



## ESSER III Frequently Asked Questions (FAQs)

Disclaimer: All the information below is based upon the Indiana Department of Education's (IDOE) review of the law and information available to date. This information is subject to change as final guidance and information is released by the U.S. Department of Education (USED), but IDOE is releasing this information so that local education agencies (LEAs) can begin work in anticipation of these funds and the steps needed to participate.

Questions may be sent to Cole Dietrich, at [adietrich@doe.in.gov](mailto:adietrich@doe.in.gov) or you can contact him at 317-233-0786.

UPDATED 8/16/2021

### GENERAL INFORMATION:

#### 1. Can ESSER funds be used to support vaccination efforts?

Yes, ESSER funds can be used on a wide variety of ways to support vaccination efforts. This includes incentives for staff for receiving vaccination for COVID-19. ESSER funds can be used to support activities that will increase community and student outreach and engagement for vaccinations as well as activities that will increase vaccination rates. Possible allowable activities or expenditures could include reasonable space rental, transportation costs, staffing, and costs associated with coordination with state and local health departments.

#### 1. Are applicants required to post the final ESSER III application/plan?

Yes, US DOE regulations require all applicants to post their final ESSER III plan for the use of funds on the LEA's public website upon final approval of their ESSER III application. IDOE will include documentation that the plan has been posted publicly as part of updated Title Grants and Support compliance monitoring.

#### 2. Do we have to post the full ESSER III application?

Regulations requires LEAs post their plans for the use of funds. For many, this can be satisfied by posting the application or providing a summary of the application in a more accessible format.

#### 3. What about prior approval that is required for construction and capital projects? Do we need to submit anything to IDOE in addition to the ESSER III application?



# Indiana Department of Education

---

Dr. Katie Jenner, Secretary of Education

No, LEAs do not need to submit any additional documentation to IDOE for prior approval for construction or capital projects as the IDOE ESSER III application satisfies this requirement for prior written approval. LEAs are to follow state and local policies and implement ESSER III activities in accordance with the approved application.

#### 4. What is new about the ESSER III application?

Applicants will have to be mindful of the following updates to ESSER III applications that were not in previous ESSER applications:

- LEAs will assure they have sought stakeholder feedback in creation of their ESSER III plans.
- LEAs are required to engage in meaningful consultation with stakeholders, including students; families; school and district administrators and special education administrators; teachers, principals, school leaders, other educators, school staff, and their unions; as well as any tribes or civil or disability rights organizations in the LEA, as well as groups that represent students with disabilities, ELs, children experiencing homelessness, children in foster care, migratory students, and those who are incarcerated.
- The LEA ARP ESSER plan should be clear, in a uniform format, and available to all, which may require written or oral translations for non-English speakers or providing the document in an accessible format for individuals with disabilities. It should also be available on the LEA website.
- LEAs must describe how they will meet CDC guidelines to reopen schools safely.
- LEAs must describe how the needs of special populations will be met with ESSER III funds.
- LEAs must set aside 20% for evidence-based activities to address learning loss.
- LEAs must post a plan to return to in-person instruction (that plan must have allowed for public comment, see below for more guidance) within 30 days of receipt of ESSER III funds.
- LEAs must follow maintenance of equity (MEQ) and ensure that the highest-poverty schools are not disproportionately underfunded nor understaffed (in terms of FTEs). Additional guidance will be made available as it is released by the US DOE.

#### 5. What is required as part of the plan to return to in-person instruction?

The US Department of Education released guidance on April 23<sup>rd</sup> with additional requirements regarding the ESSER III return to in-person instruction plans. ESSER III requires LEAs to submit a plan to return to in-person instruction, gather public comment



# Indiana Department of Education

Dr. Katie Jenner, Secretary of Education

on that plan, and post it on the district or school's public website within 30 days of receiving ESSER III funds [Sec. 2001(i)].

This will require LEAs to post their return to in-person instruction plans within 30 days of receiving their ESSER III award. If, for example, your district is awarded funds on **May 24, 2021** then your return to in-person instruction plan is to be posted no later than **June 24, 2021**.

