



WYOMING
DEPARTMENT OF EDUCATION



CARES ESSER GRANT APPLICATION GUIDANCE

MAY 8, 2020

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ESSER OVERVIEW

The Coronavirus Aid, Relief, and Economic Security Act, or CARES Act, includes an Elementary and Secondary School Emergency Relief (ESSER) Fund to be directed to state education departments.

The funds were awarded to local education agencies (LEA) Wyoming school districts based on a district's proportion of Title I-A funds received in the 19-20 grant year. The ESSER funds are not Title I-A funds, just allocated based on the same proportions.

All other federal grant awards should be used to address COVID-19 needs first, if allowable under those grants. This prevents an LEA from having unused existing, regular grant funds. There is no risk with unused COVID-19 funds, so those should be used last or in instances where there are not funds available in other programs or allowable uses of funds in other programs to meet COVID-19 related needs.

ESSER Funds are available March 13, 2020 through September 30, 2022 to assist school districts with:

1. Prevention,
2. Preparation for, and
3. Response to COVID-19 related needs

Funds can be drawn once the CARES application in GMS is through final approval.

It should be noted that these funds can be used for any allowable use of funds authorized in Elementary and Secondary Education Act, Individuals with Disabilities Education Act, the Adult Education and Family Literacy Act, the Carl D. Perkins Career and Technical Education Act of 2006, or subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act.

ALLOWABLE USES OF ESSER GRANT FUNDS SECTION 18003 (D) (1-12) -

(d) Uses Of Funds.—A local educational agency that receives funds under this title may use the funds for any of the following:

- (1) Any activity authorized by the ESEA of 1965, including the Native Hawaiian Education Act and the Alaska Native Educational Equity, Support, and Assistance Act ([20 U.S.C. 6301](#) et seq.), the Individuals with Disabilities Education Act ([20 U.S.C. 1400](#) et seq.) (“IDEA”), the Adult Education and Family Literacy Act ([20 U.S.C. 1400](#) et seq.), the Carl D. Perkins Career and Technical Education Act of 2006 ([20 U.S.C. 2301](#) et seq.) (“the Perkins Act”), or subtitle B of title VII of the McKinney-Vento Homeless Assistance Act ([42 U.S.C. 11431](#) et seq.).
- (2) Coordination of preparedness and response efforts of local educational agencies 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.
- (3) Providing principals and other school leaders with the resources necessary to address the needs of their individual schools.
- (4) 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.
- (5) Developing and implementing procedures and systems to improve the preparedness and response efforts of local educational agencies.
- (6) Training and professional development for staff of the local educational agency on sanitation and minimizing the spread of infectious diseases.
- (7) Purchasing supplies to sanitize and clean the facilities of a local educational agency, including buildings operated by such agency.
- (8) 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 seq.) and how to ensure other educational services can continue to be provided consistent with all Federal, State, and local requirements.

- (9) 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.
- (10) Providing mental health services and supports.
- (11) 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.
- (12) 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.

LEA SUBMITTED QUESTIONS

Here are some questions submitted by Wyoming LEAs and responses as we have been able to obtain clarification.

When are funds available? As soon as the LEAs have an approved grant application (via the GMS), funds can be drawn for allowable expenditures dating back to March 13, 2020. The grant funds must be obligated/encumbered by September 30, 2022 and fully drawn by December 31, 2022.

When will the grant application be available in the GMS? The grant will open on June 24, 2020.

The CARES act requires subgrants to be awarded to charter schools. Will the funds be allocated to LCSD#1 as part of the grant appropriation and the district will need to provide the proportionate share to the charter schools? US Department of Education has clarified that the funding for Wyoming will go through the school districts. The way the bill reads, it is speaking to “charter schools that are LEAs” themselves. In Wyoming, charter schools are part of the district/LEA, not independent LEAs. The district will get the emergency funding based on the district’s portion of Title I-A funds received in 19-20. It is then the responsibility of the district to work with all schools, including the charter schools, to address needs across the district. Separately, there is a requirement to ensure that each district consults with private/home school students: Sec. 18005. (a) In General.—A local educational agency receiving funds under sections 18002 or 18003 of this title shall provide equitable services in the same manner as provided under section 1117 of the ESEA of 1965 to students and teachers in non-public schools, as determined in consultation with representatives of non-public schools.

