

Elementary and Secondary School Emergency Relief (ESSER) Fund School District Guidance

The Coronavirus Aid, Relief, and Economic Security (CARES) Act provided an economic stimulus to individuals, businesses, and schools. The purpose of this guidance is to outline the funding specifically referenced as the Elementary and Secondary School Emergency Relief (ESSER) Fund (Sec. 18003). Under ESSER Fund authority, the North Dakota Department of Public Instruction (NDDPI) will award grants for the purpose of providing Local Educational Agencies (LEAs) with emergency relief funds to address the impact the Novel Coronavirus Disease 2019 (COVID-19) has had, and continues to have, on elementary and secondary schools across the state.

Under the CARES Act, ESSER allocations to LEAs are based on the proportion of Title I, Part A funds each LEA received in the most recent fiscal year (2019-2020). Although, ESSER funds are distributed to LEAs based on Title I, Part A allocations, they are not to be confused with Title I, Part A funds. Therefore, Title I requirements do not apply to ESSER funds, such as allocating funds to only specific schools due to school and student eligibility or complying with supplement not supplant guidelines. ESSER is its own, separate, flexible program intended to help with the COVID-19 response.

The purpose of this guidance is to summarize application and reimbursement processes, allowable and unallowable uses of funds, requirements for equitable services to non-public schools, and logistical information such as reporting, tracking, and where to find additional information.

Application Process

North Dakota LEAs will receive a [Certification and Agreement package](#) (i.e., application) via email outlining the summary of assurances and requirements to apply for these funds.

The application consists of parts A-D. LEAs will need to be prepared to complete:

- Part A: A completed cover sheet that includes the signature of the district authorized representative.
- Part B: Programmatic, fiscal, and reporting assurances.
- Part C: Information on the use of ESSER funds.
- Part D: Other assurances and certifications.

LEAs will need to be prepared to review assurances, describe, in detail, the intended use of ESSER funds and the LEAs plans for meeting each student's learning needs once students return to the classroom. LEAs electing to participate must submit the completed certification and assurances to dpiasstst@nd.gov.

ESSER LEA Allocations

The NDDPI has received and calculated final ESSER allocations for each eligible school district. These allocations are posted on the ESSER Funding website.

ESSER Grant Period

This emergency funding is a relief package that is meant to provide immediate relief to school districts. LEAs will have from March 13, 2020 to September 30, 2022 to spend the funds.

ESSER Funds School Board Approval

The NDDPI highly recommends that districts provide their LEA Certification and Agreement package (Parts A-D) as well as the district's ESSER allocation for review at their next school board meeting. The regulations do not require districts to receive approval before the application package is submitted to the NDDPI.

North Dakota WebGrants

All WebGrants users must register and have their own user accounts. Those who have participated in prior applications or other programs currently within the grant system are already registered. Additional users from each district may want or need to register as well. The school board authorized representative needs to be registered to sign the grant award, referred to as a "contract" in WebGrants, electronically.

Grant recipients can determine which district users should be included for specific grant awards in the system. Not all district users will see all grants awarded to their district in the WebGrants system.

Since these are federal funds, all funds must be issued on a reimbursement basis. LEAs will seek reimbursement through the [North Dakota WebGrants System](#). Registration and general information can be found in the [WebGrants User Guide](#).

Requests for funds will be simplified. The claim will be done by category of expense; however, there will be no approved budget submitted or tracked. Ledgers will only be requested for assistance with any federal reporting requirements. Ledgers must match categories of claims requested. It will be up to districts to confirm spending funds in allowable activities.

Once the WebGrants process is finalized, technical guidance will be provided in the form of recorded trainings.

Recommendations/Best Practice

School districts have significant flexibility in how they choose to use the ESSER funds and will be able to use them where they are needed most. If your district has addressed emergency needs brought forth due to the COVID-19 pandemic, the NDDPI has outlined below recommendations for districts to consider on the use of these funds. These additional ESSER dollars provide an opportunity to address learning loss due to this national emergency.

Support At-Risk Populations

Districts can use ESSER funds to support at-risk students, including low-income children, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth. Districts are encouraged to use ESSER funds for these vulnerable populations.

