

GUIDANCE

ADDRESSING THE IMPACT OF LOST INSTRUCTIONAL TIME USING COVID-19 RESPONSE FUNDING



New York State Education Department

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**ADDRESSING THE IMPACT OF LOST INSTRUCTIONAL TIME
USING COVID-19 RELIEF FUNDS**

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Introduction

This guidance is intended to assist local education agencies (LEAs) in the development and implementation of plans to address the impact of lost instructional time as a result of the COVID-19 pandemic. Information provided is adapted from a non-regulatory guidance document issued by the United States Department of Education (USDE) titled “Frequently Asked Questions: Elementary and Secondary School Emergency Relief Programs Governor’s Emergency Education Relief Programs” issued in May 2021.

Background Information

On March 11, 2021, the President signed into law the American Rescue Plan Act of 2021 (ARP). ARP makes available \$122.8 billion nationally in a third round of Elementary and Secondary School Emergency Relief (ESSER) funds. New York State has been allocated nearly \$9 billion under the ARP Act’s Elementary and Secondary School Emergency Relief (ESSER) Fund.

Section 2001(e)(1) of the ARP Act requires an LEA to reserve not less than 20 percent of its ARP ESSER allocation to address the academic impact of lost instructional time through the implementation of evidence-based interventions and ensure that the interventions implemented respond to students’ social, emotional, mental health, and academic needs and address the disproportionate impact of COVID-19 on students from low-income families, students of color, children with disabilities, English learners, migratory students, students experiencing homelessness, and children and youth in foster care. While ESSER I and ESSER II funds may also be used for these purposes, an LEA is not required to set aside a specific amount of ESSER I and ESSER II funds to address the academic impact of lost instructional time.

Under section 2001(f) of the ARP Act, a State Education Agency (SEA) is required to reserve ARP ESSER funds for three State-level reservations for evidence-based activities and interventions that respond to students’ social, emotional, mental health, and academic needs and address the disproportionate impact of COVID-19 on students from low-income families, students of color, English learners, children with disabilities, students experiencing homelessness, children and youth in foster care, and migratory students.

- **Addressing the impact of lost instructional time.** Not less than 5 percent of the State’s grant must be reserved to carry out, directly or through subgrants or contracts, activities to address the academic impact of lost instructional time by supporting the implementation of evidence-based interventions.
- **Summer Learning and Enrichment.** Not less than 1 percent of the State’s grant must be reserved to carry out, directly or through subgrants or contracts, the implementation of evidence-based summer enrichment programs.
- **Comprehensive After School Programs.** Not less than 1 percent of the State’s grant must be reserved to carry out, directly or through subgrants or contracts, the implementation of evidence-based comprehensive after-school programs.

Using local assessment data, and State assessment results when available, LEAs should determine how to use these grant funds to have the greatest impact on their communities.

Section A: General Uses of COVID-19 Response Funding

A-1. How may an LEA use ESSER and/or GEER funds to support students who have lost instructional time due to the COVID-19 pandemic?

The interventions implemented to address the impacts of lost instructional time must be evidence-based and may include such activities as summer learning or summer enrichment, extended day, comprehensive after-school programs, tutoring, extended school year programs, and innovative approaches to providing instruction to accelerate learning. Further, LEAs must ensure that the interventions implemented respond to students' social, emotional, mental health, and academic needs and address the disproportionate impact of the COVID-19 pandemic on students from low-income families, students of color, children with disabilities, English Language Learners, migratory students, students experiencing homelessness, and children and youth in foster care.

ESSER and GEER funds may also be used to provide a variety of activities and supports to help improve the achievement of students to address the impact of lost instructional time due to the COVID-19 pandemic. For example, funds may be used for costs associated with evidence-based approaches to accelerating learning, high-dose tutoring, leveraging technology to provide embedded assessment and differentiated instruction, diagnostic and curriculum-embedded assessments, and extending the school day or year to provide additional time for student learning, enrichment, and support. These costs may include supplementing the salaries of educators and other qualified personnel to perform additional services.

ESSER and GEER funds may also be used to support the costs associated with hiring additional teachers, teaching assistants, and teacher aides to provide intensive support to students. ESSER and GEER funds may further be used to provide professional development to educators on evidence-based strategies for meeting students' academic, social, emotional, mental health, and college, career, and future readiness needs, including strategies to accelerate learning without remediation or tracking.

Effective strategies to address lost instructional time are further described in Volume 2 of the USDE's COVID-19 Handbook, which is available at: <https://www2.ed.gov/documents/coronavirus/reopening-2.pdf>.

A-2. What does it mean for a program to be evidence-based?

The ARP Act defines the term "evidence-based" as having the meaning in section 8101(21) of the ESEA. Accordingly, "evidence-based" includes several tiers of evidence. Specifically, "evidence-based," when used with respect to a State, LEA, or school activity, means an activity, strategy, or intervention that:

- Demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on—
 - Strong evidence from at least one well-designed and well-implemented experimental study ("tier 1");
 - Moderate evidence from at least one well-designed and well-implemented quasi-experimental study ("tier 2"); or
 - Promising evidence from at least one well-designed and well-implemented correlational study with statistical controls for selection bias ("tier 3"); or
- Demonstrates a rationale based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes and includes ongoing efforts to examine the effects of such activity, strategy, or intervention ("tier 4").

