

U.S. DEPARTMENT OF EDUCATION FACT SHEET
American Rescue Plan Act of 2021
ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND (ARP ESSER)

This document outlines the American Rescue Plan Elementary and Secondary School Emergency Relief (ARP ESSER) Fund under the American Rescue Plan (ARP) Act of 2021, Public Law 117-2, enacted on March 11, 2021. ARP ESSER provides a total of nearly \$122 billion to States and school districts to help safely reopen and sustain the safe operation of schools and address the impact of the coronavirus pandemic on the nation’s students. In addition to ARP ESSER, the ARP Act includes \$3 billion for special education, \$850 million for the Outlying Areas, \$2.75 billion to support non-public schools, and additional funding for homeless children and youth, Tribal educational agencies, Native Hawaiians, and Alaska Natives.

To address the immediate needs of schools and districts, the U.S. Department of Education (Department) will begin making ARP ESSER funds available to States this month.

ARP ESSER OVERVIEW

State Allocation of ARP ESSER Funds

- A State must **subgrant not less than 90 percent of its total ARP ESSER allocation to local educational agencies (LEAs)** (including charter schools that are LEAs) in the State to help meet a wide range of needs arising from the coronavirus pandemic, including reopening schools safely, sustaining their safe operation, and addressing students’ social, emotional, mental health, and academic needs resulting from the pandemic. The State must allocate these funds to LEAs on the basis of their respective shares of funds received under Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA) in fiscal year (FY) 2020.
- The ARP ESSER Fund includes **three State-level reservations for activities and interventions that respond to students’ academic, social, and emotional needs and address the disproportionate impact of COVID-19 on underrepresented student subgroups**, including each major racial and ethnic group, children from low-income families, children with disabilities, English learners, gender, migrant students, students experiencing homelessness, and children and youth in foster care:
 - **5 percent of the total ARP ESSER allocation for the implementation of evidence-based interventions aimed specifically at addressing learning loss**, such as summer learning or summer enrichment, extended day, comprehensive afterschool programs, or extended school year programs.
 - **1 percent of the total ARP ESSER allocation for evidence-based summer enrichment programs.**
 - **1 percent of the total ARP ESSER allocation for evidence-based comprehensive afterschool programs.**
- A State may use **up to ½ of 1 percent of its total ARP ESSER allocation for administrative costs and emergency needs** as determined by the State to address issues related to COVID-19.

Reservation for Homeless Children & Youth

The ARP ESSER Fund also requires the Department to reserve \$800 million to support efforts to identify homeless children and youth, and provide them with comprehensive, wrap-around services that address needs arising from the COVID-19 pandemic and allow them to attend school and participate fully in all school activities. The Department will award these funds expeditiously, and will work to coordinate these new resources with supports provided through the McKinney-Vento Homeless Assistance Act as well as other ARP ESSER Fund activities targeting homeless children and youth.

LEA Use of ARP ESSER Funds

Of the total amount allocated to an LEA from the State's ARP ESSER award, the LEA must **reserve at least 20 percent of funds to address learning loss through the implementation of 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** (each major racial and ethnic group, children from low-income families, children with disabilities, English learners, gender, migrant students, students experiencing homelessness, and children and youth in foster care).

Remaining LEA funds may be used for a **wide range of activities** to address needs arising from the coronavirus pandemic, including any activity authorized by the ESEA, the Individuals with Disabilities Education Act (IDEA), Adult Education and Family Literacy Act (AEFLA), or Carl D. Perkins Career and Technical Education Act of 2006 (Perkins CTE). Specifically, ARP ESSER funds may be used to develop strategies and implement public health protocols including, to the greatest extent practicable, policies in line with guidance from the Centers for Disease Control and Prevention (CDC) on reopening and operating schools to effectively maintain the health and safety of students, educators, and other staff, as well as:

