehensive afterschool programs.

NYSED minimum reservation of funding

Summer enrichment	\$89,887,808
Afterschool programs	\$89,887,808

NYSED must dedicate at least \$89.9 million in federal emergency aid for summer enrichment programs, and at least \$89.9 million for comprehensive afterschool programs.

NYSED, either directly or through grants or contracts, must carry out the implementation of evidence-based summer enrichment programs and comprehensive afterschool programs, and ensure such programs respond to students’ academic, social, and emotional needs and address the disproportionate impact of the coronavirus on students from low-income families, students with disabilities, English learners, students from major racial and ethnic groups, gender, migrant students, students experiencing homelessness, and children and youth in foster care.

ESSER	Period of Fund Availability
Period of Availability	through 09/30/2021 09/30/2022 09/30/2023 09/30/2024
ESSER Fund CARES Act	\$1,037.0 million <i>includes the Tydings period*</i>
ESSER II Fund CRRSA Act	\$4,002.4 million <i>includes the Tydings period*</i>
ARP ESSER Fund ARP Act	\$8,988.8 million <i>includes the Tydings period*</i>

The period of availability represents the length of time that ESSER funds are available for obligation by NYSED and LEAs and other education-related entities. ESSER funds are “obligated” when NYSED or LEAs commit those funds to specific purposes.** For example, under the ARP Act, ESSER funds are available for obligation by LEAs through September 30, 2024, which includes the Tydings period. ESSER funds may be used for pre-award costs dating back to March 13, 2020, when the national emergency was declared.

SEA Deadline for Awarding Funds

For the CARES Act and CRRSA Act, NYSED must award ESSER formula subgrants to LEAs within one year of receiving the state allocation. For the CARES Act, that would be April through June 2021, depending on NYSED’s award date. For CRRSA, that would be January 2022. For ARP, NYSED must do so in an expedited and timely manner and, to the extent practicable, not later than 60 days after it receives those funds, or by May 24, 2021 for its first of two allocations under the ARP ESSER Fund. NYSED was to have provided an explanation to the U.S. Department of Education by April 23, 2021 if it is unable to do so, including when it will make the allocations. Under all three laws, NYSED must also make awards with its SEA Reserve within one year of receiving the state allocation.

Awarding vs Obligating Funds

It’s important to understand the difference between “awarding” funds and “obligating” funds. NYSED awards funds when it makes a subgrant to an LEA, or, in the case of the SEA Reserve, when it enters into a subgrant or contract with a subrecipient. If NYSED awards a contract from the SEA reserve, that is an obligation. In contrast, subgranting funds to an LEA or other subrecipient is not an obligation; rather, these funds are not obligated until the LEA or other subrecipient commits the funds to specific purposes.

* In general, under the Tydings provision (General Education Provisions Act §421(b)(1)), any funds not obligated and expended during the period for which they were awarded become carryover funds and may be obligated and expended during the succeeding fiscal year.
** Consistent with 34 C.F.R. § 76.707.

ESSER

Fiscal Requirement: Maintenance of Effort (MOE)

MOE Calculations
under the CARES Act

	State support for elementary and secondary education	State support for higher education
BASELINE—Average of Fiscal Years 2017, 2018, and 2019		
FY 2017	\$23,464,481,127	\$5,477,049,300
FY 2018	\$24,762,671,635	\$5,729,149,800
FY 2019	\$25,431,221,214	\$5,885,512,800
Average	\$24,552,791,325	\$5,697,237,300
COMPLIANCE—Each of Fiscal Years 2020 & 2021 Compared to the Baseline		
FY 2020	\$26,373,708,943	\$5,944,655,100
FY 2021		

MOE Requirement
under the CARES Act

As a condition of receiving ESSER (and GEER) funds under the CARES Act, the State must maintain support for elementary and secondary education, and separately, for higher education, in each of fiscal years 2020 and 2021 at least at the level of support that is the average of that provided in fiscal years 2017, 2018, 2019.

How States
Demonstrate MOE
Compliance

Compare the dollar amount of State support for elementary and secondary education for FY 2020 and separately for FY 2021 to the baseline level on either an aggregate or per student basis; and, compare the dollar amount of State support for higher education for FY 2020 and separately for FY 2021 to the baseline level on either an aggregate or full-time-equivalent (FTE) basis.

State Sources of
Data

The State may use either actual State expenditure data or data representing final appropriated or allocated amounts for both the baseline levels and the applicable comparison levels (FY 2020 and FY 2021). The data the State uses for purposes of the MOE requirements must be consistent from year to year.

MOE Data
Submission Dates

- **Baseline data:** the State submitted baseline data by **September 1, 2020**.
- **FY 2020 data:** the State submitted FY 2020 data by **December 31, 2020**. Baseline data and FY 2020 data may be updated on or before **May 17, 2021**.
- **FY 2021 data:** expected to be collected by **December 30, 2021**.

ESSER

Fiscal Requirement: Maintenance of Effort (MOE)

MOE Calculations
under the CRRSA
and ARP Acts

	Overall State spending	State support for elementary and secondary education in dollars and as a percentage of overall State spending	State support for higher education in dollars and as a percentage of overall State spending		
BASELINE—Average of Fiscal Years 2017, 2018, and 2019					
FY 2017	\$	\$	%	\$	%
FY 2018	\$	\$	%	\$	%
FY 2019	\$	\$	%	\$	%
Average	\$	\$	%	\$	%
COMPLIANCE—Each of Fiscal Years 2022 & 2023 Compared to the Baseline					
FY 2022	\$	\$	%	\$	%
FY 2023	\$	\$	%	\$	%

MOE Requirement
under the CRRSA and
ARP Acts

As a condition of receiving ESSER (and GEER and EANS) funds under the CRRSA Act, the State must maintain support for elementary and secondary education, and separately, for higher education, in fiscal year 2022 at least at the proportional level of support relative to the State’s overall spending that is the average of that support provided in fiscal years 2017, 2018, and 2019. As a condition of receiving ESSER funds under the ARP Act, the State must meet this MOE requirement in each of fiscal years 2022 and 2023.

How States
Demonstrate MOE
Compliance

Under the CRRSA Act, compare the percentage of total State spending used to support elementary and secondary education in fiscal year 2022 to the baseline percentage; and compare the percentage of total State spending used to support higher education in fiscal year 2022 to the baseline percentage. Under the ARP Act, make these comparisons for both fiscal year 2022 and fiscal year 2023 relative to the baseline percentages.

ESSER

Fiscal Requirement: Maintenance of Effort (MOE)

State Sources of Data

- **State support data:** the State may use either actual State expenditure data or data representing final appropriated or allocated amounts for both the baseline levels and the comparison levels (FY 2022 for CRRSA Act, and FYs 2022 and 2023 for ARP Act).
- **State overall spending data:** the State must use data on actual State expenditures to demonstrate overall spending, consistent with the statutory reference to “overall State spending.” The State may not use final appropriated or allocated amounts that differ from actual State expenditures to demonstrate compliance with the MOE requirements.

MOE Data Submission Dates

- **Baseline data:** the State must submit baseline data by **May 17, 2021**.
- **FY 2022 data:** the State must submit FY 2022 interim data on appropriated or allocated amounts for State support for elementary and secondary education, State support for higher education, and overall State spending by **December 30, 2021**. The State must submit final expenditure data for FY 2022 overall State spending in **spring 2023**.
- **FY 2023 data:** the State must submit FY 2023 interim data on appropriated or allocated amounts for state support for elementary and secondary education, State support for higher education, and overall State spending by **December 30, 2022**. The State must submit final expenditure data for FY 2023 overall State spending in **spring 2024**.

ESSER

Fiscal Requirement: Maintenance of Effort (MOE)

MOE Waivers All three laws contain a waiver provision. The Secretary may waive any MOE requirements for the purpose of relieving fiscal burdens incurred by the State in preventing, preparing for, and responding to the coronavirus. When requesting a waiver, the State must submit the MOE waiver request form created by the Secretary. The Secretary may ask the State for additional information after it submits the MOE waiver request form.

*Waiver Request
Submission Period*

- **CARES Act.** The State may request a waiver of the CARES Act MOE requirements at this time for FYs 2020 and 2021. The State may include requests related to more than one fiscal year in a single waiver request, if necessary.
- **CRRSA and ARP Acts.** The State may request a waiver of the CRRSA Act and ARP Act MOE requirements when the State can demonstrate that it is unable to comply with the MOE requirements for FY 2022 or FY 2023. Accordingly, the State generally will not be able to fully demonstrate it failed to meet the CRRSA Act or ARP Act MOE requirements until it has available expenditure data to document overall State spending for the applicable fiscal year(s) (FY 2022 and/or FY 2023).

*Factors in Considering
a State's Waiver
Request*

The Secretary's approach to MOE waiver requests will be rooted in the consideration of the impact on students. The purpose of ESSER and GEER funds is to expand resources for K-12 and postsecondary schools and students, not to replace existing State commitments to K-12 and higher education. As a result, in determining whether to grant the State a MOE waiver, the Secretary may consider factors such as:

- **Has the State increased support for education?** The Secretary understands that it is possible that the State has maintained or increased overall funding for education and the proportion of the State budget for education has still declined because of increases in other areas of the budget (e.g., public health). In these cases, the Secretary may consider has total State funding or per-pupil State funding for K-12 education and for higher education (calculated separately) increased from the prior fiscal year; over time (e.g. since the baseline years); or appropriated an increase in future years?
- **Are there exceptional circumstances that caused the State to be unable to maintain support for education?** If the State's support for education declined, the Secretary may consider—
 - are there specific severe effects of the COVID-19 pandemic on the State's economy that necessitated reductions in support for elementary and secondary education and for higher education?
 - what steps did the State take to avoid and/or minimize such reductions?

ESSER**Fiscal Requirement: Maintenance of Effort (MOE)**

- did the State use Coronavirus State and Local Fiscal Recovery Funds awarded by the U.S. Department of the Treasury under section 9901 of the ARP Act to support elementary and secondary education and higher education?
- how did reductions in support for elementary and secondary education and for higher education compare to other budget categories?
- did the State take steps that reduced or will it take steps to proactively reduce its financial resources in a way that impacted or will impact its ability to meet MOE requirements (e.g., tax changes and in what context, or additional contributions to rainy day funds)? If so, what was the impact of the reduction or what is the anticipated impact (e.g., to what extent were its resources reduced or will its resources be reduced)?
- **Has the State used or will it use ESSER, GEER, or Higher Education Emergency Relief Fund (HEERF) funding to replace State funding for education?** It is important for the Secretary to understand the State's use of pandemic-related federal funds when reviewing a request for a waiver. The Secretary may therefore consider:
 - will all unallocated ESSER, GEER, and HEERF funds relevant to the waiver be used to provide net new resources to K-12 schools and to higher education and not be used to replace existing State commitments to K-12 education and to higher education?
 - has the State previously used any ESSER, GEER, or HEERF funds to replace State funding for education?

Enforcement Actions

Note that the factors listed above may not be used to demonstrate that the State maintained effort but rather are considerations for determining whether a waiver is warranted. If the State fails to meet the MOE requirements and does not request and receive an MOE waiver, the Secretary has available a range of enforcement options. For example, the Secretary could seek recovery of funds.

Limitation of MOE as a Fiscal Guardrail

None of the three laws contain a prohibition on supplanting of funds. As such, ESSER funds may take the place of State or local funds for allowable activities. The maintenance of effort requirement is intended to minimize State actions to substantially reduce its support for elementary and secondary education and for higher education. In addition, the ARP Act included \$350 billion in general aid for State, local, tribal, and territorial governments that that can be used to mitigate the fiscal effects stemming from the pandemic, including support for public education, and should help State and local governments address budget issues without resorting to supplanting federal dollars meant for education.

ESSER

Fiscal Requirement: Maintenance of Equity

High-Need and Highest Poverty LEAs Defined	% of Economically Disadvantaged Students, Rank Order, Highest to Lowest		Cumulative % of State's Total Enrollment	Highest Poverty LEAs Among the group of LEAs in the State that, in rank order, have the highest percentages of economically disadvantaged students in the State, and collectively serve not less than 20 percent of the State's total enrollment.
	LEA 1	78%	11%	
	LEA 2	64%	18%	
	LEA 3	52%	24%	
	LEA 4	41%	35%	
	LEA 5	37%	47%	High-Need LEAs Among the group of LEAs in the State that, in rank order, have the highest percentages of economically disadvantaged students in the State, and collectively serve not less than 50 percent of the State's total enrollment.
	LEA 6	29%	55%	
	LEA 7	23%	67%	
	LEA 8	19%	79%	
	LEA 9	14%	88%	
	LEA 10	9%	100%	

Hypothetical data for illustration purposes only.

SEA Maintenance of Equity Requirement

As a condition of receiving ESSER funds under the ARP Act, should a State reduce State funding in fiscal year 2022 or 2023, it may not do so in a manner that reduces funding for the highest poverty LEAs or high-need LEAs by a disproportionately greater amount (as calculated on a per-pupil basis). Specifically, the State is prohibited from—

- (1) reducing State funding on a per-pupil basis for any **high-need LEAs** by an amount that exceeds the overall per-pupil reduction in State funds across all LEAs; and
- (2) reducing State funding on a per-pupil basis for any **highest poverty LEAs** below the level of per pupil funding provided to these LEAs in fiscal year 2019.

ESSER

Fiscal Requirement: Maintenance of Equity

High-Poverty School
Defined

% of Economically Disadvantaged
Students, Rank Order,
Highest to Lowest

School A	58%	Quartile 1 (highest)
School B	54%	
School C	42%	Quartile 2
School D	37%	
School E	31%	Quartile 3
School F	29%	
School G	23%	Quartile 4 (lowest)
School H	17%	

High-Poverty School

A school that is in the highest quartile of schools served by an LEA based on the percentage of economically disadvantaged students served as determined by the State.