Given the novel context created by the COVID-19 pandemic, an activity need not have generated such evidence *during the COVID-19 pandemic* to be considered evidence-based. The What Works Clearinghouse (available at <https://ies.ed.gov/ncee/wwc/>) identifies the tier of evidence that reviewed studies meet, as applicable. As part of

the “demonstrates a rationale (tier 4)” level of evidence, grantees may develop and use approaches that are novel, if they are consistent with theoretical and empirical findings from research and the grantee will continue to review the effects of the practice to build the evidence base. Developing a logic model can help to demonstrate a rationale. Logic model resources are available at <https://ies.ed.gov/ncee/edlabs/regions/pacific/elm.asp>. LEAs can also review the USDE guidance on using evidence, which can be found here: <https://www2.ed.gov/policy/elsec/leg/essa/guidanceuseinvestment.pdf>.

A-3. May an LEA use ESSER and GEER funds to develop or implement an innovative approach to providing instruction to accelerate learning and mitigate the effects of lost instructional time for those students most impacted by the COVID-19 pandemic?

Yes. An LEA may use ESSER and GEER funds to develop or implement an innovative approach to providing instruction to accelerate learning and mitigate the effects of lost instructional time for students most impacted by the COVID-19 pandemic.

To the extent an innovative approach is evidenced-based, an LEA may use the ARP ESSER funds it reserves to implement the innovative approaches to address the impact of lost instructional time. One of the tiers of evidence included in the definition of “evidence-based” refers to an approach that “demonstrates a rationale based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes”; and includes “ongoing efforts to examine the effects of such activity, strategy, or intervention.” This could include emerging technology-based or technology-enabled approaches, including educational technology platforms, that meet this definition.

Section B: Focusing on Student Groups Most Impacted by the Pandemic

The following FAQs provide examples of allowable uses of ESSER and GEER funds for specific groups of students. To the extent that these groups are also served by other Federal education programs, uses of funds under those programs, which are governed by specific programmatic requirements, may be more restrictive. The examples provided below with respect to one student group may also be implemented with respect to other student groups if the LEA determines it is necessary and reasonable to do so.

B-1. How may an LEA use ESSER and GEER funds to support English Language Learners (ELLs)?

In order to address the needs of English Language Learners (ELLs), an LEA may use ESSER and GEER funds to address the impact of lost instructional time and services, support culturally responsive-sustainable instruction that addresses linguistic diversity, and support family engagement activities.

To address the impact of lost instructional time, an LEA may use ESSER and GEER funds for a variety of activities, including:

- Extended-day and/or extended-year activities designed to recover lost instructional time as a result of the pandemic and engage in credit recovery, including costs associated with transportation services to support ELLs' access to these services.
- Providing language accommodations for ELLs to increase their access to content in their home languages, development of English language proficiency, and/or their participation in programs and services.
- Purchase equipment, software and/or software licenses to support ELLs' access to content in their home languages, development of English language proficiency, and/or their participation in programs and services;
- Activities that respond to the social and emotional learning needs of ELLs, including professional development for teachers to support ELLs—e.g., how to provide a welcoming, nurturing, and supportive learning environment whatever the learning mode; and strategies that increase student collaboration and enhance classroom community, including newly arrived students that have relocated to New York State during or in the period following the COVID-19 pandemic.
- Hire additional bilingual staff (including certified bilingual education teachers, counselors, social workers, psychologists) to address the social, emotional, mental health, and academic needs of ELLs.
- Support content teachers' pursuit of additional certifications (e.g., English to Speakers of Other Languages, Bilingual Education extension) to provide qualified instruction to ELLs.

To address and promote culturally responsive practices that leverage the assets of ELLs and provide the essential scaffolds and supports, an LEA may use ESSER and GEER funds to provide professional development for staff (including administrators, teachers, guidance counselors, and other student services staff) that is focused on meeting the unique needs of ELLs. For example, an LEA may use ESSER and GEER funds to provide professional learning:

- For content teachers on implementation of strategies to provide meaningful access to the content, to promote English language development, and to offer language accommodations during instruction in a variety of modes;
- For all teachers on formative assessment strategies to monitor the progress of ELLs in content and language instruction;
- For all teachers on strategies to incorporate use of students' home languages and cultural backgrounds within the classroom environment and instruction;

- For guidance counselors and student service staff on asset-based scheduling practices that support meaningful access to core content classes;
- For administrators and teachers on vertical articulation and collaboration practices to support the successful transition of ELLs in critical stages such as grades K-1, 5-6, and 8-9;
- Technology specifically focused on helping ELLs access remote instruction or other tools that will help them better access the curriculum and provide enrichment; and
- Personal Protective Equipment (PPE) that helps facilitate language instruction (i.e., transparent masks).

To address and promote family engagement and dual capacity building for staff and families of ELLs, an LEA may use ESSER and GEER funds to provide:

- Outreach to families of ELLs during the COVID-19 pandemic that includes them as partners in education. For example, an LEA might provide support to help parents navigate online platforms, track student progress, and seek help/resources when needed. This may also include using ESSER and GEER funds for translation and interpretation services. The [USDE's Fact Sheet: Providing Services to ELLs During the COVID-19 Outbreak](#) is a helpful tool that outlines States' responsibilities to ELLs and their parents.
- Training on technology for families of ELLs and support of access to high-speed internet to support ELLs ability to access remote learning and district communications.
- Interpretation and translation services to assist with communication and school events around the COVID-19 pandemic, for example related to effective prevention and mitigation strategies, test screening, remote learning, and opportunities to address lost instructional time.

B-2. How may an LEA use ESSER and GEER funds to support the needs of children with disabilities under the Individuals with Disabilities Education Act (IDEA)?

