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 evidencebased 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)
Authorizing	Section 18003 of Division B	Section 313 of the Coronavirus	Section 2001 of the American
Legislation	of the Coronavirus Aid,	Response and Relief	Rescue Plan (ARP) Act
	Relief, and Economic	Supplemental Appropriations	
	Security (CARES) Act	(CRRSA) Act	
Period of	May be used for pre-award	May be used for pre-award	May be used for pre-award
Funds	costs dating back to March	costs dating back to March 13,	costs dating back to March 13,
Availability,	13, 2020, when the	2020, when the national	2020, when the national
excluding 12-	national emergency was	emergency was declared.	emergency was declared.
month	declared.		
Tydings		Available for obligation by	Available for obligation by
Amendment	Available for obligation by	SEAs and subrecipients	SEAs and subrecipients
period	State educational agencies	through September 30, 2022.	through September 30, 2023.
•	(SEAs) and subrecipients		
	through September 30,		
	2021.		
SEA Deadline	An SEA must award the	An SEA must award the funds	With respect to making local
for Awarding	funds within one year of	within one year of receiving	educational agency (LEA)
Funds	receiving them, which will	them, which will be January	subgrants (90% of the total
	be April through June	2022.	ARP ESSER allocation), the SEA
	2021, depending on an		must allocate ARP ESSER
	SEA's award date.		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	For the 90 percent of funds	Same as ESSER: For the 90	Same as ESSER: For the 90
"Awarded"	for LEAs, funds are	percent of funds for LEAs,	percent of funds for LEAs,
	generally considered	funds are generally considered	funds are generally
	"awarded" when the SEA	"awarded" when the SEA	considered "awarded" when
	subgrants the funds to an	subgrants the funds to an LEA.	the SEA subgrants the funds
	LEA.		to an LEA.
		For the SEA reserve (see	
	For the SEA reserve (see	section 313(e)), funds are	For the funds that the SEA
	section 18003(e)), funds	"awarded" when the SEA	reserves (section 2001(f)),

Topic	ESSER Fund (CARES Act)	ESSER II Fund (CRRSA Act)	ARP ESSER (ARP Act)
-	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	The CARES Act includes allowable uses of funds related to preventing, preparing for, and responding to COVID-19. ESSER funds may be used for the same allowable purposes as ESSER II and ARP ESSER, including hiring new staff and avoiding layoffs. No required reservations of funds.	ESSER II funds may be used for the same allowable purposes as ESSER and ARP ESSER, including hiring new staff and avoiding layoffs. 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. No required reservations of funds.	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. 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. 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

Topic	ESSER Fund (CARES Act)	ESSER II Fund (CRRSA Act)	ARP ESSER (ARP Act)
_			use its ESSER and ESSER II
		-	funds for this purpose,
			although it is not expressly
			listed in the CARES or CRRSA
			Act.
Equitable	An LEA that receives ESSER	The CRRSA Act (section	The ARP (section 2002)
Services	funds under the CARES Act	312(d)) includes a separate	includes a separate program
	(section 18005) must	program of Emergency	of Emergency Assistance for
	provide equitable services	Assistance for Non-Public	Non-Public Schools (EANS).
	to non-public school students and teachers in	Schools under which eligible	Consequently, LEAs do not provide equitable services
	the same manner as	non-public schools may apply to an SEA to receive services	under ARP ESSER.
	provided under section	or assistance. Consequently,	under AKF ESSEK.
	1117 of Title I, Part A of the	LEAs do not provide equitable	Under EANS, an SEA provides
	ESEA.	services under ESSER II.	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
D.A. Calana and a	Hardwall CAREC Ast	Hadaalka CDBCA Ad /aadia	schools.
Maintenance of Effort	Under the CARES Act	Under the CRRSA Act (section	Under the ARP (section
(MOE)	(section 18008), there is a State MOE requirement for	317), there is a State MOE requirement for FY 2022	2004(a)), there is a State MOE requirement for each of FYs
(IVIOE)	each of fiscal years (FYs)	(based on percentages of the	2022 and 2023 (based on
	2020 and 2021 (based on	State's overall spending used	percentages of the State's
	dollar levels of State	to support education).	overall spending used to
	support for education).	от отречения и полити	support education).
Maintenance	Not applicable	Not applicable	The ARP (section 2004(b) and
of Equity			(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
Dan autici	A. C. C. A.	An CEA mount many like CARES	requirements.
Reporting	An SEA must meet the	An SEA must meet the CARES	An SEA must comply with all
	reporting requirements of section 15011, which are	Act reporting requirements	reporting requirements at such time and in such manner
	satisfied through the	that apply to ESSER funds and submit a report to the	and containing such
	Federal Funding	Secretary within six months of	information as the Secretary
	Accountability and	award that contains a detailed	may reasonably require.
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Topic	ESSER Fund (CARES Act)	ESSER II Fund (CRRSA Act)	ARP ESSER (ARP Act)
-	Transparency Act (FFATA) reporting, and other reporting as the Secretary may require.	accounting of the use of ESSER Il 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	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).