In making its determination, the State must select a measure of poverty established for this purpose by the Secretary of Education and apply the measure consistently across all schools in the state.

Hypothetical data for illustration purposes only.

LEA Maintenance of
Equity Requirement:
Per-Pupil Funding
and Full-Time
Equivalent Staff

As a condition of receiving ESSER funds under the ARP Act, should an LEA reduce per pupil funding (from combined State and local funding) in fiscal year 2022 or 2023, it may not do so in a manner that reduces per pupil funding for any high poverty school that it serves at a greater amount than the per pupil funding reduction across all schools within the LEA.

The same prohibition applies to full-time equivalent staff. Should an LEA reduce per-pupil full-time equivalent staff in fiscal year 2022 or 2023, it may not do so in a manner that reduces per-pupil full-time equivalent staff for any high poverty school that it serves at a greater level than the per-pupil full-time equivalent staff reduction across all schools within the LEA.

Exceptions

The maintenance of equity requirement would not apply to an LEA in fiscal year 2022 or 2023 that meets at least one of the following criteria—

- a total enrollment of less than 1,000 students;
- operates a single school;
- serves all students within each grade span with a single school; or
- demonstrates an exceptional or uncontrollable circumstance, such as unpredictable changes in student enrollment or a precipitous decline in financial resources, as determined by the Secretary of Education.

ESSER

State & Local Plan Requirements

To expedite the release of ARP ESSER funds, the U.S. Department of Education issued a grant equal to two-thirds of NYSED’s ARP ESSER allocation (\$5,992,520,557) on March 24, 2021. The Department must approve NYSED’s plan in order to make the State’s remaining ARP ESSER allocation (\$2,996,260,279) available for use.

ARP ESSER
State Plan*

NYSED must submit to the U.S. Department of Education by **June 7, 2021**, either: (1) its ARP ESSER plan or (2) the State requirements that preclude submission of the plan by that date and a date by which it will be able to submit its complete ARP ESSER plan. NYSED was to have notified the Department by May 14, 2021 if it will not meet the deadline. In order to ensure transparency, the Department will post each plan on the Department’s website when it is received and will indicate each plan’s approval status.

ARP ESSER
Local Plans*

LEAs must develop a plan for the use of ARP ESSER funds and a plan for the safe return to in-person instruction and continuity of services. Details on the requirements related to each plan are described on the following pages, such as the deadline for submitting the LEA plan for the use of ARP ESSER funds which is set by NYSED within the limits of the ARP ESSER requirements.

NYSED may allow an LEA to develop a single plan to address both the uses of ARP ESSER funds and the safe return to in-person instruction and continuity of services. The single plan must be submitted within the timeline established by NYSED for the LEA plans for the use of ARP ESSER funds. An LEA is still required to meet the requirement that it make publicly available a plan for the safe return to in-person instruction and continuity of services within 30 days of receiving ARP ESSER funds.

ARP ESSER State &
Local Plan
Requirements

The State Plan template includes seven sections for—

- 1
- Describing the State’s current status and needs:
- a) progress and promising practices
 - b) overall priorities
 - c) identifying needs of underserved students
 - d) understanding the impact of the COVID-19 pandemic
 - e) school operating status—both mode of instruction and enrollment, the data of which must be made publicly available on ODE’s website by June 21, 2021

* The SEA will provide to the U.S. Department of Education: (1) the URL(s) where the public can readily find data on school operating status and (2) the URL(s) for the SEA and/or LEA websites where the public can find the LEA plans for (a) the safe return to in-person instruction and continuity of services required under the ARP Act, and (b) use of ARP ESSER funds. SEAs should consider ensuring a standardized URL format in all cases (e.g., xxx.gov/COVIDplan).

ESSER

State & Local Plan Requirements

Stakeholder
Engagement
Opportunity

2 Safely reopening schools and sustaining their safe operations:

- a) support for LEAs
- b) SAFE RETURN TO IN-PERSON INSTRUCTION AND CONTINUITY OF SERVICES PLANS—NYSED must describe how it will ensure that its LEAs that receive ARP ESSER funds meet the requirements in the ARP Act and the interim final requirements published in the Federal Register to either: (i) within 30 days of receipt of the funds, develop and make publicly available on the LEA’s website a plan for the safe return to in-person instruction and continuity of services, or (ii) have developed and made publicly available on the LEA’s website such a plan that meets statutory requirements before the enactment of the ARP Act. An LEA “receives” its ARP ESSER funds when it has access to the funds and is able to spend (i.e., draw down) funds for allowable activities.

The ARP Act further requires that before making the plan publicly available, the LEA seek public comment on the plan and take those comments into account in the development of the plan.

NYSED must also describe how it will ensure that the LEA periodically reviews, no less frequently than every six months for the duration of the ARP ESSER grant period (i.e., through September 30, 2023, which excludes the Tydings period), and revises as appropriate, its plan, and how NYSED will ensure that the LEA seeks public input, and takes such input into account on (i) whether revisions are necessary and, if so, (ii) the revisions to the plan.

Stakeholder
Engagement
Opportunity

3 Planning for the use and coordination of ARP ESSER funds:

- a) SEA CONSULTATION—NYSED must describe how it engaged in meaningful consultation with stakeholders, and incorporated input into its plan, including, but not limited to: TEACHERS, PRINCIPALS, SCHOOL LEADERS, OTHER EDUCATORS, SCHOOL STAFF, AND THEIR UNIONS. The description must include how NYSED provided the public the opportunity to provide input in the development of the plan, a summary of the input (including any letters of support), and how NYSED took such input into account. Importantly, NYSED must specifically describe how it engaged in meaningful consultation with each stakeholder group listed in the ARP ESSER State Plan template. Regardless of whether collective bargaining is required in a state, NYSED must describe how it engaged in meaningful consultation with teachers, other educators, school staff, and their unions.

ESSER

State & Local Plan Requirements

- b) coordinating funds—federal pandemic funding, including the CARES Act and CRRSA Act, with other federal funding, such as ESEA, IDEA, etc.

4

Maximizing State-level funds to support students:

- a) academic impact of lost instructional time
- b) evidence-based summer learning and enrichment programs
- c) evidence-based comprehensive afterschool programs
- d) emergency needs

5

Supporting LEAs in planning for and meeting students' needs:

- a) LEA PLANS FOR THE USE OF ARP ESSER FUNDS—NYSED must describe what it will require its LEAs to include in LEA plans consistent with the ARP ESSER requirements for the use of ARP ESSER funds, how NYSED will require such plans to be made available to the public, and the deadline by which the LEA must submit its ARP ESSER plan (which must be a reasonable timeline and should be within no later than 90 days after receiving its ARP ESSER allocation).

- b) LEA CONSULTATION—NYSED must describe how it will, in planning for the use of ARP ESSER funds, ensure that, consistent with the ARP ESSER requirements, its LEAs engage in meaningful consultation with stakeholders, including, but not limited to: students; families; school and district administrators (including special education administrators); and TEACHERS, PRINCIPALS, SCHOOL LEADERS, OTHER EDUCATORS, SCHOOL STAFF, AND THEIR UNIONS. The LEA must also engage in meaningful consultation with each of the following to the extent present in or served by the LEA: Tribes; civil rights organizations (including disability rights organizations); and stakeholders representing the interests of children with disabilities, English learners, children experiencing homelessness, children and youth in foster care, migratory students, children who are incarcerated, and other underserved students. The description must also include how NYSED will ensure that LEAs provide the public the opportunity to provide input in the development of the LEA's plan for the use of ARP ESSER funds and take such input into account. Regardless of whether collective bargaining is required in a state, NYSED must also ensure that its LEAs engage in meaningful consultation with educators and their unions for purposes of developing their plans for use of ARP ESSER funds.

- c) supporting and monitoring of LEAs use of ARP ESSER funds
- d) educational equity in expending ARP ESSER funds

Stakeholder
Engagement
Opportunity

ESSER

State & Local Plan Requirements

6

Supporting the educator workforce:

- a) supporting and stabilizing the educator workforce—
 - i. describe the extent to which the State is facing shortages of educators, education administration personnel, and other school personnel involved in safely reopening schools, and the extent to which they vary by region/type of school district and/or groups of educators (e.g., special educators and related services personnel and paraprofessionals; bilingual or English as a second language educators; science, technology, engineering, and math (“STEM”) educators; career and technical education (“CTE”) educators; early childhood educators).
 - ii. describe how NYSED will assist its LEAs in identifying the most urgent areas of shortages or potential shortages, with particular plans for individual LEAs facing the most significant needs (e.g., by avoiding layoffs, providing high-quality professional learning opportunities, and addressing the impact of stress or trauma on educators). Include a description of how other Federal COVID-19 funding (e.g., ESSER and GEER funds under the CARES Act and CRRSA Act) have already been used to avoid layoffs during the COVID-19 pandemic.
 - iii. describe the actions NYSED will take to fill anticipated gaps in certified teachers for the start of the 2021-2022 school year and to what extent NYSED will further support its LEAs in expanding the educator pipeline and educator diversity while addressing the immediate needs of students disproportionately impacted by the pandemic (e.g., recruiting teaching candidates to provide high-dosage tutoring or implementing residencies for teacher candidates).
- b) staffing to support student needs—describe the extent to which NYSED has developed or will develop strategies and will support its LEAs in increasing student access to key support staff within school buildings, including school counselors, special education personnel, nurses, social workers, and psychologists (e.g. hiring additional personnel or freeing up these staff to focus on providing services to students).

7

Monitoring and measuring progress:

- a) capacity for data collection and reporting—including jobs created and retained (by position type)
- b) monitoring and internal controls

All allowable fund uses added to subsequent federal emergency aid laws are also allowable under the preceding laws. For example, ESSER funds under the CARES Act may be used for the same allowable purposes as ESSER II and ARP ESSER.

- 1-2 EMPLOYING EXISTING OR HIRING NEW STAFF + OTHER ACTIVITIES AS NEEDED
- 3-4 COVID OPPORTUNITY GAPS + SUMMER SCHOOL & AFTERSCHOOL PROGRAMS
- 5 UNIQUE NEEDS OF STUDENTS
- 6 MENTAL HEALTH SERVICES & SUPPORTS
- 7 ACTIVITIES UNDER ESEA, IDEA, CTEA, & AEFLA
- 8 PURCHASING EDUCATIONAL TECHNOLOGY
- 9-11 PREPAREDNESS & RESPONSE + COORDINATION WITH PUBLIC HEALTH DEPARTMENTS + PUBLIC HEALTH PROTOCOLS
- 12 LONG-TERM CLOSURES
- 13-14 CLEANING SUPPLIES & PPE + STAFF TRAINING ON CLEANING & PREVENTION
- 15-16 INDOOR AIR QUALITY IN SCHOOL FACILITIES + SCHOOL FACILITY REPAIRS & IMPROVEMENTS

NEA's Department of Collective Bargaining and Member Advocacy has written guidance, "**The ESSER Funds: Bargaining and Advocacy for Safe and Equitable Schools**," which includes recommended bargaining and advocacy approaches for local affiliates. If you work under a collective bargaining agreement (CBA), your contract may contain language that requires the employer to support the implementation of many of the fund uses outlined in this guide. Check your CBA and any COVID-19-related memorandum of understanding for relevant language, or work with your local to negotiate such language.

<https://www.nea.org/resource-library/esser-funds-bargaining-and-advocacy-guidance-safe-and-equitable-schools>

ESSER**Employing Existing or Hiring New Staff + Other Activities as Needed***Authorized Use of Funds Legislative Language*

A local educational agency, State, or other entity that receives funds shall, to the greatest extent practicable, continue to pay its employees and contractors during the period of any disruptions or closures related to coronavirus; continue to employ existing staff of the local educational agency; and other activities that are necessary to maintain the operation of and continuity of services in local educational agencies.

US Department of Education Examples of Allowable Fund Uses

- To avoid devastating layoffs.
- To hire additional educators and school staff to support smaller class sizes to accommodate social distancing.
- To hire additional school personnel, such as nurses and custodial staff, to keep schools safe and healthy.
- To invest in staff capacity; and ensure that all students have access to teachers, counselors, and other school personnel to support their needs.
- To stabilize and diversify the educator workforce and rebuild the educator pipeline.
- To increase availability of qualified adults to support educators, students, and staff, such as teaching candidates in partnership with local schools of education at IHEs; recently retired educators; and non-instructional staff who can identify and support students who are highly mobile or chronically absent, such as students who are migratory, students experiencing homelessness, and students in foster care. These staff members can support finding and enrolling students on days and at hours convenient to families, as well as help students develop a sense of belonging in their new schools and identify challenging coursework and peer supports mid-year. In addition, these staff can support migratory students and their families with understanding the IEP processes or completing college applications.
- Build and maintain a cadre of high-quality substitute teachers who can assist by stepping into the classroom to support continuity for students when educators need to take time off, especially due to illness or when in isolation or quarantine; co-leading small group learning; and supporting release time for educators to allow for teacher professional development.
- For efforts to cultivate interest in teaching among children of color at earlier ages, offer competitive compensation and retention packages, provide supports to complete preparation programs, and streamline certification and licensure processes.
- For initiatives to increase racial and ethnic diversity of teachers, principals, and superintendents.