ESSER and GEER funds may be used for any activity authorized by the IDEA.¹ LEAs should consider what services are needed to meet the needs of children with disabilities, including children with disabilities who are ELLs. In an Office of Special Education Programs (OSEP) [question and answer document](#) issued on September 28, 2020, OSEP reiterated the USDE's long-standing position that under Part B of the IDEA, no matter what primary instructional delivery approach is chosen, SEAs, LEAs, and individualized education program (IEP) Teams remain responsible for ensuring that a free appropriate public education (FAPE)² is provided to all children with disabilities. LEAs may use these funds to provide additional instruction and services to children with disabilities, often referred to as compensatory services,³ to address lost instructional time. A child's IEP Team would be required to make an individualized determination whether and to what extent compensatory services may be needed, consistent with applicable requirements, including to make up for any skills that may have been lost. See OSEP's [questions and answers document](#) issued on March 12, 2020.

¹ IDEA, 20 U.S.C. § 1400 et seq., consists of three parts: IDEA Part B includes requirements for formula grants to assist States in making available a free appropriate public education in the least restrictive environment to eligible children with disabilities in mandatory age ranges. Entitlement to a free appropriate public education (FAPE) begins at a child's third birthday and could last until the 22nd birthday, depending on State law or practice. IDEA Part B consists of the Grants to States Program authorized by IDEA section 611(f) for children with disabilities aged three through 21 and the Preschool Grants Program authorized by IDEA section 619(g) for children with disabilities aged three through five. IDEA Part C consists of the Grants for Infants and Families Program authorized by IDEA section 643(c) for making formula grants to assist States in providing early intervention services to infants and toddlers from birth through age two and their families (and at the State's option beyond age three until the school year following the child's third, fourth, or fifth birthday). IDEA Part D sections 650 through 682 includes provisions for making discretionary grants to support State personnel development, technical assistance and dissemination, technology, and parent-training and information centers.

² FAPE is defined in 34 CFR § 300.17 as special education and related services that: (a) are provided at public expense, under public supervision and direction, and without charge; (b) meet the standards of the SEA, including the requirements of IDEA Part B; (c) include an appropriate preschool, elementary school, or secondary school education in the State involved; and (d) are provided in conformity with an IEP that meets the requirements of 34 CFR §§ 300.320 through 300.324. See also 20 U.S.C. § 1401(9).

³ Some States refer to these services as "recovery services" due to the COVID-19 pandemic, although IDEA does not use this term.

In addition to the services outlined throughout this document, ESSER and GEER funds may be used for the following purposes consistent with the IDEA for children with disabilities. Please note that this is not an exhaustive list.

Services to support struggling learners under section 613(f) of IDEA Part B:

- Providing comprehensive coordinated early intervening services (CCEIS) for children not currently identified as needing special education or related services, but who need additional academic and behavioral support to succeed in a general education environment, including:
 - Professional development (which may be provided by entities other than LEAs) for teachers and other school staff to enable such personnel to deliver scientifically based academic and behavioral interventions, including scientifically based literacy instruction, and, where appropriate, instruction on the use of adaptive and instructional software; and
 - Providing educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction and language acquisition.

Services to support children with disabilities age 3-21 under section 611 of IDEA Part B:

- Providing support and direct services for children with disabilities, including technical assistance, personnel preparation, and professional development and training;
- Implementing child find policies and procedures, including ensuring identification, location, and evaluation of children who may need special education and related services including underserved groups, such as children experiencing homelessness, migratory children, and highly mobile children;
- Eliminating evaluation backlogs;⁴
- Addressing the loss of instructional time and loss of skills for children with disabilities, and determining on an individual basis, in accordance with applicable requirements, by the IEP Team whether compensatory services may be needed for a child with a disability who was unable to receive FAPE as a result of school closures or other disruptions in services due to the COVID-19 pandemic;
- Providing extended-school-year services as determined on an individual basis by a child's IEP Team to be necessary to provide FAPE to the student;
- Monitoring, enforcement, complaint investigations, and the mediation process, including providing for the costs of mediators and support personnel;
- Providing positive behavioral interventions and supports and mental health services for children with disabilities;
- Improving the use of technology in the classroom and/or in a remote setting for children with disabilities to enhance learning;
- Supporting the use of technology, including technology with universal design principles and assistive technology devices, to maximize accessibility to the general education curriculum for children with disabilities;
- Implementing transition programs, including coordination of services with agencies involved in supporting the transition of children with disabilities to postsecondary activities;
- Assisting LEAs in meeting personnel shortages including by hiring additional personnel to provide special education and related services and reducing caseloads in key areas;
- Supporting capacity-building activities and improving the delivery of services by LEAs to improve results for children with disabilities;
- Developing programming for children with disabilities who have been expelled from school, children

⁴ Activities may include contracting with additional evaluators to address backlogs, or the implementation of valid assessment or evaluation tools and instruments that can be administered reliably using a virtual platform, if necessary

with disabilities in correctional facilities, children enrolled in State-operated or State-supported schools, and children with disabilities in charter schools; and

- Increasing the number of high-need children with disabilities funded under a State's high-cost fund.

Services to support preschoolers with disabilities aged 3 through 5 under section 619 of IDEA Part B:

In addition to the activities listed above, as appropriate, ESSER and GEER funds may be used in:

- Implementing child find policies and procedures, including ensuring identification, location, and evaluation of children who may need special education and related services including underserved groups, such as children experiencing homelessness, addressing evaluation backlogs resulting from school closures, including eligibility determinations for children transitioning from the State's IDEA Part C program;
- Assisting LEAs in personnel shortages by hiring additional early childhood special education and related services providers;
- Assisting LEAs in meeting personnel training needs for preschool staff;
- Costs related to safely providing FAPE across a variety of preschool settings;
- Providing developmentally appropriate positive behavioral interventions and supports and mental health services for preschoolers with disabilities; and
- Implementing transition activities, including coordination with the Part C program on the transition of children exiting Part C, and planning of services with schools for preschoolers entering kindergarten.

