Elementary and Secondary School Emergency Relief Fund (ESSER)
Frequently Asked Questions (FAQ)

This document is a resource for Elementary and Secondary School Emergency Relief (ESSER) recovery funding grant information. An FAQ has also been created for ESSER Equivalent grants, and it is located here. Both FAQs will be updated throughout the life cycle of the grants. The date this FAQ was last updated is located in the top left header. Additional updates will be announced in the K12 Grants Newsletter and LEA Look forward.

The term "ESSER" is used throughout this document to reference all three ESSER federal recovery funding grants: ESSER I-CARES, ESSER II-CRRSA, and ESSER III-ARP. If a question or answer is only relevant to one specific ESSER grant, the name of that grant will be clearly indicated.

Each question in the Table of Contents is hyperlinked to the answer location. Key terms can be searched by using the "ctrl Find" function.

In addition to these FAQs, the OSSE Recovery Funding website includes resources that you may access to support your LEA in planning for these funds including:
- Allocations
- Funding Strategy Guide
- Application Webinars
- Construction Webinar
- Allowable Uses
- Budget Codes

Please contact OSSE.ESSER@dc.gov if you have questions that are not answered in this document.

Contents

Overview of ESSER

In response to the coronavirus (COVID-19) pandemic, the United States Department of Education (USED) has provided the District of Columbia with recovery funding through three federal grant programs:
- ESSER I-CARES: Coronavirus Aid, Relief, and Economic Security Act Elementary and Secondary School Emergency Relief Fund
- ESSER II-CRRSA: Coronavirus Response and Relief Supplemental Appropriations Act Elementary and Secondary School Emergency Relief Fund
- ESSER III-ARP: American Rescue Plan Elementary and Secondary School Emergency Relief Fund

Summary of ESSER Recovery Funding Grants				
	Enacted	**LEA Preliminary Allocation Announced**	**Allocated to LEAs** *(90 percent)*	**State Set Aside** *(10 percent)*
ESSER I-CARES	March 27, 2020	Feb. 3, 2021	$37,805,719.23	$38,631,715
ESSER II-CRRSA	Dec. 27, 2020	Feb. 4, 2021	$ 158,940,397.00	$17,201,317
ESSER III-ARP	March 11, 2021	March 25, 2021	$ 347,829,299.10	$4,200,635

ESSER recovery grants are intended to support LEAs in responding, recovering, and mitigating the harmful effects caused by the pandemic on students and families.

General ESSER Recovery Funding Grant Information

1. How does OSSE allocate ESSER recovery grants to LEAs?

OSSE must allocate at least 90 percent of the ESSER funds it receives as subgrants to LEAs in proportion to the amount of funds each LEA received under Title I, Part A of the ESEA in the most recent fiscal year (FY).

Please refer to the ESSER Equivalent FAQs for further details if your LEA does not receive Title I, Part A receive ESSER Equivalent funds.

2. What is ESSER Equivalent and what makes it different than ESSER?

ESSER II Equivalent Funding is only for non-Title I, Part A Eligible K-12, adult, and early childhood LEAs.

OSSE has provided emergency relief funding for non-Title I, Part A K-12, adult, and early childhood LEAs not eligible for the second round of Elementary and Secondary School Education Relief Funding (ESSER II), established under the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSA).

ESSER II Equivalent is allocated by OSSE from the 10 percent state set aside portion of the whole of ESSER funds. ESSER I Equivalent and ESSER III Equivalent are made available through additional Scholarships for Opportunity and Results Act (SOAR) Formula Combined funds. Accordingly, LEAs that qualify for ESSER Equivalent will apply

directly to the ESSER II Equivalent through a separate application and ESSER I Equivalent and ESSER III Equivalent can be accessed through the SOAR Formula Combined applications, as shown in the table below.

ESSER Equivalent Applications			
	ESSER I-CARES Equivalent	**ESSER II-CRRSA Equivalent**	**ESSER III-ARP Equivalent**
Non-Title I K-12 LEAs	FY21 SOAR Formula Combined Application	ESSER II Equivalent Application	FY22 SOAR Formula Combined Application
Non-Title I Adult and Early Childhood LEAs	FY21 SOAR Formula Combined Application	FY21 SOAR Formula Combined	FY22 SOAR Formula Combined Application

ESSER I and III Equivalent grants that are made available through SOAR Formula Combined should follow the SOAR Formula Combined Allowable Uses.