ESSER

Employing Existing or Hiring New Staff + Other Activities as Needed

- To provide loan forgiveness, grants, or service scholarship programs that significantly underwrite the cost of postsecondary education in exchange for a commitment to teach in a high-need field or school for a minimum number (e.g., four) of years.
- To develop and implement high-quality comprehensive teacher residency programs that provide extensive clinical experience and have been shown to increase teacher retention and effectiveness.
- To develop and implement professional development programs and mentoring models, particularly for newer teachers, that emphasize building effective instructional strategies and provide time for ongoing collaboration.
- For programs that engage students early and give them hands-on opportunities to learn about the teaching profession, such as “Grow Your Own” programs. “Grow Your Own” programs often also support paraeducators, high-quality substitute teachers, and others in a community who are interested in transitioning into roles as educators by supporting their training and path to certification. Partnerships with educator preparation programs and especially Minority Serving Institutions and Historically Black Colleges and Universities can provide pipelines and opportunities that best prepare candidates for the real-world experiences of teaching in high-need communities. Partnerships among schools, districts, and IHEs (including community colleges) can support recruiting diverse educators.
- To reevaluate compensatory time off and sick leave policies and practices. At a minimum, school districts should provide time for educators and staff to get vaccinated if states or school districts are not providing on-site vaccination opportunities.
- To provide wellness services remotely or through visits to school campuses following the proper safety and prevention protocols. This can include hosting on-campus wellness fairs, providing free wellness check-ups, free or reduced gym memberships from local community partners and other self-care.

NEA Recommended
Fund Uses

- ❖ Increasing staffing to make abundant use of small-group learning the norm to increase time on task, personalized instruction and feedback, and relationship building during the regular school day and in extended learning settings. The pandemic has necessitated small-group learning in order to create safe physical distancing and lower the risk of COVID-19 transmission. Federal and state resources should ensure that schools are able to keep classes small, allowing students to receive more individualized instruction that will benefit them now and well beyond the pandemic, particularly our most vulnerable learners.

ESSER

Employing Existing or Hiring New Staff + Other Activities as Needed

NEA Recommended Fund Uses

- ❖ Ensure that our highest-need students have access to high-quality learning experiences by recruiting and retaining substantially more specialized instructional support personnel (therapists, counselors, speech-language pathologists, school psychologists, behavioral specialists, school nurses, etc.) and specialized teachers and classroom paraprofessionals with the necessary preparation, credentialing and expertise in early childhood education, bilingual education and special education.

NEA Guidance

COVID-19 AND EDUCATOR WORKLOAD describes some of the main factors driving workload in the COVID-19 environment; identifies specific workload issues and offers key considerations when addressing those issues; and reviews processes for negotiating and collaborating to address the workload crisis among educators in the United States.
<https://www.nea.org/resource-library/covid-19-and-educator-workload>

ASSIGNMENTS AND STAFFING DURING COVID-19 offers suggestions for ongoing labor-management conversations related to changes in assignments and staffing. All suggestions in this guidance document should be considered in relationship to your local context.
<https://www.nea.org/sites/default/files/2021-04/Assignments%20and%20Staffing%20final.pdf>

State and Local Examples of Fund Uses

- Alaska*
- If a member is in the process of being, or has been, fully vaccinated against COVID-19, or cannot medically get vaccinated, and has to be out due to COVID-19, the district will provide a separate paid leave of absence category that does not subtract from the member’s accumulated contractual leave (such as sick leave, personal leave, or annual leave).
 - If a member has not been vaccinated and has exhausted their accumulated contractual leave, the district will provide up to five days for COVID-19 related paid leave.
- Arkansas*
- To provide for additional paid leave for educators who need to quarantine or be out of school due to COVID-19.
- Colorado*
- To pay for increased instructional hours.

ESSER

Employing Existing or Hiring New Staff + Other Activities as Needed

*State and Local
Examples of Fund
Uses*

Connecticut

- In implementing schoolwide SEL approaches, Stratford Public Schools provided SEL professional development and found that the professional learning also acted as cathartic sessions for the educators and staff to relate to one another, which boosted adult morale. Small staff cohorts now lead the social emotional learning growth specifically for the adults in each school.

Delaware

- Hiring of temporary full-time teachers to serve as floating teachers to provide coverage wherever needed in the district.
- Hiring of floating substitutes.
- Bonus payments for teachers and paraeducators who commit to an expanded summer program in 2021.
- Additional stipends for teachers who voluntarily relinquish individual planning periods to provide coverage where needed.
- Hiring substitutes to monitor in-person classes for teachers providing remote instruction from home (as an ADA accommodation).
- Compensation for school nurses to conduct contact tracing outside of normal work hours.

Georgia

- \$1,000 bonuses to all education employees.

Hawaii

- Preventing layoffs and pay cuts.
- To continue paying shortage differentials (\$5,000 to \$10,000) to about 4,000 Hawaii State Teachers Association members across the state next school year in areas faced with chronic vacancies.

Illinois

- To support new educators who were unable to complete their clinical training as a result of the pandemic, the Illinois State Board of Education, in collaboration with the Illinois Education Association and the Illinois Federation of Teachers, created a comprehensive virtual instructional coaching and mentoring program leveraging CARES Act funds.

Iowa

- Pay of up to \$300 for additional hours of work and technology purchases.
- \$1,500 additional stipend per semester for virtual teachers.
- \$4,500 additional stipend for virtual teachers.
- Virtual teachers receive an additional \$500 for term 2 and \$2,160 for term 3.

ESSER**Employing Existing or Hiring New Staff + Other Activities as Needed***State and Local
Examples of Fund
Uses**Iowa*

- Bargained a \$600 stipend bonus for December 2021.
- Hired two new interventionists for elementary school students who need additional support.
- \$500 one-time stipend to be paid in May.
- Additional incentive pay for more intensive summer school.
- Paid teachers to develop online curriculum.
- Additional stipend for technology specialist.
- Expansion of staff for virtual campus.
- Pay for leave due to COVID-19.
- Hiring of school counselor and custodian.
- Stipend incentive for teaching summer school.
- Additional costs for substitutes.
- Paying \$35 per hour for certified staff to teach summer school, and \$15 per hour for support staff.

Michigan

- Compensate employees for additional time needed to serve student educational needs and to recruit and retain educators (many who are leaving the profession during the pandemic).
- Hire school nurses to address physical health needs in schools.
- Employ additional mental/emotional health experts to provide the additional needed services to students due to the emotional/social stresses brought about by the pandemic.

New Mexico

- All employees covered under the NEA-Santa Fe bargaining unit will receive a one-time \$1,000 retention payment as part of an MOU.

Ohio

- To offset the large costs for paid FFCRA leave (EPSL and EFMLA).

Tennessee

- To pay cafeteria staff salaries and benefits during COVID19 school closures.
- Bus drivers' salaries and benefits (for additional bus drivers in case of COVID-19 exposures for the schools).
- Additional staff (substitute teachers and other support staff) that may be needed in case of COVID-19 exposures and any absences related to COVID-19.
- To add custodial staffing at all school sites. This is in response to the parent survey, where over 80% of the parents wanted to see more disinfecting of common areas of the schools.
- The Tennessee Department of Education used CARES Act funds to expand teaching residency programs.

ESSER

COVID Opportunity Gaps + Summer School & Afterschool Programs

Authorized Use of Funds Legislative Language

COVID OPPORTUNITY GAPS. Local educational agencies must reserve not less than 20 percent of their funds to address learning loss through the implementation of evidence-based interventions, such as summer learning or summer enrichment, extended day, comprehensive afterschool programs, or extended school year programs, and ensure that such interventions respond to students' academic, social, and emotional needs and address the disproportionate impact of the coronavirus on students from low-income families, students with disabilities, English learners, students from major racial and ethnic groups, migrant students, students experiencing homelessness, and children and youth in foster care.

Also by administering and using high-quality assessments that are valid and reliable, to accurately assess students' academic progress and assist educators in meeting students' academic needs, including through differentiating instruction; implementing evidence-based activities to meet the comprehensive needs of students; providing information and assistance to parents and families on how they can effectively support students, including in a distance learning environment; and, tracking student attendance and improving student engagement in distance education.

SUMMER SCHOOL & AFTERSCHOOL PROGRAMS. 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, children with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.

*US Department of Education Examples of Allowable Fund Uses**Meeting the social and emotional needs of students*

- Providing access to support from school counselors, psychologists, and trusted staff members.
- Establishing building-level wellness teams to address the SEL needs of both students and staff.
- Providing robust civics education that includes youth participatory action research and opportunities for activism on issues students care about may benefit all students, and in particular has the potential to engage and uplift students of color, LGBTQ+ youth, students with disabilities, and those from immigrant or low-income communities who face barriers to civic participation.
- Providing extensive professional development for educators on how to effectively implement a social emotional approach on a schoolwide basis alongside other school staff, such as school counselors and afterschool staff to ensure coordination and appropriate support.

ESSER

COVID Opportunity Gaps + Summer School & Afterschool Programs

*US Department of
Education Examples
of Allowable Fund
Uses*

Locating Absent Students and Reengaging Disconnected Youth

- To support students from migratory families, the states that have reported success in locating students have Migrant Education Program recruiters who have flexible work hours during the week, weekends, nights, and during the summer and who are assigned to specific campuses. These staff have the freedom to canvas the community and work sites in search of agricultural workers and to visit families in their homes.

Building Safe and Inclusive Learning Environments

- To provide professional development to help educators and staff build more equitable and inclusive approaches to school climate, especially as they work to reengage students in their safe return to school. School and district leaders set the tone for school culture and climate. Educators and staff should use evidence-based strategies to create and sustain school safety and discipline policies that take a holistic, non-punitive, and non-exclusionary approach to support students' academic needs and address their trauma.
- To provide high-quality professional development for all educators and staff on trauma-informed care and teaching practices. Adopting a schoolwide trauma-informed approach can help to meet students where they are, particularly for those coming from families experiencing unemployment, loss of family and friends, and the collective grief and burden of systemic racism, including the upheavals of the past year.
- To provide professional development for all educators and school staff that supports individuals in identifying and addressing bias in themselves and in their communities, and help school teams to replace exclusionary discipline practices with social and emotional supports best suited to address the impacts of COVID-19, including restorative justice approaches, social emotional learning, and positive behavioral intervention and supports.

Using Data About Students' Opportunity to Learn to Help Target Resources and Support

- For data dashboards that are designed to provide a comprehensive set of opportunity to learn (OTL) indicators—the inputs and processes within a school context necessary for producing student achievement of intended outcomes—and student outcome data across the state and its districts and schools. Data dashboards can also include data on systemic inequities that extend beyond student, teacher, and school-level data. For example, states, districts, and schools can collect, report, and use additional data on racial equity within the school system.

ESSER

COVID Opportunity Gaps + Summer School & Afterschool Programs

*US Department of
Education Examples
of Allowable Fund
Uses*

Using Data About Students' Opportunity to Learn to Help Target Resources and Support

- To conduct an initial assessment of student access to learning opportunities during school closure and their well-being consistent with applicable privacy protections. For example, this can include collecting and reviewing data on student engagement in “risk behaviors,” as defined by CDC, and providing universal screening for anxiety, depression, and posttraumatic stress. Additional contextual data relevant to student well-being can include community COVID-19 cases, death rates, and economic impact.
- To establish early warning indicator (EWI) systems to promote targeted engagement strategies and recovery planning. EWI systems can track attendance, assignment completion, and grades. When viewed at the classroom and student level, this data can strengthen a school’s ability to provide specific and timely interventions.
- For the collection of data on the successful transitions of students from preschool into K-12, between middle and high school, and between high school and postsecondary education. For example, schools with a 9th grade can use on-track indicators to assess how well students are making the transition into high school. To support a smooth transition between high school and postsecondary education, districts can provide enhanced college advising that can help students navigate the financial aid process and select a postsecondary institution that is the best match for them. Districts can also employ strategies to ensure students are prepared for college, such as summer bridge programs, and partner with local college access programs to ensure students accepted into college actually enroll.
- To assess current processes for determining who has access to advanced courses in an effort to continually expand access, including through targeting resources to increase course offerings (including ensuring teachers received the professional development necessary to provide these courses) and providing universal screening to expand access.
- To ensure that interrupted instruction due to COVID-19 does not narrow students’ opportunities for advanced coursework, which might include determining student access to these courses, waiving certain requirements to enroll students in these opportunities, and providing students with access to these courses over the summer or providing additional course offering to make up for lost opportunities.
- To help parents and caregivers understand students’ progress by sharing information on student opportunities to learn and academic and other progress. One approach to providing information to parents and caregivers is by creating parent portals that provide information (including training and tutorials on how to access and use data) to parents in accessible formats for people with disabilities and in a language parents can understand to ensure meaningful access.

ESSER

COVID Opportunity Gaps + Summer School & Afterschool Programs

*US Department of
Education Examples
of Allowable Fund
Uses*

In-School Accelerated Learning

- For in-school accelerated learning, which provides opportunities for students to learn at grade level rather than through tracking or remediation, education leaders are encouraged to consider whether to pursue an expanded day, week, or year to provide additional instructional time. While each of these approaches has the potential to benefit students, the extra time should be used effectively, including providing students with access to a well-rounded education and opportunities for enrichment, and staff should be adequately supported and compensated.
- To leverage data and technology to facilitate enhanced college advising, summer bridge programs, assistance to students and families in navigating the financial aid process, and other activities with a track record of improving postsecondary access and success. Districts should emphasize outreach and engagement efforts toward first-generation college students, which can be conducted in partnership with community-based organizations.
- To support dual enrollment and early college high schools, which studies show increase postsecondary preparation and enrollment. These programs can serve as effective mechanisms at exposing high school students to college course-taking, providing a college reengagement strategy for students who are at risk of not continuing to postsecondary education upon high school graduation. Research suggests these dual or concurrent enrollment experiences must be well-designed with scaffolded supports to ensure equitable experiences and outcomes for all students.
- To provide college and career pathways that integrate rigorous academic coursework, career and technical education, work-based learning, and support services. Evidence from multiple approaches to college and career pathways, such as Career Academies, Linked Learning, and P-Tech, demonstrates they increase preparation for postsecondary education among other outcomes. Work-based learning can enhance student engagement which is especially important during the COVID-19 recovery as many students have been disengaged from learning.
- To support students in completing their Free Application for Federal Student Aid (FAFSA®) form which is the first step students and families can take in accessing federal dollars for postsecondary education. In addition to federal student aid, submitting the FAFSA form also can unlock opportunities for aid from some states, postsecondary institutions, and private organizations.

