

## ESSER Fund FAQs

PUBLISHED ON

**May 21, 2020**

---

The U.S. Department of Education Department (ED) recently issued [FAQs](#) regarding the Elementary and Secondary School Emergency Relief Fund (ESSER), a part of the CARES Act. The department compiled the FAQs from questions it received from state and local educational agencies regarding implementing grants under the new fund.

The fund provides local education agencies (LEAs) considerable flexibility in determining how best to use the federal money. The funds may be used to cover an allowable cost incurred as a result of the COVID-19 pandemic. The department encourages schools to allocate funds to support remote learning for all students, especially disadvantaged or at-risk students, and their teachers.

Starting on Page 7 of the FAQs, there is a technical appendix that specifies certain federal funds are not part of the Title I, Part A allocation used to calculate ESSER subgrants. See the appendix for what is and isn't included, and contact me if you have any questions.

It should be noted that the ESSER is a separate federal program. The funds must be awarded and tracked separately from Title I, Part A funds. The ESSER has provided the following timeline for using funds:

- Spring 2020: The department makes initial awards
- Spring 2021: States return funds not awarded
- Spring/Summer 2021: The department makes reallocation awards
- Sept. 30, 2021: Last date the department can make awards
- Sept. 30, 2022: Last date a school or other subgrantee can obligate funds

If you have any questions on how to use these new federal funds or any other aspect of COVID-19 response, please reach out to any member of the [Barley Snyder Education Practice Group](#).

**DISCLAIMER:** As we face an unprecedented time of legal and business uncertainty, we are working to provide updates on the status of important legal news related to COVID-19. It is important to note that the situation is changing rapidly and the information provided in our alerts is not intended to create an attorney-client relationship. The information contained in our alerts is for general informational purposes only and should not be construed as legal advice or a substitute for legal counsel. If you have questions about your legal situation or about how to apply information contained in this alert to your situation or about how any other information found on our website may affect your business, you should reach out to one of our attorneys. We assume no responsibility for the accuracy or timeliness of any information provided herein or

by any linked site. As information changes rapidly, users are strongly advised to verify any information before relying upon it.