- coordinating preparedness and response efforts with State, local, Tribal, and territorial public health departments to prevent, prepare for, and respond to COVID-19;
- training and professional development on sanitizing and minimizing the spread of infectious diseases;
- purchasing supplies to sanitize and clean the LEA's facilities;
- repairing and improving school facilities to reduce risk of virus transmission and exposure to environmental health hazards;
- improving indoor air quality;
- addressing the needs of children from low-income families, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth;
- developing and implementing procedures and systems to improve the preparedness and response efforts of LEAs;
- planning for or implementing activities during long-term closures, including providing meals to eligible students and providing technology for online learning;
- purchasing educational technology (including hardware, software, connectivity, assistive technology, and adaptive equipment) for students that aids in regular and substantive educational interaction between students and their classroom instructors, including students from low-income families and children with disabilities;
- providing mental health services and supports, including through the implementation of evidence-based full-service community schools and the hiring of counselors;

- planning and implementing activities related to summer learning and supplemental after-school programs;
- addressing learning loss; and
- other activities that are necessary to maintain operation of and continuity of and services, including continuing to employ existing or hiring new LEA and school staff

LEA Safe Return to In-Person Instruction Plan

An LEA that receives ARP ESSER funds must, within 30 days of receiving the funds, make publicly available on its website a plan for the safe return to in-person instruction and continuity of services. Before making the plan publicly available, the LEA must seek public comment on the plan.

Comparison of ESSER Fund (CARES Act), ESSER II Fund (CRRSA Act), and ARP ESSER (ARP Act)

This following table outlines the primary differences between the American Rescue Plan Elementary and Secondary School Emergency Relief (ARP ESSER) Fund under the American Rescue Plan (ARP) Act 2021, Public Law 117-2, enacted on March 11, 2021; the ESSER II Fund under the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act, enacted on December 27, 2020; and the ESSER Fund under the Coronavirus Aid, Relief, and Economic Security (CARES) Act enacted on March 27, 2020.

| Topic | ESSER Fund (CARES Act) | ESSER II Fund (CRRSA Act) | ARP ESSER (ARP Act) |
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| Authorizing Legislation | Section 18003 of Division B of the Coronavirus Aid, Relief, and Economic Security (CARES) Act | Section 313 of the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act | Section 2001 of the American Rescue Plan (ARP) Act |
| Period of Funds Availability, excluding 12-month Tydings Amendment period | May be used for pre-award costs dating back to March 13, 2020, when the national emergency was declared. Available for obligation by State educational agencies (SEAs) and subrecipients through September 30, 2021. | May be used for pre-award costs dating back to March 13, 2020, when the national emergency was declared. Available for obligation by SEAs and subrecipients through September 30, 2022. | May be used for pre-award costs dating back to March 13, 2020, when the national emergency was declared. Available for obligation by SEAs and subrecipients through September 30, 2023. |
| SEA Deadline for Awarding Funds | An SEA must award the funds within one year of receiving them, which will be April through June 2021, depending on an SEA’s award date. | An SEA must award the funds within one year of receiving them, which will be January 2022. | With respect to making local educational agency (LEA) subgrants (90% of the total ARP ESSER allocation), the SEA must allocate ARP ESSER funds in an expedited and timely manner and, to the extent practicable, not later than 60 days after the SEA receives those funds. An SEA must award ARP ESSER funds not allocated to LEAs within one year of the date the SEA receives those funds. |
| Definition of “Awarded” | For the 90 percent of funds for LEAs, funds are generally considered “awarded” when the SEA subgrants the funds to an LEA. For the SEA reserve (see section 18003(e)), funds | Same as ESSER: For the 90 percent of funds for LEAs, funds are generally considered “awarded” when the SEA subgrants the funds to an LEA. For the SEA reserve (see section 313(e)), funds are “awarded” when the SEA | Same as ESSER: For the 90 percent of funds for LEAs, funds are generally considered “awarded” when the SEA subgrants the funds to an LEA. For the funds that the SEA reserves (section 2001(f)), |