ESSER

COVID Opportunity Gaps + Summer School & Afterschool Programs

*US Department of
Education Examples
of Allowable Fund
Uses**High-Quality Tutoring*

- Because ARP funding is available to be spent through September 2024, districts will be able to hire and retain tutors for the critical time when students will most need assistance. High dosage tutoring (i.e., tutoring that is provided consistently by well-trained tutors or educators at least three days per week for at least 30 minutes at a time in groups of five or fewer students), led by a certified teacher or a paraprofessional, and conducted during the school day tends to have the largest impact.

Out-of-School Time Programs

- To support high-quality afterschool programs, with the goal of providing students with important opportunities for academic support and access to enrichment opportunities that help develop social, emotional, and leadership skills. Programs ideally should target students needing additional support, have certified teachers deliver the academic instruction, and engage the students in using experiential instruction that incorporates hands-on activities, project-based learning, enrichment, and field trips.

Summer Learning and Enrichment Programs

- To support programs that work best in the local context and reflect the characteristics that evidence suggests lead to successful summer programs. These characteristics include: programs are voluntary, full-day lasting five to six weeks, include three hours of language arts and mathematics taught by a certified teacher each day, and include enrichment activities and experiences.
- For older students, these opportunities can include a work-based learning or community service component. School leaders can look for opportunities to partner with high-quality mentorship or workforce training programs to help reengage disconnected youth.

Cross-Cutting Acceleration Implementation Consideration

- To support programs that do not charge fees for families to participate, include free transportation and meals, and are available to students with disabilities, English learners, and other underserved students. Also, activities that partner with families; ensure there is a tangible benefit for students; focus on relationships; include enrichment opportunities that support social, emotional, and academic development; provide flexibility to increase access; scale up existing programs that have demonstrated results; build in frequent program assessment and evaluation; and implement policies that support the enrollment, placement, and credit accrual for students who are highly mobile.

ESSER

COVID Opportunity Gaps + Summer School & Afterschool Programs

*US Department of
Education Examples
of Allowable Fund
Uses*

Providing a Well-Rounded Education

- To use disaggregated student data to determine whether there are disparities in access to and success in key gatekeeper and advanced courses that contribute to a well-rounded education, use the data to eliminate unnecessary barriers to entry and success, and implement active outreach to and support for historically underserved students.
- To partner with community-based organizations to expand the availability of well-rounded courses, including music and art opportunities.
- To partner with local institutions of higher education to offer dual enrollment or early college opportunities and enrichment opportunities for K-12 students, which might also benefit university students, including those interested in education.
- To ensure students are taught by well-qualified (fully certified in the area they are assigned to teach) educators skilled in providing instruction in the relevant format and ensure that all students have access to devices and connectivity needed to take advantage of them.
- To leverage technology to expand access to advanced coursework, expertise, and new learning experiences where resources and geography present challenges.
- To support family engagement strategies that support families in understanding the full range of available program options and their potential benefits, beginning in middle school or earlier, providing students with a personal adult advocate to help them personalize the educational experience, and using individualized planning to help students take advantage of available opportunities.

Integrated Student Support Services

- To develop or support integrated student support (ISS) systems that seek to leverage the school site and community-based resources to ensure students' social, emotional, physical, mental health, and academic needs are better met, improving outcomes for students and their families. Examples of ISS models:
 - The *City Connects* program structures collaborations between school counselors (or social workers) and instructional staff to develop customized support plans that address individual student needs. Based on those plans, the program provides enrichment, offers early intervention services, or, in the case of students in crisis or in need of more serious intervention, promotes referrals to community resources.
 - The *Communities in Schools* program emphasizes dropout prevention. Similar to City Connects, Communities in Schools offers both schoolwide and more intensive interventions, including those related to academics, basic needs and physical health, mental health, and social and life skills, among others.

ESSER

COVID Opportunity Gaps + Summer School & Afterschool Programs

*US Department of
Education Examples
of Allowable Fund
Uses*

- The *National Wraparound Initiative* focuses on providing wraparound services to students who struggle with behavior or are experiencing serious mental health challenges.

Well-Qualified Educators

- To promote educator equity, such as expanded leadership opportunities that allow highly effective teachers to coach or support new or struggling teachers, and incentives to work in high-need schools and among communities most affected by COVID-19.

*NEA Recommended
Fund Uses*

- ❖ Increase staffing to make abundant use of small-group learning the norm to increase time on task, personalized instruction and feedback, and relationship building during the regular school day and in extended learning settings. The pandemic has necessitated small-group learning in order to create safe physical distancing and lower the risk of COVID-19 transmission. Federal and state resources should ensure that schools are able to keep classes small, allowing students to receive more individualized instruction that will benefit them now and well beyond the pandemic, particularly our most vulnerable learners.
- ❖ Identify and adapt programming, in terms of grades, times, program length, meals and transportation. Given that needs and circumstances will change as more students return to more in-person schooling activities, assess critical areas of focus through memorandums of understanding.
- ❖ Labor-management collaborations should find ways to close opportunity gaps by increasing learning time for students while maintaining negotiated labor standards in collective bargaining agreements. Working together, unions and districts should agree to create new staffing positions (with fair compensation) for those who want them. Such collaborative partnerships can lead to a broader understanding of the positive use of extended learning opportunities and the implementation of effective programs for students. For example, efforts to extend learning time in Pittsburgh, Pa., and Springfield and Fall River, Mass., that started over a decade ago are still going, with strong and improving student outcomes.
- ❖ Provide union-developed and -led professional development so that programs ensure safe environments and a focus on social-emotional learning and addressing trauma. Communication between educators and district staff is key to helping educators understand their specific roles and responsibilities as well as ensuring a seamless transition to the fall.

ESSER**COVID Opportunity Gaps + Summer School & Afterschool Programs***NEA Recommended
Fund Uses*

- ❖ Determine interest of certified staff (teachers, paraprofessionals, student teachers, retired teachers and substitute teachers) to teach during the summer by distributing a districtwide survey. Also, provide compensation for summer work that accounts for hours devoted to instructional planning, collaborating with colleagues and bonding with students' families, in addition to time spent teaching. These programs must be voluntary for both students and staff.
- ❖ Require integration of state standards and learning opportunities. Time should be spent instructing and empowering students to take ownership of their learning—for example, by choosing a neighborhood problem to research and then developing improvements or solutions.

*State and Local
Examples of Fund
Uses**California*

- Resources for creating asset-based approaches to teaching, such as culturally responsive pedagogy.
- Oakland Unified provided stipends to teachers who spent time outside their regular working hours to locate and reengage students who were chronically absent.

Delaware

- “Recovery services” including summer school, potential Saturday academies, and afterschool programs.

Florida

- Hillsborough County Schools had more than 7,000 students missing at the start of the 2020 school year. They sent social workers on a door-knocking campaign to homes, hotels, motels, and shelters; created social media pages in Spanish to reach their majority Latinx student population; and shared COVID-19 dashboards to help parents make informed decisions about sending their children back to school. District leaders also held virtual community meetings, further establishing transparency that promoted trust. By December 2020, Hillsborough County Schools had located all but 300 of their students.

Iowa

- More intensive summer school, including additional incentive pay.
- Middle school/high school summer school expansion.

ESSER

COVID Opportunity Gaps + Summer School & Afterschool Programs

*State and Local
Examples of Fund
Uses*

Louisiana

- For statewide use of tutoring provided by the Louisiana Department of Education, which is encouraging tutoring for all students, recommending that it occur in high-dosages (at least 30 minutes three times per week), and providing comprehensive materials aligned to state academic standards through the Accelerate program.

Maryland

- Baltimore City Public Schools built upon existing social and emotional learning implementation efforts and developed social emotional learning (SEL) lesson plans aligned with grade groupings and weekly themes around compassion, connection, and courage.

Michigan

- Activities and personnel costs related to summer and extended learning and/or afterschool supplemental programs, such as Community Childcare.
- Provide additional one-on-one (or small group) tutoring/coaching to address interrupted learning or needs for getting students up to grade-level performance standards. This may include the purchase of additional resources needed to enhance learning outcomes as well as the personnel costs associated with providing these added services.

Ohio

- Made student devices available during the summer months and extended app agreements so that students can continue learning over the summer, and provided guided summer instruction for students most at-risk.
- Provide guidance on how school districts could further support homeless liaisons in meeting the needs of a population that likely increased.

Tennessee

- To extend the school year 10 additional days. Funds will be used to pay salaries for teachers, educational assistants, and in school suspension/hall monitors for this additional time, and the transportation costs associated with the additional school days and alternate schedules related to social distance requirements.
- To provide materials for after-school tutoring and summer school, an expanded platform for online and distance learning, stipends for teachers to provide after school tutoring, summer school and in-school tutoring or to offer more sections of core classes, and transportation for students to the after school and summer school activities.

Washington

- High-quality instructional materials to accelerate student learning.
- Academic recovery and accelerated learning initiatives (including extended-time or extended-year initiatives or changing master schedules to promote accelerated learning).
- Interim and formative assessment tools.

ESSER

Unique Needs of Students

Authorized Use of Funds Legislative Language

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.

- US Department of Education Examples of Allowable Fund Uses
- To provide extended school year services for a student with a disability as defined in IDEA when determined necessary to ensure that the student maintains the skills necessary for the student to receive a free appropriate public education (FAPE) if educational services are not continued during periods when school is not in session, such as the summer.
 - For compensatory services consistent with IDEA and Section 504 and respective applicable standards. Students with disabilities might be entitled to additional instruction and services to make up for any skills that might have been lost if it is individually determined that the student was unable to receive FAPE, as a result of the closure of school buildings during the COVID-19 pandemic.
 - For peer tutoring which has been shown to have positive effects on English language development for English learners.
 - To provide children and youth experiencing homelessness with integrated student support services and assistance with attending school/participating in activities.

- NEA Recommended Fund Uses
- ❖ Ensure that our highest-need students have access to high-quality learning experiences by recruiting and retaining substantially more specialized instructional support personnel (therapists, counselors, speech-language pathologists, school psychologists, behavioral specialists, school nurses, etc.) and specialized teachers and classroom paraprofessionals with the necessary preparation, credentialing and expertise in early childhood education, bilingual education and special education.
 - ❖ Ensure that professional development enables teachers and support professionals to build on English learners’ strengths in their home language so they can advance in core academic subjects.
 - ❖ Ensure that our highest-need and most vulnerable students receive a maximum amount of interactive, intensified one-on-one instruction. Additional tutoring support, whether virtual or in person, must be prioritized. Provide structured programming and resources for parents and caregivers of young children (from preschool to third grade) because their involvement is vital to their child’s education outside of school.

ESSER	Unique Needs of Students
NEA Recommended Fund Uses	<ul style="list-style-type: none">❖ Provide legal guidance to school districts, with educator and other stakeholder input, regarding how COVID-19 compensatory and other recovery services should be provided by school districts once in-person instruction resumes. A potential model is the guidance provided by the Pennsylvania Department of Education, which focuses the use of compensatory services on those students who, after several months back in school, need extra academic support. Pennsylvania has provided extra funding for these efforts, which will consist of after-school services and summer school.❖ Provide additional, targeted funding toward additional support for students with disabilities to enable them to make appropriate progress.❖ Ensure every student has access to healthy and nutritious meals regardless of their ability to pay.

State and Local Examples of Fund Uses

<p><i>Georgia</i></p> <ul style="list-style-type: none">○ Meals sent to homes. <p><i>Michigan</i></p> <ul style="list-style-type: none">○ Ensure adequate food for students and families who rely on schools for nutrition (i.e. free/reduced lunch). <p><i>Tennessee</i></p> <ul style="list-style-type: none">○ To provide compensatory services to students with disabilities outside the regular school day, either after school, on Saturdays, or during the summer. Services include occupational therapy, physical therapy, and speech/language.○ Nutrition services staff, some anticipated reimbursements for providing meals to students at traditional and charter schools, and supplies and equipment to enable nutrition services to serve students safely. <p><i>Washington</i></p> <ul style="list-style-type: none">○ Supporting students furthest from educational justice by engaging in anti-racist capacity building, leadership, and resource allocation; and creating the conditions for each student to be educated in racially literate, culturally sustaining, positive, and predictable environments that intentionally prioritize the instruction and development of social-emotional skills, and mental health in addition to our primary focus on academic content.

ESSER

Unique Needs of Students

State and Local
Examples of Fund
Uses

- Washington
- Building anti-racist school cultures requires educators to shift the way they plan, instruct, and assess student learning; build the climate to accelerate student progress rather than remediate; utilize authentic, productive diagnostic assessments to guide and engage learners; and employ Universal Design for Learning (UDL), which embeds Social and Emotional Learning (SEL) and Culturally Responsive (CRE) practices to support students both virtually and in person. Educators must prioritize enduring concepts of content by narrowing standards to those most critical for student success in the next skill, course, or grade.