Support Teaching and Learning

- Title II funds to train teachers and school leaders on teaching in blended learning environments,

- Title IV, Part A funds on educational technology aligned both to any ESSER purchases and longer-term technology plans,
- IDEA, Part B funds to support the needs of students with disabilities in new learning environments,
- Perkins funds to adjust programs of study given new needs, and
- Braiding several ED grants to support the social and emotional needs of both students and staff.

Utilize the NDDPI Resource Center

The NDDPI compiled resources that can be used to support educators and families during and following COVID-19. These resources can assist our educators with the navigation of distance learning platforms and technology the districts are utilizing to support our state academic standards and effective teaching practices. New resources will continually be vetted and placed on our [website](#).

Prepare for Possibility of Future Distance Learning Needs

We are experiencing an unprecedented event with this pandemic. It is unknown what next year will look like and whether we'll have a resurgence of Coronavirus cases and potentially need to revert back to distance learning. Districts are encouraged to invest in technology and online resources to prepare for the future.

Provide Supplemental Student Learning Opportunities

Districts are encouraged to focus these dollars on their most important educational needs that address learning gaps resulting from disruptions in educational services, which could include summer school, tutoring, after school programming, etc.

Use of Funds Guidance

The use of funds under this program is broad and flexible; and consistent with the federal government's goal of preventing, preparing for, and responding to COVID-19. LEAs may spend ESSER funds on any allowable activity listed below, however, please note the following considerations:

- The purpose of the ESSER fund is to provide LEAs with emergency relief to address the impact COVID-19 has had, and continues to have, on elementary and secondary schools. This includes both continuing to provide educational services while schools are closed and developing plans for a return to normal operations.
- LEAs may elect to reserve some funds for future expenses or needs, as LEAs may be unable to predict future COVID-19-related needs or expenses (i.e., winter 2020 or spring 2021).
- The U.S. Education Department (USED) expects LEAs will use every effort to spend funds quickly to address exigent student needs.

These funds may be used on districtwide activities and/or to benefit any individual school. Some specific examples have been addressed in the [Relief Funding FAQ](#).

Outlined below is guidance on allowable uses of ESSER funds as outlined in the CARES Act (Sec. 18003) for LEAs to consider.

- Coordination of preparedness and response efforts of LEAs 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.

- Providing principals and other school leaders with the resources necessary to address the needs of their individual schools.
- 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.
- Developing and implementing procedures and systems to improve the preparedness and response efforts of LEAs.
- Training and professional development for LEA staff on sanitation and minimizing the spread of infectious diseases.
- Purchasing supplies to sanitize and clean the facilities of a LEA, including buildings operated by the LEA.
- Planning for and coordinating during long-term closures, including how to provide meals to eligible students, how to provide technology for online learning to all students, how to provide guidance for carrying out requirements under the Individuals with Disabilities Education Act, and how to ensure other educational services can continue to be provided consistent with all federal, state, and local requirements.
- Purchasing educational technology (including hardware, software, and connectivity) for students served by the LEA that aids in regular and substantive educational interaction between students and their classroom instructors, including low-income students and students with disabilities, which may include assistive technology or adaptive equipment.
- Providing mental health services and supports.
- 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, students with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.
- Other activities that are necessary to maintain the operation and continuity of services in LEAs and continuing to employ existing staff of the LEA.

The CARES Act also indicates that any activity 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), or the McKinney-Vento Homeless Education Assistance Act may be supported with these funds. Outlined below is a summary of these programs and the associated allowable activities.

As stated above, the intent of the ESSER Fund is to address the impact COVID-19 has had, and continues to have, on elementary and secondary schools across North Dakota. In some cases, an LEA may determine its COVID-19-related needs have been met. In this situation, LEAs should reflect on how to utilize the funds in ways to best assist with the education, health, safety, and well-being of students and staff.

Program: ESSA – Title I, Part A

Improving Basic Programs Operated by LEAs

The purpose of Title I, Part A is to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps. The Title I, Part A is an ESEA program intended to:

- Ensure all children the opportunity to obtain a high-quality education and reach proficiency on challenging state academic standards and assessments,
- Provide funding to supplement educational opportunities for students in higher poverty schools,
- Provide professional learning for school staff, and
- Implement other strategies for raising student academic achievement.

[Title I, Part A Program Information and Allowable Activities](#)

Program: ESSA – Title I, Part C

Education of Migratory Children

The goal of the Title I, Part C Migrant Education Program (MEP), is to ensure all migrant students reach challenging academic standards and graduate with a high school diploma (or complete a GED) that prepares them for responsible citizenship, further learning and productive employment.