Services under IDEA Part C:

- Providing early intervention services to infants and toddlers with disabilities and their families;
- Supporting IDEA Part C personnel including service coordinators through technical assistance, personnel preparation, use of alternative delivery methods, and professional development and training;
- Implementing the State's child find system with a specific emphasis on addressing related issues of equity for historically underserved populations through outreach and coordination with child find partners, referral sources, and other Federal programs for infants and toddlers and expanding referral sources through training and education.
- To make available early intervention services to those infants and toddlers with disabilities and their families that were not provided such services consistent with a child's Individualized Family Service Plan (IFSP) as a result of public agency closures and/or other disruptions in services as a result of the COVID-19 pandemic.
- Addressing any 45-day timeline backlogs including the child and family assessment and evaluation of the child to determine eligibility;
- Improving the use of technology to deliver IDEA Part C services and improve use of tele-intervention by early intervention service (EIS) providers;
- Providing developmentally appropriate positive behavioral interventions and supports and mental health services for infants and toddlers with disabilities and their families;
- Implementing early childhood transition, including coordinating with the Part B preschool program and the SEA;
- Assisting EIS providers and programs in meeting personnel training needs and provider shortages through hiring additional EIS and related service providers;
- Monitoring and enforcing the IDEA requirements, and conducting dispute resolution (including complaint investigations and conducting mediations); and
- Conducting outreach to parents and families of infants and toddlers with disabilities.

B-3. How may an LEA use ESSER and GEER funds to support students with disabilities who are not IDEA-eligible but who receive services in accordance with a Section 504 plan?

Under section 504 of the Rehabilitation Act of 1973 (Section 504), a recipient that operates a public elementary or secondary education program must provide FAPE to all qualified students with disabilities in the recipient's jurisdiction, regardless of the severity of the student's disability. See 34 CFR §§ 104.33-104.36. An appropriate education under Section 504 includes the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of students with disabilities as adequately as the needs of nondisabled students are met and are based on adherence to requirements governing least restrictive setting, evaluation and placement, and procedural safeguards. Specialized instruction and services necessary to ensure FAPE under Section 504 must be provided at no cost to parents. ESSER and GEER funds may be used for the provision of required educational and related aids and services determined necessary to ensure the provision of FAPE to students with disabilities who are not eligible under the IDEA but receive services in accordance with a Section 504 plan. In addition, ESSER and GEER funds may be used to provide additional instruction and services to students with Section 504 plans who are not IDEA-eligible, often referred to as compensatory services, to make up for any skills that might have been lost if it is individually determined in accordance with respective applicable standards that the student was unable to receive FAPE as a result of the closure of school buildings or other disruption in services as a result of the COVID-19 pandemic.

B-4. How may ESSER and GEER funds be used to support students experiencing homelessness?

ESSER and GEER funds may be used for services and interventions specifically tailored to meet the needs of students experiencing homelessness⁵ including, for example:

- Outreach and service delivery;
- Mental health services and positive behavioral interventions and supports; and
- Planning and implementing summer learning and after-school programs addressing the needs of students experiencing homelessness.

An LEA may use ESSER and GEER funds to ensure that all students experiencing homelessness are identified and fully participate in school on the same basis as their peers through, for example, outreach, training, and community collaborations. For example, an LEA may use ESSER and GEER funds for the following purposes:

- To increase the Full-Time Equivalent (FTE) hours of the homeless liaison designated under McKinney-Vento;
- To assign building-level contacts (particularly in highly impacted schools);
- To increase specialized support staffing, such as counselors, social workers, and others who are specifically trained in outreach and services for students experiencing homelessness; and
- To provide transportation services to ensure access to after-school or summer learning and enrichment programs.

An LEA should coordinate the use of ESSER and GEER funds with other education funds used to support homeless students such as McKinney-Vento and part A of title I of the ESEA to ensure a comprehensive approach to meeting those students' needs.

Please note that ESSER and GEER funds should be used to address the specific needs of students experiencing

⁵ ESSER I, ESSER II, GEER I, and GEER II funds are specifically authorized to be used for activities authorized under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act. Although ARP ESSER funds are not specifically authorized for that purpose, they may be used for any activity allowable under the Impact Aid program under Title VII of the ESEA, which includes allowable activities under McKinney-Vento.

homelessness, just as they are intended to meet the needs of other underserved groups of students and other groups of students most impacted by the COVID-19 pandemic. The ARP Act also includes an additional \$800 million to support the needs of students experiencing homelessness, and these resources should be additive to the supports and services provided under ESSER and GEER.

B-5. How may an LEA use ESSER and GEER funds to serve children and youth in foster care?

The COVID-19 pandemic has caused unique challenges for students in foster care and their caregivers. For example, the pandemic has caused increased disruptions in students' living placements and, as a result, school placements; students often have inconsistent access to schoolwork and classes, as foster and kinship caregivers often have limited access to and knowledge about the technology needed for virtual instruction; and schools face challenges in providing the supplemental education services required by students in foster care.

ESSER and GEER funds may be used broadly to address the needs of students in foster care during the COVID-19 pandemic. As a result, LEAs have considerable flexibility in using ESSER and GEER funds to address the unique needs of students in foster care. While specific uses of funds depend on the local context and the unique needs of students and caregivers, ESSER and GEER funds might be used to support the following activities:

- Transporting students in foster care to their respective schools of origin where LEAs are offering in-person learning, hybrid learning, or supplemental instruction/coaching opportunities;
- Purchasing technology (including laptops, Wi-Fi hotspots, or tablets) that enable students in foster care to consistently access instruction;
- Providing academic supports—including tutoring or supplemental instructional opportunities—to meet the unique learning needs of students in foster care;
- Helping students and/or caregivers meet their basic needs, including access to meals and hygienic supplies (such as masks or hand sanitizer); and
- Meeting rising mental health and behavioral needs (for example, contracting with community mental health providers to support students virtually and/or on-site at school).