## **Guidance for Return to In-Person Instruction Plans:**

- In-person instruction is defined as more than 50% synchronous, in-person instruction where students and teachers are not separated by time nor space (IC 20-19-9-1).
- **Please note that grantees may utilize previously developed plans that address the return to in-person instruction and allowed for public comment.**
  - **For example, a plan that was approved by the local the school board and allowed for public comment at the board meeting will satisfy this requirement.**

## **UPDATED (4/28): LEA plan for safe return to in-person instruction**

An LEA must include specific information that addresses how it will maintain student and staff health and safety and how it will ensure continuity of services for academic and social-emotional needs, as well as how it meets CDC guidance, **to the greatest extent practicable**, the following:

- Universal and correct wearing of masks.
- Modifying facilities to allow for physical distancing.
- Handwashing and respiratory etiquette.
- Cleaning and maintaining healthy facilities, including improving ventilation.
- Contact tracing in combination with isolation and quarantine, in collaboration with the state, local, territorial, or tribal health departments.
- Diagnostic and screening testing.
- Efforts to provide vaccinations to school communities.
- Appropriate accommodations for children with disabilities with respect to health and safety policies.
- Coordination with state and local health officials.
- The plan must be updated no less than every six months and must include public input when revisions are necessary. If an LEA already has a plan in place that doesn't meet the new requirements, it must revise the plan within six months.
- The plan for safe return to public instruction should be clear, in a uniform format, and available to all, which may require written or oral translations for non-English speakers or providing the document in an accessible format for individuals with disabilities.



# Indiana Department of Education

Dr. Katie Jenner, Secretary of Education

- Public comment should be sought in a manner that is consistent with your existing local procedures.
- Documentation of all plans and public comment should be saved locally as IDOE will monitor compliance as part of its regular monitoring of ESSER grantees.
- There is no required format for the plan provided it meets the requirements above. IDOE recommends that LEAs reference the [CDC's guidance on K-12 School Operational Strategy](#) and [K-12 COVID-19 Mitigation Toolkit](#) as well as the [U.S. Department of Education's COVID Handbook for reopening](#) as they develop their plans.

## 6. How often do ESSER III recipients have to update the return to in-person instruction plans?

The US DOE regulations require that the LEA return to in-person instruction plans must be reviewed and revised as needed every six (6) months, must include public comment, and should be posted on the district or school's public website.

This will be required of ESSER III recipients for the statutory life of ESSER III, meaning **plans will need to be updated every 6 months until September 30, 2023**. Please note that the encumbrance deadline for ESSER III remains September 30, 2024; this does not extend the need to review plans as it only applies to encumbrance.

With awards anticipated May 24, 2021 the following schedule will apply to the return to in-person plans at the local level. IDOE is required to monitor return to in-person instruction plans and will have more guidance shortly.

Initial Posting Deadline	No later than June 24, 2021
Second Review and Posting Deadline	December 24, 2021
Third Review and Posting Deadline	June 24, 2022
Fourth Review and Posting Deadline	December 24, 2022
Fifth Review and Posting Deadline	June 24, 2023

## 7. What is ESSER III?

ESSER III is a third stimulus and emergency COVID relief funding stream authorized as part of the American Rescue Plan (ARP) Act that was enacted in March 2021.



# Indiana Department of Education

---

Dr. Katie Jenner, Secretary of Education

## 8. What are the requirements to receive ESSER III funding?

Public school districts and public charter schools are eligible for ESSER III funding. The allocation is formula based and is based on the district or school's proportional share of the Title I allocation.

## 9. What are the funding opportunities?

Currently IDOE is prioritizing the formulaic distribution of funding to districts and schools.

## 10. Are only Title I schools eligible to receive support through ESSER III?

No. Even though the Title I formula dictates how much money the *district* receives, once the district receives the funding then it may support any of its schools, both Title I and non-Title I. There are many allowable uses under the original CARES Act and ESSER II, including Title I, II, III, IV, 21st Century CLC, Perkins, and additional uses such as cleaning, mental health, summer school, and more.