ESSER

Mental Health Services and Supports

Authorized Use of Funds Legislative Language	<p>Providing mental health services and supports, including through the implementation of evidence-based full-service community schools.</p>
US Department of Education Examples of Allowable Fund Uses	<ul style="list-style-type: none">▪ For school communities reopening, to develop and operationalize a plan for conducting mental health first aid, mental health screenings, and procedures for referral. To support these efforts, district and school leaders are encouraged to examine the ratio of school counselors, social workers, and psychologists to students in schools and develop a plan to meet recommended ratios for each if they are not met already.▪ For students with disabilities who are eligible under IDEA or Section 504 of the Rehabilitation Act of 1973 (Section 504), regardless of the student’s disability classification, can also receive a range of mental health-related services, such as counseling services, psychological services, and social work services in schools, if included in their IEP or 504 plan, as appropriate.▪ Provide integrated student supports, including through the use of full-service community schools.▪ Establish community schools.
NEA Recommended Fund Uses	<ul style="list-style-type: none">❖ Broaden the array of diagnostic assessments to include school-based student mental health screenings, such as those recommended by the National Center for School Mental Health at the University of Maryland School of Medicine, and investigate opportunities to leverage Medicaid reimbursements for eligible students. To measure learning conditions and student and staff experiences in the wake of COVID-19, regularly administer a school climate survey. The Aspen Institute’s school climate playbook provides helpful examples. Likewise, periodically check on resilience and self-care among educators and school staff to encourage overall wellness in school. The Center on Great Teachers & Leaders at the American Institutes for Research offers a helpful self-assessment and planning tool.❖ Implement community schools districtwide. The community school model can address several of the racial, social and economic injustices that students and families face. When established effectively, and with the proper resources and supports, community schools become the beating heart of family and community life. The Community Schools Playbook, developed by the Partnership for the Future of Learning (in conjunction with the NEA and AFT), offers a clear picture of the key components of effective community schools. Transforming traditional

ESSER

Mental Health Services and Supports

NEA Recommended Fund Uses

schools into true community schools will prioritize the health, well-being and academic success of not only students who attend these schools, but also their families. Community schools, like those in Las Cruces Public Schools and in the Albuquerque/Bernalillo County Community School Partnership in New Mexico, are working with our NEA and AFT affiliates to ensure learning and well-being are addressed holistically. We support deep federal investments that will dramatically expand the number of community schools and integrate opportunities for family engagement, child care and early learning.

State and Local Examples of Fund Uses

- New York*
- For reopening guidance that requires all school districts and schools to establish a comprehensive developmental counseling plan; establish an advisory council of students, parents, teachers, and school mental health professionals; and provide professional development to all school staff on how to help students develop coping and resiliency skills.
- Tennessee*
- To provide a board-certified Behavior Analyst for the district, who will work with the special needs students in the district to help with any behavioral issues arising out of the COVID-19 pandemic with regard to student mental health.
 - For a mental health curriculum that will increase the social-emotional well-being and regulation of students, increase appropriate behavior and academic gains. The curriculum is designed to help students develop alternative thinking strategies and create a positive learning environment.
 - To provide one additional school counselor for schools in the district. This additional counselor will allow all of the schools to have counselors on site every day of the week.
- Utah*
- A statewide mental health program called SafeUT. The free app, SafeUT, is a statewide service that provides real-time crisis intervention to youth through live chat and a confidential tip program from a smartphone. All educators, students, and families are encouraged to download the app. Licensed clinicians in the 24/7 Crisis Line call center respond to all incoming chats and calls by providing supportive or crisis counseling, suicide prevention, and referral services. They can help anyone with emotional crises, bullying, relationship problems, mental health, or suicide-related issues in a private, nonthreatening, and open-access way.

ESSER

Activities under ESEA, IDEA, CTEA, and AEFLA

Authorized Use of Funds Legislative Language

Any activity authorized by the Elementary and Secondary Education Act of 1965, Individuals with Disabilities Education Act, Carl D. Perkins Career and Technical Education Act of 2006, and Adult Education and Family Literacy Act.

- US Department of Education Examples of Allowable Fund Uses
- To sustain and support access to early childhood education.
 - To provide students with access to an enriched and well-rounded education. ESEA defines a well-rounded education as including not only core academic subjects, such as reading or language arts and mathematics, but also disciplines such as writing, music, arts, computer science, and career and technical education.
 - To support “open enrollment” in advanced or career-oriented courses.
 - To provide certain educational and related services to students with disabilities and to take an individualized approach to providing specialized instruction and related services, consistent with the student’s individualized education program (IEP) developed under IDEA or plan developed under Section 504 of the Rehabilitation Act of 1973 (504 plan), as appropriate.

- NEA Recommended Fund Uses
- ❖ Support the creation of alternatives to high-stakes standardized tests and accept them for use in meeting federal testing criteria. Establish mechanisms—including well-rounded, authentic assessment systems, community surveys, town halls and other collaborative tools—as a basis for diagnosing the academic and social-emotional supports that students need to succeed. The New York Performance Standards Consortium provides an example. Praised by the Learning Policy Institute, the consortium assesses student learning through performance assessments that are collaboratively developed by educators, student focused and externally evaluated to ensure quality. Another example is the Performance Assessment of Competency Education model, which the New Hampshire Department of Education has operated since 2015 as a federally approved pilot. PACE is grounded in a competency-based educational approach designed to ensure that students have meaningful opportunities to achieve critical knowledge and skills.
 - ❖ Work with states to accept requests to maximize flexibilities in assessments for the 2020-21 school year (including shorter, remote and/or delayed assessment options) and permit additional flexibilities beyond the February guidance if predicated by health and safety concerns, impracticability or impossibility, or if not in the best interests of students, families and educators.

ESSER

Activities under ESEA, IDEA, CTEA, and AEFLA

*NEA Recommended
Fund Uses*

- ❖ Commit federal funds to support job-embedded professional learning to increase educators' assessment literacy and cultural competency. Doing so will ensure educators can effectively use various assessments to diagnose student development, well-being and knowledge through the evaluation of academic and nonacademic indicators of students' mental, social and emotional health.
- ❖ Tailor and differentiate professional learning based on student data and school quality analysis to meet the needs of educators to improve student learning. Blanket professional learning mandated by the district without taking into account educators' current skills and knowledge wastes time and dollars.
- ❖ Ensure that Every Student Succeeds Act flexibilities are not interpreted or utilized to diminish states' responsibilities to English language learners or students with disabilities, especially where rights are outlined under other federal laws. States should be held accountable for continuing to provide services for the identification, evaluation and support of English language learners and students with disabilities. Ensure states and districts have a developmental milestone and early literacy and numeracy screener for young children entering kindergarten and first and second grades to inform instruction and interventions, not to categorize children into rigid groups defined by current academic skill level.
- ❖ Commit federal funds to support job-embedded professional learning that applies to all school professionals and codifies expectations for professional development (and a learning environment) that centers student success, equity, and racial and social justice; builds educators' abilities to effectively use a variety of academic and nonacademic assessments and tailor the best learning opportunities to ensure student success; establishes the importance of family and community engagement and cultural competence in the shaping and evolution of the school environment; understands and effectively uses restorative practices; and recognizes the importance of, and promotes, educator self-care and provides the necessary supports to foster it.
- ❖ Allocate federal funds to support states in building professional excellence systems that acknowledge the unique needs of educators across their teaching careers. In addition, federal funds should support the creation of teacher recognition and advancement systems, including differentiated systems and pay, that reflect opportunities for educators to serve as teacher leaders, peer observers, coaches and mentors.

ESSER

Activities under ESEA, IDEA, CTEA, and AEFLA

NEA Recommended
Fund Uses

- ❖ Federal funds should be used to support high school recruitment programs, programs that help para-educators become teachers, and district-university partnerships that increase the pipeline of well-prepared educators. Teacher residency programs, like those run in Seattle and San Francisco, provide examples of how districts can partner with institutions of higher education and unions to promote high-quality teacher preparation.
- ❖ Explore, advance and incentivize pathways into the profession. Many apprenticeship programs within other industrial and trade unions can serve as exemplars for the teaching profession. The NEA is eager to collaborate with federal and state governments to develop an apprenticeship program that incentivizes recent graduates to attain the skills and certifications required to fill education sector vacancies. We should look for ways to remove obstacles to entry into the education profession. Unpaid internships such as student teaching could be turned into union-facilitated apprenticeship programs that are fairly compensated (as they are in the building trades).
- ❖ Engage families and community members. Researchers cite family and community involvement as a key to addressing school dropout and note that strong school-family-community partnerships foster higher educational aspirations and more motivated students. The evidence holds true for students at both the elementary and secondary levels, regardless of parents’ education, family income or background—and the research shows parent involvement enhances the academic achievement of students from under-resourced communities. Supporting teaching and learning requires addressing students’ social service needs, as well as their academic ones, and this broad-based support is essential to boosting achievement. The positive impact of connecting community resources with student needs is well documented, with community support for education being one of the characteristics common to high-performing schools.

State and Local
Examples of Fund
Uses

- Ohio
- Providing additional training to staff to improve the delivery of instruction for blended/virtual/hybrid learning environments for students.
- Washington
- High-quality, evidence-based early literacy initiatives.

ESSER

Purchasing Educational Technology

Authorized Use of Funds Legislative Language

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 children with disabilities, which may include assistive technology or adaptive equipment.

US Department of Education Examples of Allowable Fund Uses

- For Wi-Fi hotspots and devices for students without connectivity for remote learning and supporting educators in the effective use of technology.
- To purchase hardware and software applications for students and teachers.
- To provide access to high-quality digital learning content, apps, and tools that can deliver engaging and relevant learning experiences that are accessible to all students.
- To cover costs associated with making materials accessible for students with disabilities or English learners. Schools can build accessibility features for students with disabilities into their technology by ensuring that websites and documents are compatible with screen reader software and providing accurate captioning or embedded sign language interpreting for video content To support English learners, districts and schools should provide multilingual technological support and ensure that rich curricular content is available on devices in multiple languages.
- To provide professional development and training for teachers on effective strategies for the delivery of remote and digital instruction. Recent studies have found that teacher professional learning in technology is the most significant predictor of the type and quality of classroom technology use by students, suggesting that providing effective training to teachers can help close the digital use divide. Education technology coaches and school librarians can also provide ongoing support for educators in adopting and implementing new learning technologies.
- Engage families in effectively using technology by providing support, such as tutorials, on the use of technology and platforms provided by the school. Consider partnering with trusted community-based organizations to provide technology support and digital literacy training for families in their home language. Technology can also be used to support parent-teacher engagement and can be a good way to get information to parents as well as support student learning.

NEA Guidance

DIGITAL EQUITY FOR STUDENTS AND EDUCATORS
www.nea.org/digitalequity

ESSER

Purchasing Educational Technology

*State and Local
Examples of Fund
Uses*

California

- The Lindsay Unified School District, where more than 90% of students are from families with low-income backgrounds and 41% are English learners, which has seen steady and significant gains in academic performance by using technology to create learner-centered, inquiry-based, and personalized learning opportunities for students.

Colorado

- Purchasing technology.

Georgia

- Technology for virtual learning.

Iowa

- One-to-one computer upgrade.
- Provide internet to the homes of students.
- Online platform.

Michigan

- Expand/upgrade one-to-one technology provisions for students. Purchase additional chromebooks, software, Wi-Fi hotspots, etc.
- Purchase teaching/learning technology to improve ability to deliver remote-only instruction as needed, including video and audio equipment for educator use.

Michigan

- Upgrade connectivity abilities and internet speeds throughout buildings and in communities.
- Purchase assistive technology and/or adaptive equipment aids for students with disabilities to support/enhance their learning opportunities.

Ohio

- Expenses related to instructional programming include additional technology resources, platforms for learning including self-paced and supplemental resources as well as supporting supplemental materials and tools to meet the needs of diverse populations of students including those with more complex needs.
- Purchase of additional devices to provide 1:1 devices for kindergarten students.

Tennessee

- For Internet access for all students and the availability of a consistent learning platform that will be used by grades K-12 across the district.

ESSER

Purchasing Educational Technology

State and Local
Examples of Fund
Uses

- Tennessee*
- To ensure access to quality instruction, beyond the COVID-19 response period, by providing digital devices to all district students, and providing internet connectivity resources to approximately 25% of students based on need. The 1:1 initiative provides the necessary foundation for authentic blended learning.
 - Purchase devices and place them on school buses and other strategic locations throughout the county to enable students to access the internet, to give special needs students additional access to services, and to hire an additional technician to support the large number of devices.
- Washington*
- Invest in digital access for all as a matter of educational justice.
 - Support professional learning in select online learning management systems to more effectively deliver learning remotely if closures are ordered locally or statewide. Districts need to narrow their learning platforms substantially to help families navigate fewer platforms. One platform for an entire school district is ideal.

ESSER**Preparedness & Response + Coordination With Public Health Departments + Public Health Protocols***Authorized Use of Funds Legislative Language*

PREPAREDNESS & RESPONSE. Developing and implementing procedures and systems to improve the preparedness and response efforts of local educational agencies

COORDINATION WITH PUBLIC HEALTH DEPARTMENTS. Coordination of preparedness and response efforts of local educational agencies 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.

PUBLIC HEALTH PROTOCOLS. Developing strategies and implementing public health protocols including, to the greatest extent practicable, policies in line with guidance from the Centers for Disease Control and Prevention for the reopening and operation of school facilities to effectively maintain the health and safety of students, educators, and other staff.

US Department of Education Examples of Allowable Fund Uses

- To support LEAs in safely returning to in-person instruction, maximizing in-person instruction time, advancing equity and inclusivity in participation in in-person instruction, and sustaining the safe operation of schools.
- Providing for social distancing and safety protocols on buses.
- To partner with local health departments to provide necessary testing to students and families, as appropriate, and in compliance with applicable privacy laws, including the Family Educational Rights and Privacy Act (FERPA) and Protection of Pupil Rights amendment (PPRA).
- To implement CDC's K-12 operational strategy for in-person learning to keep educators, staff, and students safe.
- To implement COVID-19 mitigation strategies.