LEAs should coordinate with State and local child welfare agencies to identify and streamline, where possible, the supports provided to students in foster care and their caregivers. As always, intentional coordination between educational agencies and child welfare agencies remains essential to supporting students in foster care and their caregivers during the COVID-19 pandemic.

B-6. How may an LEA use ESSER and GEER funds to support migratory students?

ESSER and GEER funds may be used to address needs of migratory children by providing support such as:

- Supplemental instruction to address the academic impact of lost instructional time, provided through before- and after-school programs, weekend programs, or summer programs;
- Facilities for students to access a reliable internet connection needed for remote learning;
- Fees that might be required to access drop-in centers operated by community organizations;
- Transportation of migratory children to school or drop-in centers and other facilities where students may access necessary technology and/or instructional support;
- Staff to assist migratory students in their homes during school hours with schoolwork and provide technology support as needed;
- Staff to go to housing sites to provide high school equivalency instruction for migratory out-of-school youth;
- Provision of childcare and/or early childhood education programs for younger migratory children who would otherwise be cared for by older, school-age siblings during school hours due to their parent/guardian(s)'s employment as an essential worker;

- Providing information and assistance, including interpreters and translated information, to parents and families on how they can effectively support their migratory children, including in a distance- learning environment;
- Mental health services and other forms of social, emotional, and behavioral support for migratory children;
- Interpretation and translation services to assist with communication and school events around the COVID-19 pandemic, for example related to effective prevention and mitigation strategies, test screening, remote learning, and opportunities to address lost instructional time as necessary.
- Outreach and information for migratory families to help them access COVID-19 testing and vaccines, including provision of transportation, interpreters, and translated information as needed; and
- Outreach activities to help ensure migratory children are enrolled in school, attend regularly, and are engaged in online learning.

B-7. How may ESSER and GEER funds support students who are in correctional facilities, including those who are served under the Title I, Part D programs?

The COVID-19 pandemic has presented unique challenges in providing educational services in secure correctional facilities. ESSER and GEER funds may be used in a variety of ways to support these students, just as they may be used in regular school settings. For example, ESSER and GEER funds could be used to support distance learning through technology and broadband improvements, and professional development for educators on the effective use of technology. Funds could also support technology to allow youth to meet virtually with family and meet with personnel to address students’ academic, social, emotional, behavioral, and mental health needs due to the COVID-19 pandemic; to improve on-site library resources; and provide instructional supports that address lost instructional time, such as high- quality tutoring or leveraging technology for formative and diagnostic assessment and differentiated instruction. Funds could be used for materials and services that support postsecondary education access and career development and job placement, which might also have been impacted due to the COVID-19 pandemic. ESSER and GEER funds could also be used for materials and services that support adult and career and technical education in correctional facilities. This includes integrated education and training programs, career pathway initiatives, pre-apprenticeships, apprenticeships, postsecondary education access and career development and job placement, which all might have been impacted due to the COVID-19 pandemic.

B-8. How may an LEA use ESSER and GEER funds to specifically support high school seniors?

ESSER and GEER funds may be used to assist high school seniors with post-high school planning, including the additional costs to schools of providing these supports to students in a fully in-person, hybrid, or remote environment. For example, ESSER and GEER funds may be used to pay college application fees for low-income students or to support the salaries of additional guidance counselors to assist students with exploring options for careers and postsecondary study, navigating the college application process, completing the Free Application for Federal Student Aid (FAFSA), and conducting parental and student information sessions. Funds may also be used for stipends or incentives for educators taking on additional responsibilities to provide post-high school planning for high school seniors, consistent with [2 CFR § 200.430\(f\)](#) (i.e., incentive pay is given pursuant to an established plan, which could be established in response to the COVID-19 pandemic). Funds may also be used to support summer bridge programs to help students make the successful transition to postsecondary education, training, pre-apprenticeship, registered apprenticeship, or other career pathway programs. Finally, ESSER and GEER funds may be used for transition services for high school seniors with an IEP to facilitate their transition from school to post-school activities.

B-9. May an LEA use ESSER and GEER funds to support students who graduated high school in the class of 2020 (and students who will graduate in 2021) who have not yet successfully transitioned to college or careers?

Yes. Consistent with Perkins V, an LEA may use ESSER and GEER funds to support former students who graduated high school in the class of 2020 or who will graduate in 2021 (i.e., during the pandemic) but have not yet successfully transitioned to college or careers. For example, an LEA may provide college or career counseling, assistance with college applications or entry into job training programs, job training, post-secondary counseling and related services, including for associate and baccalaureate degree programs, and financial literacy.

Section C: Intervention Strategies for Consideration When Addressing Identified Areas of Need

C-1. How may an LEA use ESSER and GEER funds to support students' social, emotional, mental health, and academic needs, including by hiring support personnel such as nurses, counselors, and social workers?

An LEA may use ESSER and GEER funds, including the 20 percent of ARP ESSER funds set aside to address the academic impact of lost instructional time, to support students' social, emotional, mental health, and academic needs, including by implementing school-wide strategies that enhance supports and interventions for students as well as targeted assistance for students who need such supports. For example, an LEA might hire additional personnel to prioritize student well-being and health by increasing student access to teachers, nurses, guidance counselors, social workers, and other support personnel (including teachers' aides and paraprofessionals). An LEA might also address the needs of students arising from the COVID-19 pandemic by using ESSER and GEER funds to implement or expand arts programs, such as music programs, including purchasing instruments; expand sports programming so more students can participate; or initiate clubs, such as a robotic or STEM club.