The allowable uses for ESSER II and ESSER II Equivalent are the same. However, some of the new provisions under ESSER III-ARP do not apply to the ESSER III Equivalent funds, such as the 20 percent learning loss, Maintenance of Equity, and return to in-person instruction plan provisions. See section IV for details on the new provisions.

For more details on ESSER Equivalent grants, please see the ESSER Equivalent FAQs document.

3. What is the period of availability on ESSER recovery funding grants?

ESSER LEA Subgrant	Period of Availability*
ESSER I-CARES	March 13, 2020-Sept. 30, 2022
ESSER II-CRRSA	March 13, 2020-Sept. 30, 2023
ESSER III-ARP	March 13, 2020-Sept. 30, 2024

Includes 12-month Tydings Period

4. Will LEAs have continuous access to reimburse against their ESSER recovery funding grants throughout the period of availability?

No. There is a two-month period where LEAs cannot reimburse against their approved ESSER recovery funding grants.

Typically, this two-month period occurs after the close out process is initiated, between December and January. However, if your LEA determines that reimbursements are critical during that timeframe, there is an option to move close out. For fiscal year 2021 (FY21), LEAs can choose to start close out as early as October, moving up the two-month period where there are no reimbursements.

If LEAs want to move the close out period and adjust the window where reimbursements are frozen, reach out to your grant manager or OSSE.ESSER@dc.gov.

5. Are LEAs able to adjust when they close out ESSER recovery funding grants?

Yes. Typically, the two-month period would take place after the close out process is initiated, between December and January. However, if your LEA determines that reimbursements are critical during that timeframe, there is an option to move close out. For instance, LEAs could choose to start close out as early as October, moving up the two-month period where there are no reimbursements.

If you want to move your close out period and adjust the window where reimbursements are frozen, reach out to your grant manager or OSSE.ESSER@dc.gov.

6. Can LEAs carry over funds from one year to another?

LEAs can choose to use funds in any combination of years within the window of availability. For instance, all ESSER funds could be budgeted in one year if desired.

When completing the application, check D1 "other' in the "spending priorities" tab and describe the amount and use of carry over in the comments box. Then in the detailed spending priorities tab, use budget code D1 "other," and describe the amount and nature of the carry over in the narrative box.

7. What is the Tydings Period?

The Tydings Period is the 12-month window after the final year of a grant in which funds that have not been used carry over automatically, and can be expended or obligated during the Tydings Period.

For example, the ESSER III-ARP award period closes on Sept. 30, 2023; however, under the Tydings Period, funds may be obligated through Sept. 30, 2024. See FAQ 3 for additional period of availability dates.

Applications

8. How do LEAs apply for ESSER recovery funding grants?

ESSER recovery funding grant applications can be accessed in the Enterprise Grants Management System (EGMS). Depending on an LEAs' eligibility status and which ESSER recovery funding grant, LEAs will go to different applications within the EGMS portal.

For more information on ESSER Equivalent Applications, reference the ESSER Equivalent FAQs.

ESSER Applications			
	ESSER I	**ESSER II**	**ESSER III**
Title I, Part A LEAs	ESSER I-CARES Application	ESSER II-CRSSA Application	ESSER III-ARP Application
Non-Title I, Part A K-12 LEAs	SOAR Formula Combined Application	ESSER II Equivalent Application	SOAR Formula Combined Application
Non-Title I, Part A Adult and Early Childhood LEAs	SOAR Formula Combined Application	SOAR Formula Combined, use amendment process	SOAR Formula Combined Application

		with Letter of Rationale template	

9. What are the application windows for each ESSER recovery funding grant?

The same application windows apply to ESSER and ESSER Equivalent.

All FY22 ESSER applications (ESSER I-CARES, ESSER II-CRRSA, and ESSER III-ARP) are due May 31, 2022, at 3 p.m.

FY22 ESSER Applications			
	ESSER I	ESSER II	ESSER III
Application Window	Date FY21 Closeout Report Approved-May 31, 2022	Date FY21 Closeout Report Approved-May 31, 2022	Date FY21 Closeout Report Approved-May 31, 2022

10. What is the grant manager's role in supporting ESSER recovery funding grants and how do LEAs identify their grant manager?

Your ESSER grant manager is a resource and guide through the entire life cycle of ESSER recovery funding grants. Your grant manager might be new, or the same grant manager with whom you are already working.

If you are unsure of your grant manager's name, refer to the ESSER Grant Manager list.

