**Virginia Department of Education**

**Office of ESEA Programs**

**Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act**

**Elementary and Secondary School Emergency Relief (ESSER) II** **Program**

# **Overview**

The Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act was signed into law on December 27, 2020. It provides additional money for the Elementary and Secondary School Emergency Relief (ESSER) fund created by the Coronavirus Aid, Relief, and Economic Security (CARES) Act in March 2020. Funds under the CRRSA Act must be tracked separately from the ESSER funds LEAs received under the CARES Act. To distinguish between the two awards, the CARES Act funds are referred to as ESSER I and the CRRSA funds as ESSER II.

# **ESSER II Overview**

## **[Allocations](https://www.doe.virginia.gov/administrators/superintendents_memos/2021/012-21.docx)**

ESSER II funds were allocated to LEAs in the same way as ESSER I, based on the proportion of Title I, Part A funds each LEA received in the most recent fiscal year. The most recent fiscal year is 2020-2021, so ESSER II awards were based on each LEA’s 2020-2021 Title I, Part A allocation.

Although ESSER II award amounts are calculated based on Title I, Part A allocations, they are not Title I, Part A funds. Title I requirements do not apply to ESSER II.

## [**Period of Availability**](https://www.doe.virginia.gov/administrators/superintendents_memos/2021/012-21c.docx)

ESSER II funds are available for obligation through September 30, 2023, and may be used for pre-award costs dating back to March 13, 2020.

## [**Allowable Uses of Funds**](https://www.doe.virginia.gov/administrators/superintendents_memos/2021/012-21d.docx)

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

Because ESSER I funds expire first, on September 30, 2022, LEAs must request reimbursement for all ESSER I funds (excluding funds reserved for equitable services) prior to requesting reimbursement for ESSER II funds.

As LEAs determine how best to use their ESSER II funds to address the impact that COVID-19 has had, and continues to have, on elementary and secondary schools, the Virginia Department of Education recommends prioritizing the safe reopening of schools and resuming early intervention services, including support for:

* the return to safe in-person learning;
* high-quality instruction and essential services;
* mitigating learning loss, including extra remediation/tutoring offered through extended summer and year-round calendars or during the regular school year; and
* addressing educational disparities and inequities.

The list of allowable uses of funds specified under Section 313(d) of the [CRRSA Act](https://www.congress.gov/116/bills/hr133/BILLS-116hr133enr.pdf) is below.

* Activities authorized by the Elementary and Secondary Education Act (ESEA), the Individuals with Disabilities Education Act (IDEA), the Adult Education and Family Literacy Act (AEFLA), the Carl D. Perkins Career and Technical Education Act (Perkins), and the McKinney-Vento Homeless Education Assistance Act
* Coordination of LEA preparedness and response efforts to improve coordinated responses with other agencies to prevent, prepare for, and respond to coronavirus
* Providing principals and other school leaders with the resources necessary to address school needs
* 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
* Developing and implementing procedures and systems to improve LEA preparedness and response efforts
* Training and professional development for LEA staff on sanitation and minimizing the spread of infectious diseases
* Purchasing supplies to sanitize and clean LEA facilities
* Planning for and coordinating during long-term closures, including how to provide meals, technology for online learning, guidance on IDEA requirements, and ensuring other educational services can continue to be provided consistent with all applicable requirements
* Purchasing educational technology (including hardware, software, and connectivity) for students served by the LEA that aids in regular and substantive educational interactions between students and their classroom teachers, including assistive technology or adaptive equipment
* Providing mental health services and supports
* Planning and implementing activities related to summer learning and supplemental afterschool programs and addressing the needs of low-income students, students with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care
* Addressing learning loss among students, including low-income students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and children and youth in foster care, of the local educational agency, including 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 differentiated 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
* School facility repairs and improvements to enable operation of schools to reduce risk of virus transmission and exposure to environmental health hazards, and to support student health needs
* Inspection, testing, maintenance, repair, replacement, and upgrade projects to improve the indoor air quality in school facilities, including mechanical and non-mechanical heating, ventilation, and air conditioning systems, filtering, purification and other air cleaning, fans, control systems, and window and door repair and replacement
* Other activities that are necessary to maintain operations and continuity of services and continuing to employ existing staff

## **Supplement not Supplant**

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

## **Maintenance of Effort**

ESSER II includes a state maintenance of effort requirement which prohibits states from reducing education spending at a greater proportion than other parts of the state budget. USED can waive this requirement in certain circumstances.

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

## **Equitable Services**

LEAs are not required to provide equitable services with ESSER II funds. Instead, Congress created a separate program - the Emergency Assistance for Non-Public Schools program - for non-public schools that will be administered by the Virginia Department of Education. LEAs must continue to comply with the CARES Act equitable services requirements for ESSER I.

## **Reporting**

ESSER II is subject to the same reporting requirements as ESSER I. The Virginia Department of Education will continue to collect the information necessary to comply with CARES reporting requirements, which is done through Federal Funding Accountability and Transparency Act (FFATA) reporting and the CARES Act annual report.