Therefore, once the LEA receives the funding, the Title I rules of Title I schools only, Title I eligible children, and rank and serve do not apply to the ESSER III funding.

## 11. Where do I apply?

LEAs will apply for ESSER III funding through the current Title I App Center at [www.title1.doe.in.gov](http://www.title1.doe.in.gov). IDOE is currently preparing the application, which will solely consist of a district level budget, 20% learning loss set-aside, and streamlined narratives and assurances.

## 12. How much funding will I receive?

Based upon the current information, IDOE has generated an *estimate* for each LEA, which can be found [HERE](#). This information will change, as this is just an estimate and final figures are not yet available.

**IDOE anticipates the release of final ESSER III allocations in mid-May 2021.**



# Indiana Department of Education

---

Dr. Katie Jenner, Secretary of Education

## 13. Can I charge an indirect cost rate to this grant?

Yes. An LEA that has an approved indirect cost rate with IDOE may charge this rate to ESSER III funding. This is only applicable to those LEAs that have applied and received an indirect cost rate.

## 14. What administrative % does the grant allow?

ESSER III statute does not call out a specific administrative figure, so LEAs are encouraged to budget a reasonable amount for administration. Statute limits IDOE to only charging a .5% rate for administration. With that very low threshold for IDOE's own administration, IDOE does not expect LEAs to charge a substantial amount for administration for an ESSER III Program Administrator's time. Therefore, a general guideline shall be that LEAs should not charge more than 10 percent of their figure for administrative costs of a Program Administrator to carry out ESSER III activities, and this percentage should be less if a lower figure would be more reasonable and necessary.

## 15. What pre-award costs are allowed?

The ESSER III period of allowability is March 13, 2020 to September 30<sup>th</sup>, 2024. This means approved activities dating back to 3/13/2020 are allowed and all approved activities must occur by 9/30/24.

## 16. What are the grant timelines?

ESSER III funds must be encumbered (meaning all approved activities have occurred) by 9/30/2024. The last date for liquidation and final reimbursement is 12/15/2024.

## 17. What steps do LEAs need to take regarding Equitable Services?

**ESSER III does not require an equitable share be calculated for non-public schools.** Non-public schools will apply direction to IDOE through the EANS program.

## 18. What if my LEA is not eligible for Title I funds, or turned down the Title I funds in the past?

LEAs who did not generate a figure for Title I in 2020-2021 (e.g. small adult charters) or who turned down the Title I funds, may still receive support through IDOE's 10 percent set-aside ESSER III that is not governed by the Title I formula. IDOE will issue a grant opportunity for LEAs who did not receive ESSER III funds.



# Indiana Department of Education

---

Dr. Katie Jenner, Secretary of Education

## 19. How do I track expenditures?

LEAs will track expenditures for the CARES Act, ESSER II, and ESSER III separately.

## 20. What account numbers do I use?

**CFDA Number:** 84.425U

**Federal Award ID Number:** S425U210013

**Fund Number:** 7923

**Receipt Number:** 4990

## 21. How do I request reimbursement?

Through the Title I App Center at [www.title1.doe.in.gov](http://www.title1.doe.in.gov), the LEA will be able to request reimbursement according to their submitted budgets. Reimbursements are due the first and fifteenth of each month, just like for other federal grants.

## 22. What indirect cost rate is allowed for ESSER III?

As there is no supplement not supplant provision, LEAs may utilize the unrestricted indirect cost rate on ESSER III if they opt to do so. LEAs may continue to use the restricted rate. Please work with your federal grant specialist to make an amendment, as needed.

## 23. What qualifies as activities to “address learning loss”? Are we limited to summer and afterschool?

IDOE recognizes that there are a number of ways LEAs will implement evidence-based activities in order to address learning loss, which results from disruptions to in-person instruction due to COVID-19. Summer programming, afterschool, and extended school day are examples, but are not the only allowable activities to address learning loss and accelerate learning.

Additionally, allowable activities that are deemed necessary to carry out the activities to address learning loss, such as transportation or staffing, may also be budgeted as an activity to address learning loss.