11. What steps should LEAs take before starting or while preparing an application?

Before starting the application, LEAs should do the following:
- Ensure your ESSER grant manager is aware of:
  o What your LEA is considering for the application;
  o If your LEA is considering or planning to fund construction projects; and
  o When your LEA intends to close out their ESSER grants, especially if it will be before Dec. 1, 2022 (See FAQ 5)

While preparing an application, LEAs can do the following:
- Attend or review webinars related to the application process, found here.
- Request the Excel application tool (for ESSER II-CRRSA and ESSER III-ARP), which is an Excel version of the application that can be used to ease the application completion process.
- Review other application assistance materials
  o Allowable Uses
  o ESSER II-CRRSA Budget Codes
  o ESSER III-ARP Budget Codes
  o ESSER II-CRRSA Funding Strategy Guide
- Review resources for evidence-based interventions
  o Department's What Works Clearinghouse
  o Comprehensive Center Network
  o FutureED COVID Relief Playbook

LEAs can ask questions or request resources by contacting OSSE.ESSER@dc.gov.

12. How do LEAs code carry over in the application?

LEAs can choose to use funds in any combination of years within the window of availability. For instance, all ESSER funds could be budgeted in one year if desired.

When completing the application, check the D1 "other" in the "spending priorities" tab and describe the amount and use of carry over in the comments box. Then, in the detailed spending priorities tab, use budget code D1 "other," and describe the amount and nature of the carry over in the narrative box.

Allowable Uses

A. Overall Allowability

All ESSER recovery funding must be used by LEAs to help students respond, recover, and mitigate the harmful effects caused by the pandemic on students and families. A list of allowable uses for ESSER funds can be found here.

Please note that allowable uses of ESSER funds are broad and include the allowable uses under the following federal grant programs: Adult Basic Education State Grant (AEFLA), Elementary and Secondary Education Act (ESEA), Coronavirus Aid, Relief, and Economic Security (CARES), Individuals with Disabilities Education Act (IDEA), McKinney-Vento Homeless Assistance (MKV), and Carl D. Perkins Grant.

In alignment with USED priorities for these funds, OSSE encourages LEAs to use these emergency funds to do the following:
- Safely Reopen Schools
- Address Specific Needs
- Address Learning Loss

In addition to using ESSER recovery funding to safely reopen elementary and secondary schools as soon as possible and restore and maintain high-quality learning environments, LEAs are encouraged to measure and address learning lost due to the coronavirus pandemic and related school closures. Each LEA should consider the needs of its most vulnerable students when using ESSER funds to support programs intended to mitigate learning loss, including low-income students, students with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and children and youth in foster care.

Evidence-based interventions are activities, programs, and interventions that have been shown to move student achievement with either new or emerging research. Using interventions that are proven to be evidence-based leads to stronger student outcomes at more reasonable costs, since activities are more likely to be successful with specific populations. Accordingly, "evidence-based" includes several tiers (levels) of evidence:

Tier 1	Strong evidence from at least one well-designed and well-implemented experimental study	• Randomly controlled trial • Statistically significant • Not refuted by other high quality, causal studies • Large, multi-site sample • Similar to your setting and/or student demographics
Tier 2	Moderate evidence from at least one well-designed and well-implemented quasi experimental study	• Non-random methods with baseline equivalent • Statistically significant outcomes • Not refuted by other high quality, causal studies • Large, multi-site sample • Similar to your setting and/or student demographic
Tier 3	Promising evidence from at least one well-designed and well-implemented correlational study with statistical controls for selection bias	• Non-random methods; controls for selection bias • Statistically significant outcomes • Not refuted by other high-quality, causal studies
Tier 4	Demonstrates a rationale based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes and includes ongoing efforts to examine the effects of such activity, strategy, or intervention	• Small but favorable outcomes

Based on non-regulatory [guidance from the U.S. Department of Education](#)

Given the novel context created by the COVID-19 pandemic, it's unlikely that there are evidence-based studies specific to pandemic recovery strategies. Lack of relevance to a pandemic scenario will not be held against an LEA when determining if an intervention is evidence-based.

The [Department's What Works Clearinghouse](#) identifies the tier of evidence that reviewed studies meet, as applicable. There is also a [resource from Johns Hopkins University](#) that provides information on programs and practices that meet each of the ESSA levels and would therefore meet the ESSER III-ARP evidence levels.