CDC Guidance**OPERATIONAL STRATEGY FOR K-12 SCHOOLS THROUGH PHASED PREVENTION**

<https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/operation-strategy.html>

STRATEGIES FOR PROTECTING K-12 SCHOOL STAFF FROM COVID-19

<https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/k-12-staff.html>

K-12 SCHOOLS COVID-19 MITIGATION TOOLKIT

<https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/k-12-mitigation-toolkit.html>

NEA Guidance**MITIGATION STRATEGIES FOR SAFE IN-PERSON LEARNING**

<https://www.nea.org/sites/default/files/2021-03/Mitigation%20Strategies%20for%20Safe%20In-Person%20Learning.pdf>

ESSER

Preparedness & Response + Coordination With Public Health Departments + Public Health Protocols

NEA Guidance

DESIGNING AND IMPLEMENTING A COVID-19 INDOOR AIR QUALITY PLAN IN SCHOOLS [https://www.nea.org/sites/default/files/2020-11/COVID-19%20and%20IAQ--National%20Education%20Association--October%2028%202020%20\(1\).pdf](https://www.nea.org/sites/default/files/2020-11/COVID-19%20and%20IAQ--National%20Education%20Association--October%2028%202020%20(1).pdf)

CLEANING AND DISINFECTING IN THE COVID-19 ERA: WHAT EDUCATORS NEED TO KNOW <https://www.nea.org/sites/default/files/2020-12/NEA--Cleaning%20and%20Disinfection%20in%20a%20COVID-19%20Context--December%202020.pdf>

*State and Local
Examples of Fund
Uses*

Michigan

- Reduce class sizes for more individual attention for students and increase social distancing to mitigate viral spread.

Ohio

- Provide all principals and assistant principals with professional development to support their efforts of creating customized reopening plans that are building specific.

Tennessee

- Teachers to perform additional duties related to planning for a school closure, such as supervising virtual students and building take home toolboxes for students; substitutes and benefits so that teachers might be available to build take home toolboxes and remote learning courses prior to a potential long-term closure; and the materials for the toolkits. Also, to develop print materials for a hybrid system for middle school students, which will present students with options (online or paper) for accessing instruction during a closure.
- Purchase of reading/ELA curriculum which contains consumable materials as well as online curriculum for use in case of closure.

Washington

- Establish plans for rapid transitions between face-to-face and continuous remote learning, which may be required based on health authority decisions.
- Create a flexible school calendar with additional days included to address emergency short-term school closures and the need to transition learning environments.
- Build a more effective and sustainable continuous remote learning model that will be ready to be deployed if schools are required to be closed for long periods of time.

ESSER

Long-Term Closures

Authorized Use of Funds Legislative Language

LONG-TERM CLOSURES. Planning for, coordinating, and implementing activities during long-term closures, including providing meals to eligible students, providing technology for online learning to all students, providing guidance for carrying out requirements under the Individuals with Disabilities Education Act and ensuring other educational services can continue to be provided consistent with all Federal, State, and local requirements.

US Department of Education Examples of Allowable Fund Uses

- USDA has provided flexibilities and waivers including allowing meals to be served in a drive-thru or walk-up setting, offered as “grab-and-go” meals. Multiple meals (i.e., breakfast, lunch, snack, and dinner) can be provided as well as multiple days’ worth of meals at a time, regardless of whether they are tied to an educational or enrichment activity, and meals can be provided to parents or guardians without the presence of a child. School districts have taken advantage of these flexibilities and established various creative food distribution models, including curbside distribution, home delivery, school bus route delivery, and delivery to accessible community locations (such as library parking lots) during remote or hybrid instruction.
- Where fewer meals have been provided, there might be less money from federal reimbursements and decreased revenue from a la carte services. School leaders should communicate with nutrition directors to assess how the meal programs are faring financially and plan for ways to address any challenges exacerbated by the pandemic, including using federal emergency aid.
- Implementing CDC’s COVID-19-related safety protocols for safely distributing school meals, either away from school or in school, including strategies for reducing crowding, increasing ventilation, and serving grab-and-go meals. CDC provides detailed information on COVID-19-adapted school meal serving models and adapting school spaces.
- Adequately staffing the implementation of the meal service plan, with staff available on a sufficiently flexible or extended schedule (with appropriate compensation) to maintain services for hybrid or remote students, while also staffing kitchens for in-person students.
- Working with your nutrition agency to provide students with free meals during afterschool and summer learning and enrichment programs.
- Providing information and maps of meal sites in multiple languages and in multiple accessible formats (e.g., social media, flyers, phone calls, community listservs) and distributing information through partners (e.g., government agencies, local nonprofit organizations, places of worship) taking into consideration that some families might be reluctant to access meal programs and services (e.g., families with a member without documentation).

ESSER

Long-Term Closures

US Department of Education Examples of Allowable Fund Uses

- Supporting families in accessing meals during hybrid learning and during non-school days, such as weekends and holidays.
- Establishing school-based wellness teams comprised of representatives from administration, teachers, counseling, nursing, and support staff to ensure all families in need are identified and provided with resources to access food and meals. For example, team members could be assigned to families as “case managers” to identify specific needs and to ensure families have access to nutritious meals and food.
- Where applicable and to increase the reach of services, decentralizing food preparation and distribution by activating multiple school kitchens and delivering meals to school bus stops or directly to students’ homes, and, as needed, purchasing school kitchen equipment.
- Creating schedules that provide families with equitable access to food distribution and flexibility in schedule to provide time offerings that are conducive to working families. Food distribution should not be limited to school hours.
- Staffing delivery buses with school nurses, counselors, and social workers.
- Ensuring that liaisons for students experiencing homelessness and personnel serving students with disabilities have the information they need to ensure students can access food inside and outside of school and to provide training to school district staff or community members on identifying and serving students experiencing homelessness or students with disabilities.
- Ensuring policies do not prevent or delay providing free meals to students due to unpaid fees.

CDC Guidance

SAFELY DISTRIBUTING SCHOOL MEALS DURING COVID-19

<https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/safely-distributing-meals.html>

USDA Guidance

USDA EXTENDS FREE MEALS TO CHILDREN THROUGH SUMMER 2021 DUE TO PANDEMIC

<https://www.fns.usda.gov/news-item/usda-004121>

CHILD NUTRITION PROGRAMS: COVID-19 WAIVERS BY STATE

<https://www.fns.usda.gov/disaster/pandemic/covid-19/cn-waivers-flexibilities>

STATE GUIDANCE ON CORONAVIRUS PANDEMIC ELECTRONIC BENEFIT TRANSFER (P-EBT)

<https://www.fns.usda.gov/snap/state-guidance-coronavirus-pandemic-ebt-pebt>

ESSER

Long-Term Closures

*State and Local
Examples of Fund
Uses**Georgia*

- Meals sent to homes.

Michigan

- Ensure adequate food for students and families who rely on schools for nutrition (i.e. free/reduced lunch).

Tennessee

- The Tennessee School Safety Center established principles at the onset of the pandemic for developing a school meal plan. These principles include involving the community in school nutrition strategies, including community organizations, such as afterschool programs, shelters, local safety personnel and emergency managers, and transportation directors; identifying important safety protocols in food distribution, even after schools reopen; forecasting operational needs for 30, 60, and 90 days; organizing the work and determining clear lines of responsibility; and analyzing lessons learned during the pandemic and updating plans to incorporate those lessons learned.
- Nutrition services staff, some anticipated reimbursements for providing meals to students at traditional and charter schools, and supplies and equipment to enable nutrition services to serve students safely.

ESSER

Cleaning Supplies & PPE + Staff Training on Cleaning & Prevention

Authorized Use of Funds Legislative Language

CLEANING SUPPLIES & PPE*. Purchasing supplies to clean and disinfect the facilities of a local educational agency, including buildings operated by such agency.

STAFF TRAINING ON CLEANING & PREVENTION*. Training and professional development for staff of the local educational agency on cleaning, disinfecting, and minimizing the spread of infectious diseases.

US Department of Education Examples of Allowable Fund Uses

- To provide Personal Protective Equipment (PPE) to staff and students who need it.
- To implement CDC's Advisory Committee on Immunization Practices recommendation that frontline essential workers, including those who work in the education sector (teachers and school staff) be prioritized for vaccine allocation.
- For routinely and consistently cleaning the facility, particularly high-touch or shared surfaces.

CDC Guidance

STRATEGIES FOR PROTECTING K-12 SCHOOL STAFF FROM COVID-19

<https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/k-12-staff.html>

CLEANING, DISINFECTION, AND HAND HYGIENE IN SCHOOLS – A TOOLKIT FOR SCHOOL ADMINISTRATORS

<https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/clean-disinfect-hygiene.html>

NEA Guidance

MITIGATION STRATEGIES FOR SAFE IN-PERSON LEARNING

<https://www.nea.org/sites/default/files/2021-03/Mitigation%20Strategies%20for%20Safe%20In-Person%20Learning.pdf>

DESIGNING AND IMPLEMENTING A COVID-19 INDOOR AIR QUALITY PLAN IN SCHOOLS

[https://www.nea.org/sites/default/files/2020-11/COVID-19%20and%20IAQ--National%20Education%20Association--October%2028%202020%20\(1\).pdf](https://www.nea.org/sites/default/files/2020-11/COVID-19%20and%20IAQ--National%20Education%20Association--October%2028%202020%20(1).pdf)

CLEANING AND DISINFECTING IN THE COVID-19 ERA: WHAT EDUCATORS NEED TO KNOW

<https://www.nea.org/sites/default/files/2020-12/NEA--Cleaning%20and%20Disinfection%20in%20a%20COVID-19%20Context--December%202020.pdf>

* The law refers to “purchasing supplies to sanitize” or “training and professional development for staff...on sanitation.” Broadly, school-related COVID-19 guidance from the U.S. Centers for Disease Control and Prevention refers to cleaning and disinfecting, not sanitizing. According to the U.S. Environmental Protection Agency (EPA), while both sanitizers and disinfectants kill germs, “surface disinfectant products are subject to more rigorous EPA testing requirements and must clear a higher bar for effectiveness than surface sanitizing products. There are no sanitizer-only products with approved virus claims. As such, NEA is using the terms clean, cleaning, disinfect, and disinfecting.

ESSER**Cleaning Supplies & PPE + Staff Training on Cleaning & Prevention***State and Local
Examples of Fund
Uses**Colorado*

- PPE and cleaning supplies.

Delaware

- PPE.

Georgia

- PPE.

Hawaii

- PPE.

Iowa

- PPE for students and staff.
- Cleaning supplies.

Michigan

- Purchase PPE supplies (face masks, sanitation stations, installation of wash sinks in classrooms, disinfecting soap, etc.).
- Upgrade/add to cleaning equipment and increase frequency and thoroughness of building cleanings, including additional training and staffing if needed.

Ohio

- Expenses to assure appropriate cleaning, available personal protective equipment, barriers in the physical environment, posting adequate social distancing signage clearly throughout the building, in classrooms, and common spaces, and opportunities for health/safety training for all staff, students, and parents.
- Additional cleaning and safety/hygiene supplies for all facilities.

Tennessee

- Purchase of PPE equipment, hand sanitizer dispensers, refills and hardware.
- Reimbursement of cleaning supplies for the past school year that was a result of the pandemic, additional sanitation costs and cleaning costs for all schools in the district, and signage for all schools with regard to the COVID-19 pandemic.
- PPE, hand sanitizer, thermometers, supplies for deep cleaning, etc. to ensure the health and safety of students, teachers, staff, administrators, etc.
- Janitorial services, PPE such as masks, touchless thermometers, gloves, free-standing hand sanitizing stations, special filters, medical cots, cleaning supplies, and training for staff.

ESSER

Indoor Air Quality in School Facilities + School Facility Repairs & Improvements

Authorized Use of Funds Legislative Language

INDOOR AIR QUALITY IN SCHOOL FACILITIES. Inspection, testing, maintenance, repair, replacement, and upgrade projects to improve the indoor air quality in school facilities, including mechanical and non-mechanical heating, ventilation, and air conditioning systems, filtering, purification and other air cleaning, fans, control system, and window and door repair and replacement.

SCHOOL FACILITY REPAIRS & IMPROVEMENTS. 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.

US Department of Education Examples of Allowable Fund Uses

- To bring school HVAC systems up to the relevant recommended health and safety standards (e.g., CDC supported standards), or if schools are unable to do this in the short term, there are cost-effective prevention strategies such as air filters and cleaners that can be used in the interim.
- To obtain additional space to ensure social distancing in class rooms.
- For replacing multiple building systems, such as roofing or plumbing. For school districts with older school buildings and plumbing systems, there may be a need to address stagnant water from prolonged shutdowns and test to ensure clean water for safe handwashing and drinking.

CDC Guidance

VENTILATION IN SCHOOLS AND CHILDCARE PROGRAMS

<https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/ventilation.html>

NEA Guidance

MITIGATION STRATEGIES FOR SAFE IN-PERSON LEARNING

<https://www.nea.org/sites/default/files/2021-03/Mitigation%20Strategies%20for%20Safe%20In-Person%20Learning.pdf>

DESIGNING AND IMPLEMENTING A COVID-19 INDOOR AIR QUALITY PLAN IN SCHOOLS [https://www.nea.org/sites/default/files/2020-11/COVID-19%20and%20IAQ--National%20Education%20Association--October%2028%202020%20\(1\).pdf](https://www.nea.org/sites/default/files/2020-11/COVID-19%20and%20IAQ--National%20Education%20Association--October%2028%202020%20(1).pdf)

CLEANING AND DISINFECTING IN THE COVID-19 ERA: WHAT EDUCATORS NEED TO KNOW <https://www.nea.org/sites/default/files/2020-12/NEA--Cleaning%20and%20Disinfection%20in%20a%20COVID-19%20Context--December%202020.pdf>

ESSER**Indoor Air Quality in School Facilities + School Facility Repairs & Improvements***State and Local
Examples of Fund
Uses**Delaware*

- Air quality improvements (HVAC and the purchasing of air purifiers).

Iowa

- Across multiple districts, HVAC upgrades to some or all buildings, including \$5 million HVAC upgrades in all buildings in one district.