Title I, Part C activities:

- Identifying and recruiting (ID&R) migratory children and youth.
- Establishing and implementing a system of quality controls for the proper ID&R of eligible migratory children.
- Conducting parent and family engagement in the planning and operation of the local MEP.
- Promoting interstate and intrastate coordination of services for migratory children.
- Identifying and addressing the unique educational needs of migratory children and youth.
- Evaluating the effectiveness of the MEP to improve services provided to migratory children.

[Title I, Part C Program Information and Allowable Activities](#)

Program: ESSA – Title I, Part D

Prevention & Intervention Programs for Children who are Neglected, Delinquent, or At-Risk

Neglected & Delinquent Title I, Part D, Subpart 1, State Agency Neglected and Delinquent (N and D) program provides formula grants to SEAs for supplementary education services to help provide education continuity for children and youths in state-run institutions for juveniles and in adult correctional institutions so these youths can make successful transitions to school or employment once they are released. Funds are allocated by formula to SEAs, which make subgrants to the state agencies responsible for educating neglected or delinquent children and youths. To be eligible for state N and D funds, juvenile institutions must provide 20 hours a week of instruction from nonfederal funds; adult correctional institutions must provide 15 hours. The Subpart 2 LEA program requires each SEA to reserve from its Title I, Part A allocation, funds generated by the number of children in locally operated institutions for delinquent youths. Funds are awarded to LEAs with high proportions of youths in local correctional facilities to support dropout prevention programs for at-risk youths.

[Title I, Part D, Subpart 1 Program Information and Allowable Activities](#)

[Title I, Part D, Subpart 2 Program Information and Allowable Activities](#)

Program: ESSA – Title II, Part A

Supporting Effective Instruction

Title II, Part A is intended to increase student academic achievement by improving teacher and principal quality. This includes increasing the number of highly qualified teachers in classrooms, improving the skills of principals and assistant principals in schools, and increasing the effectiveness of teachers and principals.

Title II activities:

- Recruiting, hiring, and retaining highly qualified teachers and principals.
- Programs and activities designed to improve the quality of the teaching force.
- Teacher advancement initiatives that emphasize multiple career paths and pay differentiation.
- Professional development activities that improve the knowledge of teachers, principals and superintendents.

[Title II, Part A Program Information and Allowable Activities](#)

Program: ESSA – Title III, Part A

English Language Acquisition, Language Enhancement, and Academic Achievement

Title III, Part A was established to help ensure English learners (ELs), including immigrant children and youth (ICY) attain English proficiency, high levels of academic achievement in English, and meet the same challenging State academic standards that all children are expected to meet. Title III, Part A is also intended to assist teachers (including preschool teachers, principals and other school leaders, LEAs, and schools) in establishing, implementing, and sustaining effective language instruction educational programs (LIEPs), in developing and enhancing their capacity to provide effective instructional programs, and to promote parental, family, and community participation in LIEPs for the parents, families, and communities of ELs. (ESSA Sec 3101)

Title III, Part A activities:

- Provide effective LIEPs to increase the English language proficiency and academic achievement of ELs.
- Provide effective professional development.
- Provide and implement effective parent, family, and community engagement activities.

[Title III, Part A Program Information and Allowable Activities](#)

Program: ESSA – Title IV, Part A

Student Support & Academic Enrichment

The purpose of Title IV, Part A of the Every Student Succeeds Act is to improve students' academic achievement by increasing the capacity of states, districts, schools, and local communities to provide all students with access to well-rounded education, improve school conditions for student learning, and

improve the use of technology in order to improve the academic achievement and digital literacy of all students. (ESSA Sec 4101)

[Title IV, Part A Program Information and Allowable Activities](#)

Program: ESSA – Title IV, Part B

21st Century Community Learning Centers

The 21st Century Community Learning Centers (CCLC) Program sets out to establish or expand community learning centers that provide students with academic enrichment opportunities along with activities designed to complement the students' regular academic program. Community learning centers must also offer families of these students' literacy and related educational development. Centers – which can be located in public elementary or secondary schools or other similarly accessible facilities – provide a range of high-quality services to support student learning and development, including tutoring and mentoring, homework help, academic enrichment (such as hands-on science or technology programs), and community service opportunities, as well as music, arts, sports and cultural activities. Centers must provide academic enrichment activities to students that attend high-poverty or Title I schoolwide schools to help them meet state and local standards in core subjects especially reading, and mathematics. At the same time, centers help working parents by providing a safe environment for students when school is not in session.