Other evidence-based intervention resources include:
• [Comprehensive Center Network](#)
• [FutureED COVID Relief Playbook](#)

B. Staff Supports and Pay

13. Can LEAs use ESSER funds to pay for COVID testing and vaccination for staff and students?

LEAs can use ESSER funds for COVID-19 testing for staff and students. Providing COVID-19 vaccinations is an allowable use of ESSER funds. Allowable vaccination outreach efforts could include activities to create awareness and build confidence, facilitate clinics, and provide incentives such as paid time off for staff to get vaccinated. In cases where administrative fees are required to obtain a vaccination, ESSER funds may be used to offset the cost, if the cost is reasonable.

14. Can LEAs use ESSER funds to pay for public engagement on the safe return to in-person instruction plan?

LEAs may use ESSER funds to engage the public on the development of the safe return to in-person instruction plan and for conducting ongoing engagement with the school community. This includes using funds to cover the costs of conducting ongoing outreach, paying for translating and interpreting services as needed to ensure effective communication with individuals with limited English proficiency, providing reasonable accommodations such as interpreters and written materials in alternate formats for individuals with disabilities upon request, holding public meetings (including virtually), and conducting surveys of families, students, educators, and other staff to better understand their perceptions, needs, and concerns.

15. Can LEAs use ESSER funds to provide child care services or instructional supervision to the children of teachers and other staff, enabling them to return to their teaching or other school responsibilities? Or child care services for children of students so they can attend school?

LEAs may use ESSER funds for the costs associated with providing child care and instructional supervision to children of teachers and staff, if the child care needs are directly tied to changes caused by the COVID-19 pandemic.

An LEA may choose to contract with a daycare provider to make spaces available for teachers with young children whose regular daycare services are unavailable due to the COVID-19 pandemic, to allow those teachers to continue to provide educational services to students. If teacher retention is a challenge due to the COVID-19 pandemic, an LEA may provide a retention incentive to teachers with young children that could offset the cost for child care in order to retain those teachers, which is an allowable use of funds under part A of Title I, Part A of the Elementary and Secondary Education Act (ESEA).

LEAs may also use ESSER funds for general childcare services for students who may need child care to attend school or other instructional programming. An LEA might contract with a daycare provider or provide child care through an early education program. Note that costs must be reasonable in amount and constitute a necessary response to the COVID-19 pandemic.

16. Can LEAs use ESSER funds to provide "premium pay" or bonuses for teachers, principals, and other school personnel, including school nutrition staff and custodians?

Possibly. Premium pay, bonuses, or additional merit-based pay are only permitted ESSER fund uses if they are related to pandemic-related additional work, recruitment challenges, or in-person work compensation. Premium pay, bonuses, or other merit-based pay are not allowed if they are not related to pandemic closures or activities.

Allowable bonus or additional pay purposes include:

- Bonuses to address pandemic-related recruitment or retention challenges,
- Additional compensation for teachers or staff that work in-person,
- Additional pay for teachers or staff that have assumed additional duties that are related to the pandemic recovery,
- Bonuses to incentivize teachers to move to schools that serve vulnerable populations disproportionately impacted by the pandemic, and
- Additional pay for substitute teachers if there are pandemic-related shortages.

Not Allowable bonus or additional pay purposes include:
- Annual bonuses, and
- Planned or established performance-based bonus plans.

17. Can LEAs use ESSER funds to purchase gift cards or prepaid cards that will be used by staff?

Possibly. It is better to use pre-paid cards than gift cards. If the prepaid card meets both the reasonable and nominal criteria, it is allowable.
- Reasonable - The gift card must be used for educational purposes such as books, textbooks, workbooks, supplies, curriculum resources, etc.
- Nominal - The gift card value must be less than $50.

If the prepaid card does not meet these criteria, then it is not allowable.

C. Uses for Students

18. Can LEAs use ESSER funds to pay the cost of transporting students who have fallen behind academically to summer school?

ESSER funds may only pay for the transportation of students who are attending summer school or additional instruction days because they have fallen behind due to the COVID-19 pandemic.

D. Facilities and Equipment

19. Can LEAs use ESSER funds for facilities or construction costs, including HVAC?

If you are considering any repair, renovation, construction, HVAC work, or other building updates, modifications, or changes, complete the following steps:
- Contact your grant manager and discuss the costs you are considering
- Complete the Concept Proposal Form
- Based on the discussion and your responses in the Concept Proposal Form your ESSER grant manager will notify you if a cost *is* determined to be construction and allowable.
- Your ESSER grant manager will then ask you to complete the following:
  - Complete an additional set of questions
  - Review and sign off on a set of assurances specific to construction
  - Upload all supporting documentation into the applicable ESSER application before beginning a construction project. Note that LEAs must own the building or hold a 50+ year lease to use ESSER funds for construction.