LEAs should also work to ensure that schools are implementing instructional practices that are culturally and linguistically responsive and that incorporate trauma-informed pedagogy in response to the COVID-19 pandemic. For example, LEAs with high concentrations of ELLs may hire additional bilingual staff to address the social, emotional, mental health, and academic needs of ELLs. ESSER and GEER funds may be used to support implementation of curriculum, including related professional development.

In implementing evidence-based strategies to address the academic impact of lost instructional time through the ARP ESSER required reservation of funds, LEAs must respond to students' social, emotional, mental health, and academic needs and address the disproportionate impact of the COVID-19 pandemic on students from low-income families, students of color, ELLs, children with disabilities, migratory students, students experiencing homelessness, and children and youth in foster care.

Effective strategies to support student social, emotional, mental health, and academic development are further described in Volume 2 of the USDE's COVID-19 Handbook available at: <https://www2.ed.gov/documents/coronavirus/reopening-2.pdf>.

C-2. How may an LEA use ESSER and GEER funds to address chronic absenteeism?

ESSER and GEER funds may be used to implement data-driven strategies to address chronic absenteeism, which has increased as a result of the COVID-19 pandemic. These include outreach to students and families, accelerating learning for students with significant amounts of lost instructional time during the COVID-19 pandemic, and other intensive social, emotional, mental health, and academic supports. Effective strategies to address chronic absenteeism and reengage students are further described in Volume 2 of the USDE's COVID-19 Handbook available at: <https://www2.ed.gov/documents/coronavirus/reopening-2.pdf>.

In addition, to guide LEA decision-making around which strategies to implement, ESSER and GEER funds may be used to develop data quality systems that will assist LEAs with such activities as:

- Establishing a common definition of what constitutes a day of attendance across all modes of instruction, including in-person, remote, virtual synchronous, and asynchronous;
- Tracking daily attendance and determining whether absences occur during in-person, synchronous, or asynchronous settings;

- Monitoring and publishing disaggregated data on the number of students who are absent 10 percent or more of the time;
- Conducting research and analyzing data to determine which attendance metrics are associated with lower academic performance in distance or hybrid learning.
- Collaborate with stakeholders in the school community to improve outreach to students and identify additional barriers to attendance that students are facing.
- Creating early warning systems based on key student indicators, including chronic absenteeism, credit accumulation, course grades, and discipline rates, to identify students who are at risk of dropping out of school.

C-3. How may an LEA use ESSER and GEER funds to improve its data systems and its transparency when reporting to the public?

It is important that parents, educators, and the public have accurate and meaningful information about how students are learning during and after the pandemic and what learning opportunities are available. In addition to their primary purposes of ensuring that schools can reopen safely and addressing students’ social, emotional, mental health, and academic development, ESSER and GEER funds may be used for data collection and the creation of LEA-level data dashboards that provide public reporting when the reporting is related to the COVID-19 pandemic (e.g., establishing new collections or dashboards that specifically address lost instructional time)—disaggregated to the greatest extent possible by race/ethnicity, economic status, English learner status, disability status, homelessness status, and other factors—on critical measures including:

- School instructional offerings by modality (e.g., open full-time in-person for all students, remote option available for all students);
- Student enrollment rates by school and by instructional modality (open for full-time in-person instruction, open for hybrid instruction, and fully remote learning);
- Student attendance rates by school and by instructional modality;
- Chronic absenteeism rates by school and by instructional modality;
- Rate of student participation logging into remote learning for students in fully remote or hybrid learning environments by school;
- The average number of hours of live instruction by grade span (for students in fully remote or hybrid learning environments) by school by month;
- A measure of students and educators who have adequate technology (devices and high-speed internet access) for remote instruction;
- A measure of the distribution of school meals by school;
- Reporting on impacts of the COVID-19 pandemic on States’ collection of data for the State Performance Plans and Annual Performance Reports as required by section 616 of the IDEA;
- Other opportunity-to-learn indicators such as discipline rates, access to advanced coursework, teacher turnover and quality data (e.g., experience, certification, access to professional learning); access to guidance counselors, social workers, psychologists, and nurses; and
- Student learning across multiple measures, including assessments.

C-4. How may an LEA use ESSER and GEER funds to support full-service community schools?

An LEA may use ESSER and GEER funds to provide services and supports to students and families through evidence-based, full-service community schools. The ARP Act defines a full-service community school as it is defined in section 4622 of the ESEA: a public elementary school or secondary school that (A) participates in a community-based effort to coordinate and integrate educational, developmental, family, health, and other comprehensive services through community-based organizations and public and private partnerships; and (B) provides access to such services in school to students, families, and the community, such as access during the school year (including before-and after-school hours and weekends), as well as during the summer. Evidence-based community school approaches include integrated student supports, active family and community

engagement, expanded learning time opportunities, and collaborative leadership and practices. Using ESSER or GEER funds to support full-service community schools can help support students' social, emotional, mental health, and academic development and other basic needs. Additionally, LEAs may utilize funds in the development or expansion of in-school student support centers that provide mentoring, counseling, and social and emotional learning supports to students in individual or group sessions.

C-5. How may an LEA use ESSER and GEER funds to support mental health services for students and educators facing COVID-19 pandemic-related trauma?

An LEA may use ESSER and GEER funds to provide mental health services and supports for students and their families, teachers, and LEA staff who are experiencing COVID-19 pandemic-related trauma, including students who were experiencing trauma prior to the pandemic that may have been exacerbated by the pandemic. Funds may also be used to provide professional development and training that increase awareness of mental health literacy for teachers and staff. Many schools already implementing multi-tiered supports may integrate mental health strategies and interventions into these existing systems. LEAs may also use the funds to hire additional school psychologists and counselors (including bilingual certified staff) to provide the services or to contract for such services for students, educators, and other district staff. ESSER and GEER funds may also be used to provide student and educator access to online counseling services and other mental health supports. Funds may be used to provide resources and information to students and families in their preferred languages to provide a greater understanding of mental health and address any stigma associated with mental health that may be a barrier to accessing services even when available.