[Title IV, Part B Program Information and Allowable Activities](#)

Program: ESSA – Title IV, Part E

Family Engagement

The purposes of family engagement in education programs are the following:

- To provide financial support to organizations to provide technical assistance and training for districts in the implementation and enhancement of systemic and effective family engagement policies, programs, and activities that lead to improvements in student development and academic achievement.
- To assist districts, schools, educators, and community-based organizations in strengthening partnerships among parents, teachers, school leaders, administrators, and other school personnel in meeting the educational needs of children and fostering greater parental engagement.
- To support districts, schools, educators, and parents in developing and strengthening the relationship between parents and their children's school in order to further the developmental progress of children.
- To assist the districts in the coordination and integration of federal, state, and local services, programs, and initiatives to engage families in education.

[Title IV, Part E Program Information and Allowable Activities](#)

Program: ESSA – Title VI

Indian, Native Hawaiian & Alaska Native Education

The Federal Government will continue to work with LEA's, Indian Tribes and organizations toward the goal of ensuring programs that serve Indian children are the highest quality and meet the unique educational and culturally-related academic needs to meet challenging state academic standards.

[Title VI Program Information and Allowable Activities](#)

Program: ESSA – Title VII

Impact Aid

Impact aid was designed to assist local school districts that have lost property tax revenue due to the presence of tax-exempt federal property, or that have experienced increased expenditures due to the enrollment of federally connected children, including children living on Indian lands. Most impact aid funds are considered general aid to the recipient school districts and may be used in accordance with their local and state requirements.

[Title VII Program Information and Allowable Activities](#)

Program: ESSA – Title IX, Part A

Homeless Children & Youth

The McKinney-Vento Act is designed to address the challenges that homeless children and youths have faced in enrolling, attending, and succeeding in school. Under the McKinney-Vento Act, SEAs must ensure each homeless child and youth has equal access to the same free, appropriate public education, including a public preschool education, as other children and youths. Homeless children and youths must have access to the educational and related services that they need to enable them to meet the same challenging ND academic standards to which all students are held. In addition, homeless students may not be separated from the mainstream school environment. LEAs are required to review and undertake steps to revise laws, regulations, practices, or policies that may act as barriers to the identification, enrollment, attendance, or success in school of homeless children and youths.

[Title IX, Part A Program Information and Allowable Activities](#)

Program: Individual with Disabilities Education Act

IDEA

The Individuals with Disabilities Education Act (IDEA) is a law ensuring services to children with disabilities throughout the nation. IDEA governs how states and public agencies provide early intervention, special education and related services to more than 6.5 million eligible infants, toddlers, children and youth with disabilities. Children and youth (ages 3-21) receive special education and related services under IDEA Part B. Infants and toddlers with disabilities (birth-2) and their families receive early intervention services under IDEA Part C.

[20 U.S.C. 1400](#)

[Individuals with Disabilities Education Act Program Information and Allowable Activities](#)

Program: Carl D. Perkins Career & Technical Education

Strengthening Career and Technical Education for the 21st Century

The Strengthening Career and Technical Education for the 21st Century Act (Perkins V) reauthorized the Carl D. Perkins Career and Technical Education Act (Perkins). Perkins is a federal education program that invests in secondary and postsecondary CTE programs in all 50 states and the territories.

Perkins is dedicated to increasing learner access to high-quality CTE programs of study. With a focus on systems alignment and program improvement, this law has been critical to ensuring programs meet the changing needs of learners and employers.

[Carl D. Perkins Career & Technical Education Program Information and Allowable Activities](#)

Program: Adult Education and Family Literacy Act

Adult Education and GED Program

The NDDPI SEA receives federal funds under the Workforce Innovation & Opportunities Act, Or WIOA - Title II and state funds (NDCC 15.1-26) to support the operations and free programs of the Adult Learning Centers who serve individuals who:

- are at least 16 years of age;
- are not enrolled in high school;
- do not have a high school diploma;
- are mandated by State Law;
- may lack enough mastery of basic educational skills; and/or
- cannot speak, read, or write the English language.