## 24. Will we have to budget the entire learning loss set-aside before our ESSER III plan is approved?



# Indiana Department of Education

Dr. Katie Jenner, Secretary of Education

Yes, LEAs will need to budget **at least the 20% set-aside to address learning loss** prior to receiving approval of their ESSER III application.

## ALLOWABLE USES SECTION:

25. What are the allowable ESSER III activities?

ESSER III has a wide array of allowable activities that tie to any activity currently allowed under federal education law, including:

- Activities **reducing virus transmission** and **other health hazards**
- Activities **improving air quality**
- **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...** including by :
  - Administering and using **high quality assessments** that are valid and reliable
  - Implementing evidence-based activities to **meet comprehensive needs of students**
  - Providing information and **assistance to parents and families** on how they can effectively support students
  - Tracking student attendance and **improving student engagement in distance education**

**Plus: Any activity allowed under the original CARES Act:**

- Any activity authorized by the ESEA of 1965 (Titles I, II, III, IV, IC Migrant, ID Neglected and Delinquent, 21st Century Community Learning Centers, and Rural and Low Income Schools Grant)
- Individuals with Disabilities Education Act (IDEA)
- Adult Education and Family Literacy Act (20 U.S.C. 1400 et seq.),
- Carl D. Perkins Career and Technical Education
- Coordination of preparedness and response efforts of local educational agencies with State, local, Tribal, and territorial public health departments, and other relevant





# Indiana Department of Education

---

Dr. Katie Jenner, Secretary of Education

agencies, to improve coordinated responses among such entities to prevent, prepare for, and respond to coronavirus

- 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 local educational agencies
- Training and professional development for staff of the local educational agency on sanitation and minimizing the spread of infectious diseases
- Purchasing supplies to sanitize and clean the facilities of a local educational agency, including buildings operated by such agency
- Planning for and coordinating during long term closures, including for 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 (20 U.S.C. 1401 et 10 seq.) 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 who are served by the local educational agency 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



## Indiana Department of Education

---

Dr. Katie Jenner, Secretary of Education

- Other activities that are necessary to maintain the operation of and continuity of services in local educational agencies and continuing to employ existing staff of the local educational agency

26. What set-aside is required for grantees?

**LEAs are required to set aside 20% of the total ESSER III allocation to specifically address learning loss** through implementation of activities including, but not limited to, summer programming, afterschool programming, extending the school day or school year, etc.

27. Our school is open-concept and the school has outside safety evaluations indicating health hazards related to the open design, in addition to increased risk of virus transmission. Can we use ESSER III to build walls?

Yes, provided the costs are reasonable and the health and safety data tie to allowable ESSER III uses. The health and safety data and tie to virus reduction make this an allowable expense.

28. We want to start an afterschool program. Can we renovate part of a building to house an afterschool program to help address learning loss and the need for additional space and capacity to carry out the afterschool program with proper COVID protocol to reduce virus transmission?

Yes, provided costs are reasonable.

29. Our HVAC system is failing. I have documentation detailing this and have documentation for upgrades that show increased air flow, reduced virus transmission (such as filtration), or overall improved air quality because of needed upgrades. Is this allowable?

Yes, activities to reduce virus transmission, other health hazards, and to improve indoor air quality are allowed.



# Indiana Department of Education

---

Dr. Katie Jenner, Secretary of Education

30. Can these funds be used to expand eLearning for students and setting up a virtual school setting for my district?

Yes.

31. Can carpet/flooring be replaced?

Possibly, as long as there is justification for the cost being tied to an ESSER II-allowable activity, such as flooring that has asbestos. Provided the district has this documentation of the tie to reducing health hazards and/or improving air quality (as in the case of asbestos).

32. Can funds be used to pay for transportation for afterschool programs, etc. related to ESSER III?

Yes, as this is transportation necessary to carry out the afterschool program (which is allowable under ESSER III). Regular transportation costs that are related to the pandemic (i.e., additional busses for additional routes to allow for social distancing) are allowable.