ESSER and GEER funds may also be used to evaluate students who may have a disability under the IDEA or Section 504, including those who have mental health-related needs as a result of their disability. These funds also may be used to provide services and supports that are individually determined as necessary to provide FAPE to an eligible student, commonly referred to as related services,⁶ under the IDEA or Section 504, as applicable. Please also refer to section I in volume 2 of the USDE's [COVID-19 Handbook](#).

More information on providing safe and supportive learning environments, including addressing student and educator mental health, is available at the National Center on Safe and Supportive Learning Environments website, available at: <https://safesupportivelearning.ed.gov/>. More information on improving school climate and school safety through the implementation of positive behavioral interventions and supports is available at the Center on Positive Behavioral Interventions and Supports, available at: <https://www.pbis.org/>.

C-6. How may an LEA use ESSER and GEER funds to support evidence-based literacy programs?

LEAs must implement evidence-based strategies to address the academic impact of lost instructional time through the required ARP ESSER reservation of funds. Many parents and educators are especially concerned about the loss of in-person instructional time on students' early literacy skills. ESSER and GEER funds may be used to support comprehensive State and local literacy programs that are needed due to the COVID-19 pandemic (e.g., to address loss of literacy skills as a result of the pandemic). It is important that LEAs invest in evidence-based practices to support learners, including in early literacy, whether they are learning remotely or in person. LEAs may also use ESSER and GEER funds for multi-tiered systems of support for ELLs, in both English and students' home languages, and to provide specially designed instruction for students with disabilities for literacy development and language acquisition. Funds may also be used for parent training and family literacy services, in their preferred languages, in the use of early learning strategies that bring in the child's environment and experiences to promote literacy skills. Effective strategies to support student learning

⁶ See the definition of "related services" in the IDEA at 20 U.S.C. 1401(26) and 34 CFR § 300.34; see also Appendix A to 34 CFR Part 104, Para. 23. Possible related services include psychological services, school health and school nurse services, social work services in schools, counseling services, parent counseling and training, and medical services provided by a licensed physician for diagnostic and evaluation purposes only.

are further described in Volume 2 of the USDE’s COVID-19 Handbook available at: <https://www2.ed.gov/documents/coronavirus/reopening-2.pdf>.

C-7. May an LEA use ESSER and GEER funds to provide meals for students?

Typically, an LEA has other means of providing for food services, such as through the U.S. Department of Agriculture (USDA) or other Federal programs. As a result, the USDE encourages LEAs to use those Federal funds with the specific purpose of providing food services to students prior to using ESSER or GEER funds for this purpose. However, if additional funds are necessary or such funding is not available, an LEA may use ESSER and GEER funds to provide meals. For example, ESSER or GEER funds could be used to increase the staff capacity and cover additional labor costs associated with serving meals to students during the pandemic, or for supporting COVID-19 pandemic-related expenses, such as school meal service equipment/supplies, meal packaging, and transportation services.

Please note that the USDA has provided nationwide flexibilities and waivers including allowing meals to be served in a drive-thru or walk-up setting, offered as “grab and go” meals. Multiple meals (i.e., breakfast, lunch, snack, and dinner) can be provided as well as multiple days’ worth of meals at a time, regardless of whether they are tied to an educational or enrichment activity, and meals can be provided to parents or guardians without the presence of a child. Further, on April 20, 2021, [USDA announced](#) the nationwide extension of several waivers that allow all children to continue to receive meals during the summer and that allow for safe meal distribution sites that serve all children for free regardless of income. Many flexibilities have been extended through school year 2021-2022 (see: <https://www.fns.usda.gov/disaster/pandemic/cn-2021-22-waivers-and-flexibilities>). In addition, USDA is expanding the Pandemic Electronic Benefit Transfer (P-EBT) program to support low-income families with children and replace the value of school meals missed when schools are closed. On January 22, 2021, USDA announced that it would increase the P-EBT benefit by approximately 15 percent. Additionally, the ARP Act expands P-EBT to any school year in which there is a public health emergency designation as well as during summer months.

C-8. May an LEA use ESSER and GEER funds to support distance learning, including the purchase of educational technology for student use?

Yes. An LEA may use ESSER and GEER funds for activities that support distance education and promote long-term improvements in technology infrastructure and operations and their effective use. These activities might include providing online learning to all students, including students with disabilities, ELLs, students experiencing homelessness, and students in foster care; and training educators in the effective implementation of online learning. To support the continuity of learning, an LEA may use ESSER and GEER funds to purchase educational technology for student and educator use, including:

- Mobile technology devices such as tablets and laptops;
- Providing off-campus access to reliable, high-speed internet for students and teachers through the purchase of internet-connected devices/equipment, mobile hotspots, wireless service plans, or installation of Community Wi-Fi Hotspots, especially in underserved communities;
- Teleconferencing applications or programs;
- Software/online/virtual programs, screen capture/recording software, online/virtual cultural curriculum/programs, online/virtual tutoring curriculum/programs, learning management systems;
- Technology accessories, such as headphones, speakers, laptop cameras;
- Purchase equipment, software and/or software licenses to support ELLs’ access to content in their home languages, development of English language proficiency, and/or their participation in programs and services; and

- Assistive technology devices,⁷ such as dedicated communication devices and applications for text-to-speech, graphic organizers, or word prediction.