- If your grant manager notifies you that your proposal is not determined to be construction, it may still be eligible for ESSER funding under another budget code.

Please contact your ESSER grant manager as soon as possible if you are considering any costs that may classify as construction. For further information, please review the construction webinar recording.

20. Can LEAs use ESSER to purchase trailers or modular units?

LEAs can use ESSER funds to obtain trailers or modular units (including sheds) and these purchases are allowable and not considered construction. If an LEA plans to buy or rent a trailer or modular unit, that cost would be included as a Fixed Property Cost in the "Detailed Planned Expenditures" tab in the EGMS application. Purchases of tents, sheds, trailers, and other structures that are not built onsite or attached to the main building are considered equipment purchases, and under the "Equipment" tab in the EGMS application.

21. Can ESSER funds be used to lease office space for staff/students?

LEAs can lease office space for students and staff if it is tied directly to response and recovery from the pandemic. ESSER funds can be used to cover the cost of moving expenses, phone installation, and internet access as related to leasing additional space.

E.   Requirements and Fund Uses

22. Can ESSER funds be used to defray the costs of administering pre-existing programs?

Yes. The "supplement not supplant" provision does not apply to ESSER recovery funding grants. This means that LEAs could pay for activities and programs that were previously paid with local funds with ESSER funds.

However, in doing so, LEAs may become non-compliant with IDEA and ESSA local Maintenance of Effort (MOE) requirements if, for two or more fiscal years in a row, your LEA uses grant funds to replace more than 10 percent of state and local expenditures. You must maintain 90 percent level of state and local expenditures to remain MOE compliant or LEAs may have to repay funds for IDEA MOE non-compliance and your ESSA allocations may be revoked for ESSA MOE non-compliance.

Therefore, LEAs should consider not defraying costs of programs valuing more than 10 percent of state and local total funds.

23. Can ESSER funds be used to supplement or restore my "rainy day" fund rather than use the funds for specific purposes?

A transfer of ESSER funds to a "rainy day" account is not an allowable use because it is not considered obligation of funds. However, you can budget funds as carry over, see FAQ [6](6).

By law, LEAs must obligate ESSER funds for specific allowable activities by Sept. 30 of the year after the last year of funding. The additional twelve-month window is called the Tydings period. For example, if an ESSER grant ends in Sept. 30, 2023, the funds must be obligated by Sept 30, 2024. See the table below for the period of availability for each grant. For more information on the Tydings period, see FAQ 7.

ESSER LEA Subgrant	Period of Availability*
CARES-ESSER I	March 13, 2020-Sept. 30, 2022
CRRSA-ESSER II	March 13, 2020-Sept. 30, 2022
ARP-ESSER III	March 13, 2020-Sept. 30, 2024

24. Is there a "supplement not supplant" requirement for ESSER recovery funding grants?

There are no "supplement not supplant" requirement associated with ESSER recovery funding grants. LEAs can use ESSER funds to defray the costs of existing programs or services, if they are related to pandemic recovery. However, LEAs should be mindful that supplement not supplant and MOE requirements associated with other Federal funds, such Title I, Part A, IDEA, and ESEA continue to apply.

LEAs may become non-compliant with Title I, Part A MOE requirements, if, for two or more fiscal years in a row, LEAs use grant funds to replace more than 10 percent of state and local expenditures. LEAs must maintain 90 percent level of state and local expenditures in each year to remain MOE compliant. If you become non-compliant, you may risk losing IDEA or Title I, Part A funding.

Generally, using ESSER funds as additive funding and not a replacement for local fund expenditures is preferred. If you are defraying costs of existing activities with ESSER funds, make sure you are maintaining 90 percent of local and state expenditures.

25. Is there a Maintenance of Effort (MOE) requirement for ESSER recovery funding grants?

Indirectly, yes. While there is no MOE requirement for LEAs associated with ESSER funding, LEAs will need to continue to meet the MOE requirement associated with IDEA, ESEA, and Title I, Part A funding.

LEAs may become non-compliant with Title I, Part A MOE requirements, if, for two or more fiscal years in a row, your LEA uses grant funds to replace more than 10 percent of state and local expenditures. You must maintain 90 percent level of state and local expenditures in each year to remain MOE compliant. If you become non-compliant, you may lose IDEA, ESEA, or Title I, Part A funding.

Additionally, some LEAs will need to comply with a Maintenance of Equity provision on their ESSER III-ARP grant. See FAQ #35 for details on Maintenance of Equity.