Michigan

- Improve air handling systems/indoor air quality by testing/upgrading systems as needed, such as ensuring the proper number of air changes per hour (at least 6 air changes per hour), increasing the amount of outside air that is provided by the ventilation systems (minimum of 15 cubic feet per minute per person is recommended), improving filtration systems (minimum MERV 13), cleaning of air handling systems, and purchase portable air filtration/HEPA (MERV 17) units for classrooms.
- Facility repairs and improvements that reduce the risk of virus transmission and exposure to other environmental hazards, such as converting classroom space to maintain 6 foot distancing between students, replacing old/moldy soft furnishings (chairs, carpet, etc.), respacing playground equipment (e.g., positioning swings further apart), repairing/replacing windows so they can be safely used to improve ventilation, and improving school water quality and safety, especially in buildings closed for prolonged periods of time.

ESSER

Outside Policy Expert Recommendations

*Learning Policy
Institute: Restarting &
Reinventing School*

Here are recommendations from the Learning Policy Institute that could be adapted to fit allowable uses under the ESSER funds. To learn more, see the full report, *Restarting and Reinventing School: Learning in the Time of COVID and Beyond* (August 2020) at <https://restart-reinvent.learningpolicyinstitute.org/>.

1. Close the Digital Divide

- a. Prioritize federal funds to close the digital divide.
- b. Expand broadband access through state and city initiatives.
- c. Organize access to devices and connectivity.

2. Strengthen Distance and Blended Learning

- a. Share innovative efforts among districts.
- b. Support high-quality distance and blended learning models with educator training and materials.
- c. Give special consideration to early childhood learning.
- d. Develop standards for digital learning that articulate how technology should be used to empower learners.
- e. Enact distance learning with attention to equity.
- f. Shift from measuring seat time to engagement.

3. Assess What Students Need

- a. Ensure that schools have the time and tools to take stock of children's overall needs.
- b. Prioritize assessments that illuminate student growth and learning.
- c. Support acceleration of learning, not remediation.
- d. Invest in teachers' knowledge and skills for formative assessment.
- e. Move toward more coherent systems of assessment of, for, and as learning.

4. Ensure Supports for Social and Emotional Learning

- a. Implement a comprehensive system of support.
- b. Ensure opportunities for explicit teaching of social and emotional skills at every grade level.
- c. Infuse SEL into instruction in all classes.
- d. Institute restorative practices.
- e. Enact policies that enable SEL and restorative practices.

ESSER

Outside Policy Expert Recommendations

*Learning Policy
Institute: Restarting &
Reinventing School*

5. Redesign Schools for Stronger Relationships

- a. Create structures that foster health and safety, as well as personalization and trust, among children and staff.
- b. Strengthen partnerships with families.
- c. Cultivate supportive environments filled with emotional safety and belonging.
- d. Enact policies that support relationship-centered designs.

6. Emphasize Authentic, Culturally Responsive Learning

- a. Offer guidance for how schools can restart by focusing on authentic learning and assessment strategies.
- b. Provide curriculum tools and professional learning for educators to support more authentic learning and assessment.
- c. Ensure that authentic learning is also culturally connected and culturally sustaining.
- d. Build capacity for inclusive, identity-safe, culturally responsive practice.
- e. Redesign assessments to emphasize applied learning and complex problem-solving.

7. Provide Expanded Learning Time

- a. Infuse high-quality tutoring within and beyond the school day.
- b. Expand high-quality after-school programs.
- c. Create high-quality summer programs.
- d. Expand the reach and duration of early learning programs.
- e. Enact policies and access funding to support expanded learning time.

8. Establish Community Schools and Wraparound Supports

- a. Enact local policies that support well-designed community schools.
- b. Enlist regional agencies that can provide technical assistance and help coordinate local services.
- c. Create reliable funding streams to support community school needs.
- d. Create Children's Cabinets at the federal, state, and county levels to coordinate, integrate, and streamline services across agencies.

ESSER

Outside Policy Expert Recommendations

*Learning Policy
Institute: Restarting &
Reinventing School*

9. Prepare Educators for Reinventing School

- a. Invest in high-quality educator preparation, especially for high-need communities where shortages continue to be problematic.
- b. Transform educator learning opportunities to match current needs.
- c. Support mentoring and new teacher roles.
- d. Create collaboration time.
- e. Take the long view.

10. Leverage More Adequate and Equitable School Funding

- a. Leverage federal funds for equity.
- b. Adopt more equitable state school funding formulas.
- c. Include preschool in funding formulas.

ESSER

Survey of School Districts

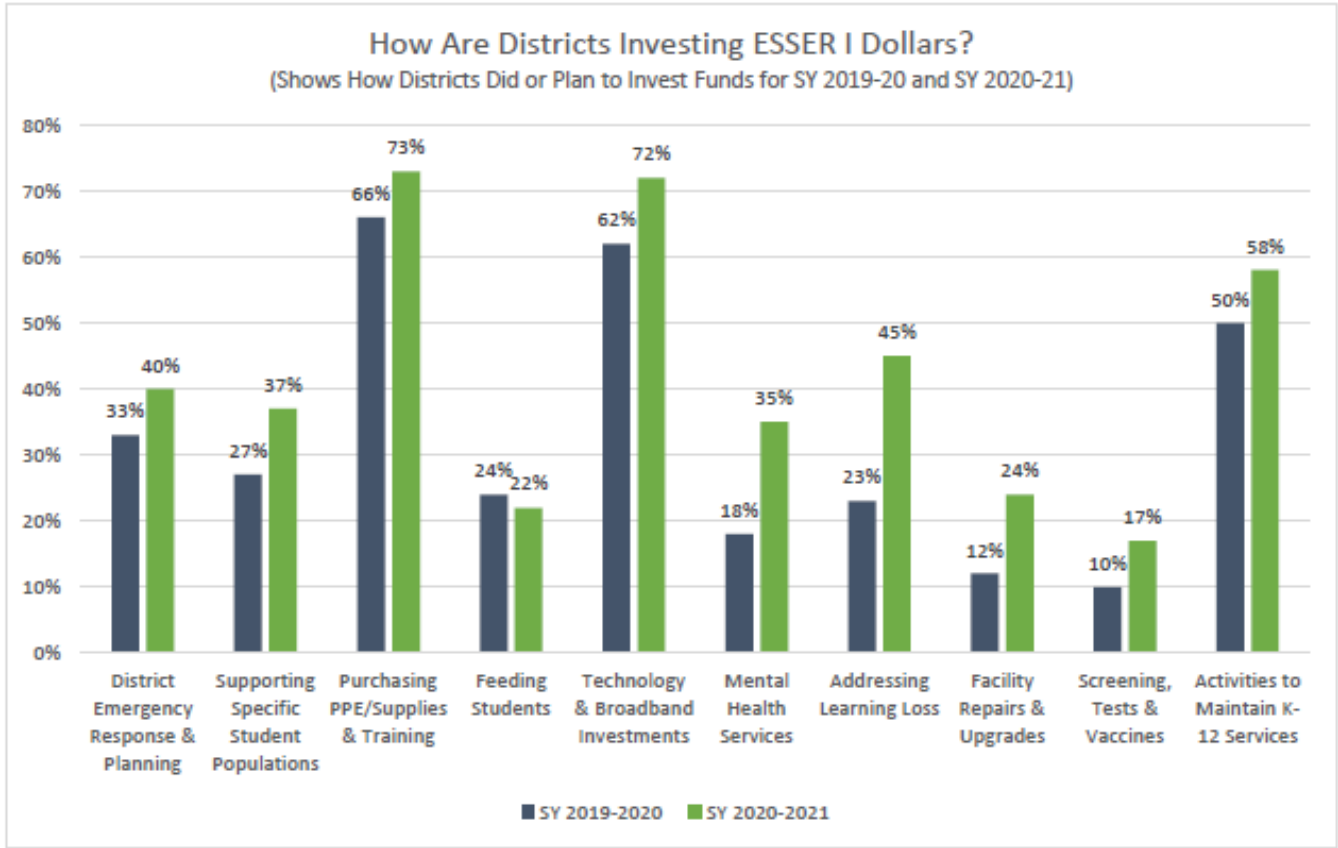
Association of School
Business Officials
(ASBO) International

Here is a summary of findings *How are School Districts Investing Federal Emergency Relief Funds to Address COVID-19?* (March 2021) from the Association of School Business Officials (ASBO) International's COVID-19 financial impact survey.

District Use of
ESSER I Funds for
SY 2019-20
and SY 2020-21

Across all investment categories for use of ESSER I Funds during SY 2019-20 and SY 2020-21, priorities were:

- Procuring PPE and cleaning/sanitation supplies and training staff on minimizing viral spread.
- Purchasing technology and learning management systems for students and improving broadband access/connectivity to address the homework gap.
- Other activities to maintain continuity of education services (e.g., salaries/wages, contracts, and other expenses not covered in other investment categories).



ESSER

Survey of School Districts

*District Use of
ESSER II Funds for
SY 2020-21
and SY 2021-22*

Across all investment categories for use of ESSER II Funds during SY 2020-21 and SY 2021-22, priorities were:

- Addressing learning loss, providing summer school an before/after-school activities, tutoring, etc.
- Other activities to maintain continuity of education services (e.g., salaries/wages, contracts, and other expenses not covered in other investment categories).
- Purchasing technology and learning management systems for students and improving broadband access/connectivity to address the homework gap.



GEER

Allocations to New York

Both the CARES Act and CRRSA Act provided funding to Governors through the Governor’s Emergency Education Relief (GEER) Fund. The U.S. Department of Education is required to allocate 60 percent of the funds based on each state’s relative population of individuals aged 5 through 24, and 40 percent based on each state’s relative number of children counted under the Title I, Part A formula.

GEER Fund	\$164,286,083
GEER II Fund*	72,760,723
Total, GEER	\$237,046,806

\$237 million in federal emergency aid is allocated by formula to the Governor of New York in support of public elementary and secondary education, institutions of higher education (IHEs), or other education-related entities.

Governors Determine the Fund Recipients

Governors may provide subgrants to LEAs and IHEs within their State that have been “most significantly impacted by coronavirus” to support their ability to continue providing educational services to their students and to support the “on-going functionality” of these entities. In addition, a Governor may use these funds to provide support through a subgrant or a contract to other LEAs, IHEs, and education-related entities** that the Governor “deems essential” for carrying out emergency educational services, providing child care and early childhood education, providing social and emotional support, and protecting education related jobs. A Governor has wide discretion in determining the entities in the State that will receive GEER funds. A Governor can choose to fund only LEAs, only IHEs, only education-related entities, or any combination of eligible entities.

Limits on Governors

Governors may not use GEER funds to award scholarships, microgrants, or financial aid directly to students or educators, but can do so indirectly through a subgrant to an eligible entity that can then make awards to individuals.

LEA Use of GEER Funds, if Awarded

Unless otherwise restricted by the Governor at the time of the award, the LEA has considerable flexibility in determining how best to use GEER funds to prevent, prepare for, or respond to COVID-19.

* The CRRSA Act directed \$322,874,046 to New York under the Governor’s Emergency Education Relief (GEER II) Fund, of which \$250,113,323 is reserved for emergency assistance to non-public schools.

** An education-related entity is a governmental, nonprofit or for-profit entity within the state that provides services that support preschool, elementary, secondary, or higher education.

EANS

Emergency Assistance to Non-Public Schools in New York

Both the CRRSA Act and the ARP Act included funding for Emergency Assistance for Non-Public Schools (EANS) grants. The U.S. Department of Education is required to allocate funds for this purpose based on each state’s relative number of children aged 5 through 17 at or below 185 percent of poverty who are enrolled in non-public schools in the state.

EANS, CRRSA Act	\$250,113,323
EANS, ARP Act	252,458,198
Total, EANS	\$502,571,521

\$502.6 million in federal emergency aid is allocated by formula to the Governor of New York to support Emergency Assistance to Non-Public Schools (EANS) grants.

Limitations and Restrictions

In order to be eligible to receive services or assistance, non-public schools are prohibited from applying for and receiving a loan under the Paycheck Protection Program, unless the non-public school received a loan guaranteed before the enactment of the CRRSA Act.

EANS funds can not be used to provide direct or indirect financial assistance to scholarship granting organizations or related entities, or to provide or support vouchers, tuition tax credit programs, education savings accounts, scholarships, scholarship programs, or tuition-assistance programs, for elementary or secondary education. *Exception:* funds may be provided only to students who receive or received such assistance under the CARES Act for the 2020–2021 school year and only for the same assistance provided such students.

Under the ARP Act, funds may not be used to provide reimbursements to any non-public school. Also under the ARP, funds are to provide services or assistance to non-public schools that enroll a significant percentage of low-income students and are most impacted by the qualifying emergency.

Equitable Services

An LEA that receives ESSER and GEER funds under the CARES Act must provide equitable services to non-public school students and teachers in the same manner as provided under section 1117 of Title I, Part A of the ESEA. The CRRSA Act and the ARP Act include the separate EANS program for which eligible non-public schools may apply to NYSED to receive services or assistance. As such, LEAs are not required to provide equitable services under GEER II, ESSER II, or ARP ESSER.

ARP-HCY

Homeless Children & Youth (ARP-HCY) Fund

The ARP Act included \$800 million to support the specific needs of homeless children and youth through the ARP Elementary and Secondary School Emergency Relief—Homeless Children and Youth (ARP-HCY) Fund. The U.S. Department of Education is reserving \$1 million for national activities. Consistent with the manner in which the Department awards funds to SEAs under the McKinney-Vento Education for Homeless Children and Youth Act, the Department is allocating the remaining \$799 million to states based on the proportion that each state received under Title I, Part A (ESEA) in the most recent fiscal year (FY 2020).

ARP-HCY Fund Allocation to New York	\$58,881,309
-------------------------------------	--------------

Two Separate
Distributions: ARP
Homeless I & II

The U.S. Department of Education is releasing ARP-HCY funds in two separate disbursements—ARP Homeless I and ARP Homeless II. ARP Homeless I, which represents 25 percent of each state’s allocation, has been released. The Department will award the remaining 75 percent (ARP Homeless II) after issuing regulations that will apply to ARP Homeless II.