Supporting distance learning requires the effective use of technology by educators. Funding may also be used to provide professional development, including through professional learning communities, to support educators in effectively using technology to provide meaningful learning opportunities for students that are aligned with grade-level expectations. Funds may also be used to support other school personnel such as speech therapists, guidance counselors, and social workers, to effectively provide student services virtually as needed.

C-9. May an LEA use ESSER and GEER funds for a pre-kindergarten or other early childhood education program?

Yes. Because an early childhood education program is an allowable use of funds under the ESEA and IDEA, it is allowable under ESSER and GEER. An “early childhood education program” is (1) a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.), including a migrant or seasonal Head Start program, an Indian Head Start program, or a Head Start program or an Early Head Start program that also receives State funding; (2) a State licensed or regulated child care program; or (3) a program that serves children from birth through age six that addresses the children’s cognitive (including language, early literacy, and early mathematics), social, emotional, and physical development; and is either: a State prekindergarten program; a program authorized under section 619 or Part C of the IDEA; or a program operated by an LEA. (See section 8101(16) of the ESEA.) In addition, ESSER funds may be used for other activities that are necessary to maintain the operation of and continuity of services in LEAs and continuing to employ existing staff of the LEA. As a result, ESSER funds could be used to prevent layoffs or service cuts to existing LEA early childhood education programs.

C-10. May ESSER and GEER funds be used to serve adults, including ELLs, who are eligible to be served under the Adult Education and Family Literacy Act?

Yes. An LEA may use ESSER and GEER funds for any activity authorized by the Adult Education and Family Literacy Act (AEFLA), which is Title II of the Workforce Innovation and Opportunity Act. These activities could include:

- Conducting outreach activities to re-enroll eligible adults who may have discontinued their attendance due to the COVID-19 pandemic;
- Providing career counseling for eligible adults who suffered job loss as a result of the COVID-19 pandemic;
- Purchasing technology (including laptops, Wi-Fi hotspots, or tablets) that enable adult learners to access virtual instruction;
- Professional development for adult education instructors in the effective implementation of online learning;
- Providing instruction to improve digital literacy of adult learners, including ELLs, to improve digital access and inclusion in English and the ELLs’ home languages;
- Assessing the skills and educational progress of adult learners using virtual assessment tools; and
- Accessing PPE and cleaning and disinfecting classrooms used during the regular school day so that they may be used for adult education and literacy activities in the evening.

⁷ IDEA defines “assistive technology device” as any item, piece of equipment, or product system, whether acquired commercial off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted, or the replacement of such device. 34 CFR § 300.5.

C-11. May ESSER and GEER funds be used for career and technical education?

Yes. An LEA may use ESSER and GEER funds for any activity authorized by Perkins V. These activities could include, for example:

- Updating the comprehensive local needs assessment required by section 134(c) of Perkins V to reflect changes in the labor market caused by the COVID-19 pandemic;
- Providing ridesharing services to transport students to shared-time area career and technical education centers or work-based learning opportunities;
- Adjusting curriculum to account for the academic impact of lost instructional time or to cover technical skills that could not be addressed during remote instruction;
- Providing professional development on the delivery of remote classroom instruction and virtual or remote work-based learning opportunities;
- Purchasing remote test-proctoring services so that students can participate remotely in assessments for industry-recognized credentials;
- Implementing simulated work-based learning or school-based enterprises to replace work-based learning opportunities that are no longer available in the community due to the COVID-19 pandemic;
- Providing support to low-income students for college application fees; and
- Supporting students who graduated high school in the class of 2020 and students who will graduate in the class of 2021 (i.e., during the pandemic) but have not yet successfully transitioned to college or careers by providing, for example, college or career counseling, assistance with college applications, entry into job training programs, and financial literacy.

C-12. May ESSER and GEER funds be used to re-engage students who have not been able to participate in in-person and/or remote instruction during the COVID-19 pandemic?

Yes. LEAs should identify opportunities to re-engage students whose schools have not been successful in engaging them during the COVID-19 pandemic. LEAs may use indicators such as chronic absenteeism (during in-person and/or remote instruction) to identify students in need of targeted support and services, as well as more generally identifying which students have lost the greatest number of in-person instructional days since the beginning of the COVID-19 pandemic. ESSER and GEER funds may be used to provide academic, social, emotional, behavioral, and, in particular, mental health supports to address the impacts of isolation during this period. In addition, ESSER and GEER funds may be used to conduct child find activities to identify, locate, and evaluate students who are suspected of having disabilities and need special education and related services under the IDEA. ESSER and GEER funds may also support broader activities that re-engage disconnected youth and reduce community violence in places where the COVID-19 pandemic has exacerbated inequities, leading to increases in the number of disconnected youth and violence. This may include summer learning and enrichment programming targeted towards the needs of high school students most likely to be impacted by community violence.

C-13. May ESSER and GEER funds be used to implement community violence intervention strategies?

Yes. Community violence intervention (CVI) strategies address students' social, emotional, mental health, and academic development and are especially important in the context of the disproportionate impact of the COVID-19 pandemic on previously underserved groups of students. Purposeful strategies to re-engage disconnected youth through youth violence reduction programs, mentorship, and strengthening youth skills through workforce engagement and training also have the potential to reduce community violence. Effective strategies are further described in Volume 2 of the USDE's COVID-19 Handbook available at:

<https://www2.ed.gov/documents/coronavirus/reopening-2.pdf>.

Additional information on CVI strategies and investments is included in the Administration's Fact Sheet available at: <https://www.whitehouse.gov/briefing-room/statements-releases/2021/04/07/fact-sheet-more-details-on-the-biden-harris-administrations-investments-in-community-violence-interventions/>.