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| | are “awarded” when the SEA awards a contract or subgrant, or when it retains funds to provide direct services. | awards a contract or subgrant, or when it retains funds to provide direct services. | funds are “awarded” when the SEA awards a contract or subgrant, or when it retains funds to provide direct services. |
| LEA Uses of Funds and Reservations | <p>The CARES Act includes allowable uses of funds related to preventing, preparing for, and responding to COVID-19.</p> <p>ESSER funds may be used for the same allowable purposes as ESSER II and ARP ESSER, including hiring new staff and avoiding layoffs.</p> <p>No required reservations of funds.</p> | <p>ESSER II funds may be used for the same allowable purposes as ESSER and ARP ESSER, including hiring new staff and avoiding layoffs.</p> <p>Note that the “additional” LEA allowable uses of funds under the CRRSA Act (addressing learning loss, preparing schools for reopening, and testing, repairing, and upgrading projects to improve air quality in school buildings) already are permitted under the CARES Act.</p> <p>No required reservations of funds.</p> | <p>An LEA must reserve not less than 20 percent of its total ARP ESSER allocation 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 COVID-19 on underrepresented student subgroups.</p> <p>The remaining ARP ESSER funds may be used for the same allowable purposes as ESSER and ESSER II, including hiring new staff and avoiding layoffs.</p> <p>Note that section 2001(e) specifically authorizes an LEA to use ARP ESSER funds to develop strategies and implement public health protocols including, to the greatest extent practicable, policies in line with guidance from the CDC for the reopening and operation of school facilities to effectively maintain the health and safety of students, educators, and other staff. An LEA may also</p> |

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| | | | use its ESSER and ESSER II funds for this purpose, although it is not expressly listed in the CARES or CRRSA Act. |
| Equitable Services | An LEA that receives ESSER funds under the CARES Act (section 18005) 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 (section 312(d)) includes a separate program of Emergency Assistance for Non-Public Schools under which eligible non-public schools may apply to an SEA to receive services or assistance. Consequently, LEAs do not provide equitable services under ESSER II. | The ARP (section 2002) includes a separate program of Emergency Assistance for Non-Public Schools (EANS). Consequently, LEAs do not provide equitable services under ARP ESSER. Under EANS, an SEA provides services or assistance to non-public schools that enroll a significant percentage of children from low-income families and are most impacted by COVID-19. EANS funds may not be used to provide reimbursements for costs incurred by non-public schools. |
| Maintenance of Effort (MOE) | Under the CARES Act (section 18008), there is a State MOE requirement for each of fiscal years (FYs) 2020 and 2021 (based on dollar levels of State support for education). | Under the CRRSA Act (section 317), there is a State MOE requirement for FY 2022 (based on percentages of the State’s overall spending used to support education). | Under the ARP (section 2004(a)), there is a State MOE requirement for each of FYs 2022 and 2023 (based on percentages of the State’s overall spending used to support education). |
| Maintenance of Equity | Not applicable | Not applicable | The ARP (section 2004(b) and (c)) contains both State and LEA maintenance of equity requirements for each of FYs 2022 and 2023. The Department intends to provide additional guidance on these important requirements. |
| Reporting | An SEA must meet the reporting requirements of section 15011, which are satisfied through the Federal Funding Accountability and | An SEA must meet the CARES Act reporting requirements that apply to ESSER funds and submit a report to the Secretary within six months of award that contains a detailed | An SEA must comply with all reporting requirements at such time and in such manner and containing such information as the Secretary may reasonably require. |

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| | Transparency Act (FFATA) reporting, and other reporting as the Secretary may require. | accounting of the use of ESSER II funds, that includes how the State is using funds to measure and address learning loss among students disproportionately affected by the coronavirus and school closures, including: children from low-income families, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and children and youth in foster care. | FFATA reporting requirements apply. |
| Tracking of Funds | ESSER funds must be tracked separately from other funds (including from ESSER II and ARP ESSER funds). | ESSER II funds must be tracked separately from other funds (including from ESSER and ARP ESSER funds). | ARP funds must be tracked separately from other funds (including from ESSER and ESSER II funds). |