ARP Homeless I (25%)	\$14,720,327
ARP Homeless II (75%)	44,160,982
Total, ARP-HCY	\$58,881,309

ARP Homeless I

The first disbursement—ARP Homeless I—is designed to provide funding to states immediately as a supplement to their McKinney-Vento for Homeless Children and Youth (EHCY) funds. Funds must be administered by the Office of the State Coordinator for the Education of Homeless Children and Youth, consistent with the requirements for EHCY funds. Following the requirements of the EHCY program, NYSED may reserve up to 25 percent of its allocation for state-level activities, and distribute the remaining ARP Homeless I funds (at least 75 percent of the NYSED’s total allocation) to LEAs.

Maximum NYSED Reservation for State-Level Activities	\$3,680,081
Minimum Distribution to LEAs	11,040,246
Total, ARP Homeless I	\$14,720,327

ARP-HCY**Homeless Children & Youth (ARP-HCY) Fund***ARP Homeless I
Funding for State-
Level Activities*

- NYSED may reserve up to 25 percent of its allocation for State-level activities, such as—
- to support training, technical assistance, capacity-building, and engagement at the State and LEA levels;
 - to help LEAs identify and support students experiencing homelessness, especially those in historically underserved populations;
 - for subgrants or contracts to community-based organizations that are well-positioned to identify children and youth and connect them to educationally related supports and wraparound services;
 - for technical assistance and training to LEAs that have not received an EHCY subgrant in the past;
 - to provide support to LEAs to increase access to summer programming and plan for and provide wraparound services for this summer (summer 2021), in collaboration with State and local agencies and other community-based organizations; and
 - to analyze where there are significant concentrations of students and families experiencing homelessness across the State (including in LEAs that are not existing EHCY subgrantees), and how they will ensure that supports from ARP Homeless I can reach them.

*ARP Homeless I
Funding for LEAs*

- After reserving up to 25 percent of its ARP Homeless I allocation for State-level activities, NYSED must distribute the remaining ARP Homeless I funds (at least 75 percent of its total allocation) to LEAs, primarily to supplement existing EHCY LEA subgrants, and—
- for identifying students this spring and to connect students experiencing homelessness and their families to summer learning and enrichment programs this summer (summer2021);
 - to engage students and their families in preparation for this fall;
 - for subgrants or contracts to community-based organizations that are well-positioned to identify children and youth and connect them to educationally related supports and wraparound services;
 - for technical assistance and training to LEAs that have not received an EHCY subgrant in the past; and
 - to provide support to LEAs to increase access to summer programming and plan for and provide wraparound services for this summer (summer 2021), in collaboration with State and local agencies and other community-based organizations; and
 - to award contracts to community-based organizations for help to identify historically underserved populations, as well as to provide wraparound services to these students.

ARP-HCY**Homeless Children & Youth (ARP-HCY) Fund***Uses of ARP
Homeless I Funds*

- ARP Homeless I funds supplement the EHCY program, and all allowable EHCY uses apply to these funds. The funds are also supplemental to ARP ESSER funds that may be used to address the needs of homeless children and youth. Examples include—
- providing wraparound services (which could be provided in collaboration with and/or through contracts with community-based organizations, and could include academic supports, trauma-informed care, social-emotional support, and mental health services);
 - purchasing needed supplies (e.g., PPE, eyeglasses, school supplies, personal care items);
 - providing transportation to enable children and youth to attend classes and participate fully in school activities;
 - purchasing cell phones or other technological devices for unaccompanied youth to enable the youth to attend and fully participate in school activities;
 - providing access to reliable, high-speed internet for students through the purchase of internet-connected devices/equipment, mobile hotspots, wireless service plans, or installation of Community Wi-Fi Hotspots (e.g., at homeless shelters), especially in underserved communities;
 - paying for short-term, temporary housing (e.g., a few days in a motel) when such emergency housing is the only reasonable option for COVID-safe temporary housing and when necessary to enable the homeless child or youth to attend school and participate fully in school activities (including summer school); and
 - providing store cards/prepaid debit cards to purchase materials necessary for students to participate in school activities.

In addition, when considering funding decisions, the EHCY statute allows the use of funds for “other extraordinary or emergency assistance needed to enable homeless children and youths to attend school and participate fully in school activities.”

ARP Homeless II

ARP Homeless II funds, or \$44,160,982 (75% of NYSED’s total allocation), will be made available as soon as June after the Department completes necessary regulations to change EHCY’s required competitive subgrant process for the purpose of the second allocation of funding. The Department anticipates that the new regulation would require states to distribute funds that they will receive in the second phase to LEAs via a formula that uses the LEA’s allocation under Title I, Part A (ESEA) and the number of identified homeless children and youth in 2018-19.

ARP-HCY

Homeless Children & Youth (ARP-HCY) Fund

ARP Homeless State Plan

New York's chief state school officer must assure that in return for accepting ARP Homeless I funds NYSED will submit a plan that describes—

- how NYSED will use up to 25 percent of funds awarded under ARP Homeless I for State-level activities;
- how NYSED will use at least 75 percent of funds awarded under ARP Homeless I for distribution to LEAs in accordance with all requirements of EHCY;
- how NYSED will ensure that ARP-HCY supplements the support and services provided with ARP ESSER funds and does not replace the use of ARP ESSER funds to support the needs of students experiencing homelessness; and
- how NYSED will use its State-level activities funds to award subgrants or contracts to community-based organizations that are well-positioned to identify children and youth experiencing homelessness in historically underserved populations, and how NYSED will encourage LEAs to award contracts to community-based organizations to help identify and support historically underserved populations experiencing homelessness.

The plan will be submitted as part of NYSED's application for ARP Homeless II within the deadline established by the Secretary.

ECF	Emergency Connectivity Fund
	<p><i>The American Rescue Plan Act established an Emergency Connectivity Fund to help schools and libraries by funding connected devices and broadband connections for students, school staff, and library patrons, who would otherwise lack sufficient access to fully engage in remote learning and virtual library services, during the COVID-19 pandemic. The Emergency Connectivity Fund Program is separate from the E-Rate Program, but like the E-Rate program, will be administered by the Federal Communications Commission (FCC).</i></p>
<p>Emergency Connectivity Fund Priorities</p>	<p>The ARP Act directed the FCC to establish the rules providing for the distribution of \$7.171 billion in funding from the Emergency Connectivity Fund to eligible schools and libraries for the purchase of eligible equipment and/or advanced telecommunications and information services for use by students, school staff, and library patrons at locations other than a school or library.</p> <ul style="list-style-type: none">▪ The support provided through this program will first allow eligible schools and libraries to seek funding for upcoming purchases of eligible equipment, including Wi-Fi hotspots, modems, routers, and connected devices, as well as advanced telecommunications and information services, to meet the remote learning needs of students, school staff, and library patrons who would otherwise lack access to connected devices and broadband connections sufficient to engage in remote learning during the upcoming school year.▪ If additional funding remains available after the provision of support to eligible schools and libraries for future purchases of eligible equipment and services, the FCC will provide schools and libraries an opportunity to apply for reimbursement of the reasonable costs they have already incurred in purchasing eligible equipment and services to meet the unmet needs of their students, school staff, and library patrons who otherwise lacked access to equipment or Internet access services sufficient to engage in remote learning during the COVID-19 pandemic.
<p>Emergency Period</p>	<p>The FCC has established March 1, 2020 as the starting date for the Emergency Connectivity Fund Program and the start date for purchases that are reimbursable. The COVID-19 emergency period will end on the June 30 that first occurs after the date that is one year after the Secretary of Health and Human Services determines that a public health emergency no longer exists.</p>
<p>Eligible Schools & Libraries</p>	<p>Schools, libraries, and consortia of schools and libraries that are eligible for support under the E-Rate Program are also eligible to request and receive support through the Emergency Connectivity Fund Program.</p>

ECF

Emergency Connectivity Fund

Eligible Equipment & Services

The ARP defines eligible equipment to mean—

- Wi-Fi hotspots,
- modems (e.g., air cards),
- routers,
- devices that combine a modem and router, and
- connected devices (laptop computers and tablet computers).

In general, eligible advanced telecommunications and information services include commercially available fixed or mobile broadband Internet access services. These services must be purchased by a school or library for off-campus use by students, school staff, or library patrons. Eligible services include:

- cable modem,
- digital subscriber line (DSL),
- leased lit fiber (e.g., fiber to the home or to the premises),
- satellite, and
- wireless (e.g., fixed wireless, microwave, or mobile broadband).

There is a limited exception for construction of a network or customer premises equipment to receive datacasting services where no commercially available services exist.

Eligible Uses

The FCC requires that equipment and services supported by the Emergency Connectivity Fund Program be used primarily for educational purposes.

Reasonable Support Amounts

In providing support through the Emergency Connectivity Fund, the ARP directs the FCC to reimburse 100% of the costs associated with the purchase of eligible equipment and/or advanced telecommunications and information services, “except that any reimbursement of a school or library for the costs associated with any eligible equipment may not exceed an amount that the Commission determines, with respect to the request by the school or library, is reasonable.” The FCC has set the following amounts as reasonable:

- up to \$400 for connected devices (with a waiver option for those devices for individuals with disabilities);
- up to \$250 for a Wi-Fi hotspot; and
- maximum amounts to be determined for the other types of eligible equipment—namely, modems, routers, and devices that combine modems and routers.

ECF	Emergency Connectivity Fund
-----	-----------------------------

The FCC sets per-location and per-user limitations on the availability of funding. Reimbursement may be sought only for one fixed broadband service per location, one connected device per user and one Wi-Fi hotspot per user. The FCC determined that Wi-Fi hotspots on school buses and bookmobiles are eligible for reimbursement under the ECF.

Application Process

During the first application window, a 45-day period to be announced soon, applicants will be able to submit requests for funding for purchases made between July 1, 2021 and June 30, 2022, which aligns with the coming school year. To speed the process, many of the rules and forms associated with the existing E-Rate program will be used for the Emergency Connectivity Fund as well.

Then, if there are remaining funds after this initial application window, the FCC will open a second application window for schools and libraries to seek funding for eligible equipment and services they previously purchased to address the needs of students, school staff, and library patrons. During this second application window, applicants will be able to submit requests for funding for purchases made from March 1, 2020 to June 30, 2021. (Although the FCC may consider opening a second prospective window before opening one to fund previously purchased eligible equipment and services.)

The FCC will use the existing E-Rate application for the new fund, and will provide money to schools based on a formula that involves total enrollment and the number of students eligible for free or reduced-price lunches. If demand exceeds available funding, schools will be prioritized based on their E-Rate Category One discount, which provides up to a 90-percent discount. Under the new rules, rural districts will automatically receive a 5-percent “bump” to the discount rate when calculating their applications.

Schools and libraries do not need to be currently participating in the E-Rate program to apply for the Emergency Connectivity Fund Program.

Tax-free Employer Student Loan Payments Extended Until 2026

NEA Guidance

Under the recent COVID-relief laws, federal law allows employers to contribute up to \$5,250 per year toward an employee's student loans tax-free. Under the extension, this tax-free benefit ends (funds must be sent to employees, their student loan servicers, or their lenders) before **January 1, 2026**, but could be continued by Congress in later legislation.

Before the CARES Act, employer contributions to student loans were considered taxable income for the employee, but now until at least January 1, 2026, employer-funded student loan payment assistance does not count as taxable income. This benefit can assist members burdened with student debt, and the employer can use it to recruit and retain employees. Employees who are also pursuing Public Service Loan Forgiveness may use the money to make the required monthly or lump-sum payments for that program.

Payments can be made directly to the employee, to the lender, or to the student loan servicer that processes payments for the lender.

Here's how it works

Under section 127 of the Internal Revenue Code, in order for the contributions to be tax-free, employers must establish an educational assistance program to provide employees up to \$5,250 per year to pay off federal or private student loans for that employee's education (loans for a spouse or dependent's education are not covered). The student loans can be for education received before employment or education the employee is currently pursuing while employed.

Unions may collectively bargain the terms of the program, with a few caveats:

- The terms of the educational assistance program must be set forth in a separate, written document containing only the educational assistance program.
- If an employer adopts an educational assistance program (or amends a current one to include the new benefit), the employer must notify eligible employees of the benefit and the program's terms.
- If the employer makes the payments directly to the employee, then the employee must be able to provide proof to the employer that the payment is being used for eligible student loans (like a receipt or student loan statement).
- Employers cannot offer this tax-free benefit as a choice in lieu of an employee's salary or other taxable benefits. And the educational assistance program cannot discriminate in favor of highly compensated employees making over \$130,000.

Tax-free Employer Student Loan Payments Extended Until 2026

How to take advantage of the benefit

CBA and MOU. Affiliates can collectively bargain for the creation of a tax-free employer-paid student loan benefit. Even if you're currently not in scheduled full negotiations, consider bargaining a Memorandum of Understanding (MOU) to create the benefit.

Model Collective Bargaining Language:

The employer and association shall create and adopt a separate written educational assistance plan, establishing an educational assistance program under Section 127 of the Internal Revenue Code. The program shall provide all eligible employees with student loans with \$5,250 per year in student loan payment assistance until the expiration of the tax-free benefit. The program shall cover any student loan incurred by the employee for education of the employee.

Immediately after the jointly developed educational assistance plan is agreed to by the employer and the association, the employer will provide employees the terms and availability of the program. The employer will make payments directly to eligible employees, and employees will provide the employer with a statement from their student loan servicer or lender showing the payment was used for their student loans.

NEA Collective Bargaining and Member Advocacy with NEA Office of General Counsel

QUESTIONS?

send to

arpinfo@nea.org



EDUCATING
THROUGH CRISIS
COVID-19