33. Does the Davis-Bacon act and associated requirements apply to construction projects funded with ESSER II or III funds?

Yes, the Davis-Bacon prevailing wage regulations will be applicable to construction projects funded with ESSER funds. IDOE recommends LEAs consult with local counsel regarding Davis-Bacon Act requirements.

34. Can funds be used to pay for early staff retirement?

No. This is not related to the ESSER III allowable activities.

35. Can we buy Promethium (smart boards) to help carry out virtual learning and for in-person use?

Yes. Educational technology is allowable both to address learning loss and accelerated learning, but allows the schools to better meet the needs of students.

36. Can it be used to bring mental health services in? We have seen an increased need for supports since COVID.



# Indiana Department of Education

---

Dr. Katie Jenner, Secretary of Education

Yes. Please visit the IDOE Office of [Social Emotional and Behavioral Wellness](#) site for more content-specific support.

## 37. Can ESSER III funds be used for staff stipends? (Updated 4/26/2021)

Yes.

As with all federal funds, **ESSER funds may only be used to pay staff for work that has actually occurred. Therefore, LEAs must ensure that the work on allowable activities occurred through proper time and effort documentation.** Stating all staff will receive stipends (**regardless of whether the work was performed and documented**) will likely result in audit risk.

While across the board stipends are not permitted (**as “universal” or “across the board” does not in and of itself demonstrate sufficient documentation**), LEAs may pay staff for COVID-related work that has been documented. Most, if not all, staff likely had extra responsibilities as well as time and effort to respond to the pandemic. ESSER funds can be used to pay staff for that work and LEAs are responsible for documenting (with internal controls) that this work occurred. **This is consistent with guidance on all salary and stipend payments with all federal funds.**

The purpose of time and effort recording is to provide documentation showing of the time spent working on specific federal programs to ensure charges are accurate for each program. Time and effort records do not necessarily need to be personnel activity reports (PARs).

Other ways to record time and effort include, but are not limited to:

- A schedule
- Hourly or percent of the distribution of time spent

Time and effort records must:

- Be supported by a system of internal controls which provides reasonable assurance that the charges are accurate, allowable, and properly allocated.
- Be incorporated into the official records of the non-federal entity.
- Reasonably reflect the total activity for which the employee is compensated by the non-federal entity, not exceeding 100% of compensated activities.



# Indiana Department of Education

Dr. Katie Jenner, Secretary of Education

- Encompass both federally assisted and all other activities compensated by the non-federal entity on an integrated basis, but may include the use of subsidiary records as defined in the non-federal entity's written policy. For example, if a 1.0 FTE employee is partially funded with federal funds, the time and effort records must include both federal and non-federal activities.
- Comply with the established accounting policies and practices of the non-federal entity.
- Support the distribution of the employee's salary or wages among specific activities or cost objectives if the employee works on more than one federal award; a federal award and non-federal award; an indirect cost activity and a direct cost activity; two or more indirect activities which are allocated using different allocation bases; or an unallowable activity and a direct or indirect cost activity. Part 200 clarifies that time can be expressed as a percentage distribution among cost objectives versus the number of actual hours worked – while this was accepted in the past, it was not explicitly permissible. 2 CFR 200.430(l) (1)(ix).

## MISCELLANEOUS:

1. What about EANS (Emergency Assistance for Non-Public Schools)? Does the LEA have to do anything to administer this?

No, the LEA will not be responsible for administering the EANS program for non-public schools.

2. Will LEAs and schools be monitored? Will there be a data collection?

IDOE will monitor district implementation of ESSER III funds based on standard risk assessment procedures. IDOE anticipates a data collection due to the US Department of Education regarding state and local ESSER III expenditures.

3. What is maintenance of equity (MEQ) and what will LEAs need to know?

MEQ is a new requirement at both the LEA and SEA level; IDOE is awaiting additional guidance from US DOE on MEQ requirements. However, it will prevent LEAs from disproportionately underfunding and understaffing (in FTE) the highest-poverty districts. More information will be made available as additional guidance is released.