Services available in each Adult Learning Center include reading/writing, science, social studies, math, digital literacy skills, English Language acquisition for adults who are unable to read, speak or write English, workplace and career planning and readiness, and GED preparation and testing.

[Adult Education and Family Literacy Act Program Information and Allowable Activities](#)

Unallowable Uses of Funds

All expenses must be reasonable, allowable, and allocable to the above-mentioned programs and activities. If activities are not listed above or are not part of the above-mentioned federal programs, it is not allowable.

LEAs may not utilize ESSER funds on the following items:

- Bonuses, merit pay, or similar expenditures, unless related to disruptions or closures related to COVID-19.
- Subsidizing or offsetting executive salaries and benefits of individuals who are not LEA employees.
- Expenditures related to state or local unions, membership organizations, or associations.
- The Uniform Grant Guidance (UGG) prohibits entities from spending funds on general costs of government. Elections, as a general government service provided to the public, would fall within this category and therefore would not be an allowable cost.

ESSER funds are relief funds and are not to replace state aid. These funds cannot pay for salaries or regular expenses that are typically provided through state aid or local funds. This is especially important to note as the State of North Dakota has kept state aid funding whole through the COVID-19 pandemic.

Non-Public Equitable Services

LEAs that receive ESSER funds must provide equitable services to non-public schools as outlined in Sec. 1117 of ESEA, as determined through timely and meaningful consultation with representative of non-public schools. Non-public schools are not eligible to receive funds, however, are eligible for services. LEAs must retain control of the funding and items purchased with such funds. Additionally, it is stated the:

- LEA will ensure it maintains control of funds for the services and assistance provided to a non-public school under the ESSER Fund.
- LEA will ensure it has title to materials, equipment, and property purchased with ESSER funds.
- LEA will ensure services to a non-public school with ESSER funds will be provided by the LEA directly, or through contract with another public or private entity.

Additional information on the [Non-Public Equitable Services](#) on the department's website. Additionally, more information regarding equitable services requirements is expected to be released from the USED soon and the department's website will be updated accordingly.

Coding and Tracking Funds

LEAs must track these funds separately to report use of funds and expenses in the future. The following codes have been established and align with the [NDSDFARM](#).

- Revenue Coding: 4590 – Other Restricted Federal Revenue.
- Project Expense Coding: 104 – ESSER/CARES Funding

As federal funds, ESSER funds are subject to both Education Department General Administrative Regulations (EDGAR) and Uniform Grant Guidance (UGG).

This emergency funding is a relief package meant to provide immediate relief to school districts. ESSER funds will remain available for obligation through September 30, 2022 and will be available for pre-award costs beginning March 13, 2020.

Reporting and Monitoring

The CARES Act requires SEAs to oversee ESSER Fund spending. Within 60 days of receiving ESSER funds, the SEA must submit an Internal Control and Subrecipient Monitoring Plan to ensure funds are used for allowable purposes in accordance with cash management principles.

The CARES Act also requires LEAs that receive ESSER funds to report certain information about their spending on a quarterly basis.

Section 15011(b)(2), requires recipients of CARES Act funds to report:

- Total amount of funds received,
- Amount spent or obligated for each project or activity,

- Detailed list of all projects or activities supported with CARES Act funds (including name, description and estimated number of jobs creating or retained (where applicable)), and
- Detailed information on subcontracts and subgrantees, including FFATA data elements, as prescribed by OMB.

The NDDPI will provide additional information on the quarterly report in the coming weeks.

The USED has also indicated it might add to these reporting requirements, although it hasn't said anything definitive. Some of the items it has said it might collect include how the LEA plans to provide services to public and private schools and what it spends on (particularly remote learning and addressing learning gaps).

Listed below are the methods the NDDPI will utilize to monitor the ESSER funds for reporting purposes:

- Use the NDDPI grants management system, WebGrants, for collecting reimbursement and oversight purposes.
- Have LEAs submit their ledger of expenditures with every reimbursement claim to verify allowability.
- Desk reviews of equitable services information.
- Review Quarterly Reports to ensure allowability of expenditures.

Questions

Should you have questions, please reference the department's [Relief Funding FAQ](#). Additional questions can be directed accordingly:

- Application and General Information: [Laurie Matzke](#)
- WebGrants: [Rebecca Pollert](#)
- Non-Public Equitable Services: [Ann Ellefson](#)