26. Can ESSER funds be used to defray the costs of administering ESSER recovery funding grants?

An LEA may charge an amount that is reasonable and necessary to effectively administer ESSER grants consistent with the cost principles in the Uniform Guidance as an expense to their ESSER funds.

Administrative costs include costs (direct and indirect) involved in the proper and efficient performance and administration of ESSER grants. For example, an LEA may use ESSER grants to hire personnel to assist in the planning, implementation, and oversight of ESSER grant activities. An LEA may only charge indirect costs to the ESSER grants if it has an approved indirect cost rate. For federal regulations on distinguishing between direct and indirect administrative costs, please see 2 CFR 200.413.

27. Does ESSER I-CARES need to be obligated, expensed and/or liquidated before ESSER II-CRRSA and ESSER III-ARP?

All three funding streams are available simultaneously to meet the needs of students; however, grantees should be mindful that each grant has a different period of fund availability. The first grant to close is ESSER I-CARES on Sept. 30, 2022. The table below shows all periods of availability for each grant.

ESSER LEA Subgrant	Period of Availability
CARES-ESSER I	March 13, 2020-Sept. 30, 2022
CRRSA-ESSER II	March 13, 2020-Sept. 30, 2022
ARP-ESSER III	March 13, 2020-Sept. 30, 2024

ESSER III-ARP Provisions

28. Does ESSER III-ARP include any new provisions for LEAs that ESSER I-CARES and ESSER II-CRRSA do not? What are they?

- Yes. The following new provisions are included in ESSER III-ARP:*20 percent set aside-* LEAs must spend a minimum of 20 percent of their total allocation to address learning loss through evidence-based interventions and ensure that those interventions respond to students' social, emotional, and academic needs and address the disproportionate impact of COVID-19 on underrepresented student subgroups.
- *In-person Instruction Plan-* LEAs must make a plan for the safe return to in-person instruction and continuity of services and use of funds. The Continuous Education Plan (CEP) for the 2021 – 2022 school year already on file with OSSE alongside the CEP that you submitted for the 2021-22 school year cover this requirement. Note that LEAs must publicly post and update their CEP for the 2021-22 school year every six months, at a minimum, between summer 2021 and Sept. 30, 2023.
- *Maintenance of Equity (MOEauity)-* LEAs must maintain MOEquity in FY22 and FY23 to ensure that if funding reductions are necessary, those reductions do not disproportionately impact those LEAs and schools with the highest percentages of students from families with low income. At the SEA level, OSSE must demonstrate MOEquity between LEAs. At the LEA level, LEAs must demonstrate MOEquity between individual schools. Specifically, the MOEquity requirement is a condition of receiving ESSER III ARP that requires LEAs to not disproportionally reduce: (1) State/local funding in high-poverty schools, and (2) the amount of full-time equivalent (FTE) staff per pupil in high-poverty schools. LEAs which have: (1) a total enrollment of fewer than 1,000 students, (2) operate a single school, and/or (3) only operate one school per grade span are exempt from meeting MOEquity requirements.

These ESSER III-ARP requirements do not apply to LEAs receiving ESSER III Equivalent.

29. What is the minimum 20 percent evidenced-based interventions requirement?

LEAs must spend a minimum of 20 percent of their total allocation to address learning loss through evidence-based interventions. LEAs must also ensure those interventions respond to students' social, emotional, and academic needs and address the disproportionate impact of COVID-19 on underrepresented student subgroups.

LEAs should be aware that:
- The 20 percent applies to the entirety (total allocation) of the ESSER III-ARP allocation, not just two-thirds allocation LEAs received in FY21.

- LEAs may spend more than 20 percent of ESSER III-ARP on evidence-based interventions.

30. How are evidence-based interventions defined?

Evidence-based interventions are activities, programs, and interventions that have been shown to support student achievement through either new or emerging research. Using interventions that are proven effective through evidence leads to stronger student outcomes at more reasonable costs, since activities are more likely to be successful with specific populations. Accordingly, "evidence-based" includes several tiers (levels) of evidence:

Tier 1	Strong evidence from at least one well-designed and well-implemented experimental study	- Randomly controlled trial - Statistically significant - Not refuted by other high quality, causal studies - Large, multi-site sample - Similar to your setting and/or student demographics
Tier 2	Moderate evidence from at least one well-designed and well-implemented quasi experimental study	- Non-random methods with baseline equivalent - Statistically significant outcomes - Not refuted by other high quality, causal studies - Large, multi-site sample - Similar to your setting and/or student demographic
Tier 3	Promising evidence from at least one well-designed and well-implemented correlational study with statistical controls for selection bias	- Non-random methods; controls for selection bias - Statistically significant outcomes - Not refuted by other high-quality, causal studies
Tier 4	Demonstrates a rationale based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes and Includes ongoing efforts to examine the effects of such activity, strategy, or intervention	Small but favorable outcomes

Based on non-regulatory [guidance from the U.S. Department of Education](#)

Given the novel context created by the COVID-19 pandemic, it's unlikely that there are evidence-based studies specific to pandemic recovery strategies. Lack of relevance to a pandemic scenario will not be considered as a part of the evidence-base.

You can refer to the [Department's What Works Clearinghouse](#) which identifies the tier of evidence that reviewed studies meet, as applicable. There is also a [resource from Johns Hopkins University](#) that provides information on evidence-based programs and practices.

Other evidence-based intervention resources include:

- [Comprehensive Center Network](#)
- [FutureED COVID Relief Playbook](#)

31. How is learning loss defined?

Learning loss is defined as the "academic impact of lost instructional time." Strategies to address learning loss can be directly or indirectly related to academic achievement, such as:

- 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;
- Tracking student attendance and improving student engagement in distance education.

32. If ESSER is used to support salaries and benefits for instructional staff, can that count towards the minimum 20 percent evidence-based intervention requirement for ESSER III-ARP?

If a staff member is working to implement or run an evidenced-based intervention that addresses learning loss through responding to the academic and social emotional needs of students disproportionately impacted by the pandemic, then the associated salary and benefits would count toward the minimum 20 percent evidence-based intervention requirement on ESSER III-ARP. If a staff member's role/work does not relate to implementing an evidence-based intervention, then it would not count toward the minimum 20 percent requirement.

See [FAQ #30](#) for the definition of evidence-based interventions.

33. What is the return to in-person instruction plan requirement?

LEAs must make a plan for the safe return to in-person instruction and continuity of services. The [Continuation Education Plans (CEP) for the 2020-21 school year](#) already on file with OSSE alongside the CEP LEAs have submitted for the 2021-22 school year cover this requirement. The 2021-22 school year CEP instructions incorporate requirements for ESSER III-ARP's safe return to in-person instruction and continuity of services plan.

Note, LEAs must gather public input on the in-person instruction plan within 30 days of receiving ESSER III- ARP. LEAs are encouraged to engage their communities in a variety of ways (town halls, virtual meetings, surveys, etc.) to get public input on the in-person instruction plan. ESSER can be used for costs related to public engagement. LEAs should make meaningful efforts to engage all segments of their communities, including interpretations services, alternative formats for people with disabilities, and various virtual opportunities to comment. ESSER III-ARP can be used to pay for the costs of public input activities.

Reminders Regarding CEPs

LEAs receiving ESSER III-ARP must update the CEP every six months, at a minimum, between the date of publications and Sept. 20, 2023. These updates will not be submitted for OSSE approval. OSSE suggests LEAs include an "as of" date on their plan and/or website to make it clear when the most recent plan update was made.

For more details about CEPs and their technical requirements, reference the [CEP Technical Appendix.](#)

34. What constitutes public engagement regarding the in-person instruction plan?

Public engagement is active and sustained outreach with all LEA stakeholders, including:
- Facility staff
- Educators
- Families
- School community
- Neighborhood associations
- Community leaders
- Professional associations
- Unions
- Stakeholders from groups representing students with disabilities, English learners, and other vulnerable populations

Public engagement strategies could include:
- Public meetings (including virtual)
- Online surveys
- Public comment opportunities (via email or letters)

LEAs should ensure that students with disabilities and their families have accessible ways to provide input. Additionally, translation services should be provided so that non-English speaking populations have equal opportunity to provide input on the plan. ESSER III-ARP can be used for these purposes.

Once the plan has been finalized and submitted, it should be publicly posted on the LEA website.

35. What is the Maintenance of Equity provision?

The purpose of the Maintenance of Equity (MOEquity) requirement is to ensure that states and LEAs are aligning funding decisions to close the gaps that vulnerable populations experience in attaining education.

The MOEquity requirement states LEAs must demonstrate that in FY22 and FY23 they have not disproportionately reduced:
- State and local per-pupil funding in high-poverty schools,
- The number of full-time-equivalent (FTE) staff per-pupil in high-poverty schools. High-poverty schools are defined as the 25 percent of schools in an LEA with the highest percentage of economically disadvantaged students.

An LEA is exempt from meeting MOEquity requirements if it meets one or more of the criteria below:
- Total enrollment of fewer than 1,000 students;
- Operates a single school;
- Only operates one school per grade span;
- Does not receive ESSER III-ARP grant.

There is an exemption option for LEAs that do not reduce aggregate State *and* local funding and are experiencing an uncontrollable or unforeseen circumstance. This might be drastic changes in enrollment, staffing, or grade spans at a school. LEAs that fall in both of these categories may apply directly to USED for an exemption. Reach out to OSSE.ESSER@dc.gov if this applies to your LEA.

LEAs do not need to include new or closed schools in their MOEquity reporting.

36. How do I know if I am required to meet the Maintenance of Equity provision?

All LEAs received an email notification on July 8, 2021, stating if they are required to meet the requirements of the MOEquity provision, or if they are exempt. If you did not receive this email, please reach out to your ESSER grant manager or OSSE.ESSER@dc.gov.

MOEquity requirements are outlined in FAQ #35.

37. How do LEAs who are required to meet MOEquity determine their high-poverty schools?

There are two options for identifying high-poverty schools that need to maintain equity in FY22 and FY23.
- Option A (districtwide) - LEAs sort all schools by highest to lowest poverty percentage, then the top quartile of schools is chosen.
- Option B (grade span) - LEAs sort all schools by grade span, then highest to lowest poverty percentage. High-poverty schools are selected one by one from each grade span, starting with the highest poverty percentage, until the top quartile is full.

In Option A, each high-poverty school will be compared to the whole LEA to determine if equity was maintained. In Option B, each high-poverty school will be compared to its respective grade span to see if equity was maintained.

The list of schools that must maintain equity in each required LEA was submitted to USED on July 30, 2021. If you have any questions about your list of high-poverty schools, contact OSSE.ESSER@dc.gov.

38. If LEAs are required to meet the Maintenance of Equity provision, what is the timing and nature of future reporting?

LEAs that are required to meet MOEquity must submit their list of high-poverty schools to OSSE by July 30, 2021. These are the only schools that LEAs will report on in FY22 and FY23.

By February 2022, LEAs need to submit their per-pupil FTE change from FY21 to FY22 and their per-pupil funding change from FY21 to FY22 for each school. The high-poverty schools will be compared to each other by either the equivalent grade spans in the LEA or the whole LEA itself to determine if the LEA has met the MOEquity requirement.

After count day on Oct. 2, 2021, LEAs can expect MOEquity reporting guidance, a timeline, and a report template.

Note, there is an exemption option for LEAs that do not reduce aggregate state *and* local funding and are experiencing an uncontrollable or unforeseen circumstance. This might be drastic changes in enrollment, staffing, or grade spans at a school. LEAs that fall in both categories may apply directly to USED for an exemption. Reach out to OSSE.ESSER@dc.gov as soon as possible if this applies to your LEA.

Communications and Technical Assistance

39. How can LEAs get a copy of the ESSER III-ARP and ESSER II-CRRSA Excel Application Tools?

The Excel application tool is a version of the application in an Excel file. LEAs can use this to fill out the application more easily, entering information into the Excel file before saving it in the EGMS application.

Email your ESSER grant manager for your LEA's copy of the application tool. If you are not sure of the name of your ESSER grant manager, email OSSE.ESSER@dc.gov for your copy.

40. How can LEAs make sure they do not miss any update or new information regarding ESSER recovery funding grants?

OSSE's K12 Grant Newsletter provides updates and new information regarding ESSER and all other federal grants. This newsletter is distributed by OSSE's Division of Systems and Supports, K-12. To subscribe, ask your LEA data managers to register you as a "LEA Finance/Grants Manager" in eSchoolPLUS.

Community-based organizations (CBOs) or other entities may register for the newsletter distribution list here.

41. What webinars and trainings are offered to guide LEAs on the application and other processes?

Webinars are hosted periodically throughout the ESSER recovery funding grant life cycles. Each webinar explains a specific topic, like construction, MOEquity, and the application process. Ask your grant manager or look in the K12 grants newsletter for upcoming webinars dates and registration. All past webinars and corresponding slides are recorded and posted on the OSSE Recovery Funding website.

42. Who should LEAs reach out to with questions regarding ESSER recovery funding grants?

Send generic questions to OSSE.ESSER@dc.gov. Additionally, your ESSER grant manager is always available to answer questions.