US Department of Education guidance that is awaiting a rule making process is [here](#).

According to the recent WDE memo, 90% of the formula allocation will be distributed to schools as flow-through. Knowing that 0.5% may be retained by the WDE for administrative costs, how will the remaining portion of the 9.5% set aside be administered for emergency needs? Will the ~\$3 million set aside be accessible to school districts? The WDE will be working with stakeholders to determine the best way to use the state level funds to assist with emergency needs.

The CARES act requires that the state maintain support for K-12 education in FY20 and FY21 equal to the average support for the preceding three years. Special education, transportation and general fund expenditures may not meet the same level of effort. Has the WDE considered requesting the MOE waiver for “a precipitous decline in financial resources?” In discussion with the US

Department of Education, guidance was issued to direct states wishing to apply for the MOE waiver. The waiver would be due in 2021.

The US Department of Education’s MOE FAQ is [here](#).

The CARES act also requires, to the extent practicable, [that LEAs] continue to pay employees and contractors during COVID-19 closures. How will this be monitored? If district furloughs or reduces staff, will they become ineligible for the funds? There will be a quarterly collection of information from LEAs to satisfy

this requirement. We will be collecting the number of jobs you were able to keep in place (or retain) using ESSER funds, and also the number of jobs created using ESSER funds. Furloughs or reductions in staff would not warrant taking away ESSER funds.

Has there been any additional direction on the acceptable use of funds? The act intends to allow flexible spending of the emergency funds.

Under the Uses of Funds section, #3 states, “Providing principals and other school leaders with resources necessary to address the needs of their individual school.” This seems very broad. It is broad so that it can encompass all resources

necessary. The WDE will need to understand what the resources are, and why they are necessary in order to make the connection to this allowable use. From the US Department of Education FAQ: “The CARES Act authorizes a broad array of potential uses of ESSER formula funds under a number of Federal education statutes; no associated statutory requirements of any of those programs apply to ESSER funds.” and “The ESSER Fund provides a broad, permissive list of allowable LEA activities in Section 18003(d). SEAs do not have the authority to limit the uses of ESSER formula funds.” [Link](#).

May funds be used for costs and programs that would have otherwise been expensed from state and local funds (i.e. supplement vs supplant)? For example, knowing the block grant allocates resources for summer school and extended day programs, could the funds be used to cover online/virtual education for summer school students? There are no Supplement not Supplant restrictions with

ESSER funds. “The ESSER Fund does not contain a supplanting prohibition. As a result, ESSER funds may take the place of State or local funds for allowable activities.” [Link](#).

Similar to the question above, would use #8 allow for summer school programs or to add additional instructional days to the calendar next year (general funded staff)? The WDE holds the understanding that additional instruction, via instructional days, could be expenditures covered by these emergency funds.

The funds can be used to create new or additional summer programs, or add to/enhance existing summer programs to accommodate the greater need caused by COVID-19.

Use #9 allows technology related purchases. Could funds be used to implement 1:1 computer ratio initiatives for all students? If this is the LEA's response to preparation for potential future closure events related to emergencies (or current needs from the current pandemic), it would be allowable.

Will approved indirect cost rates apply to the ESSER funds? Yes approved indirect cost rates will apply to the ESSER funds. For this grant, since there is no supplement not supplant restriction, indirect costs are unrestricted.

Will PERs and Cash Requests be similar to all federal grants? Yes, the processes will be similar with one alteration - cash requests on reimbursement basis per normal, and PERs quarterly, but will require supporting documentation for every PER submitted under this grant. This is the WDE monitoring process we are deploying as required for ESSER funds.

Will supporting documentation be required on PERs for CARES grants? PER's will require supporting documentation for each quarter. This will meet US Department of Education required monitoring of CARES grant funding.

Do home school students need to be included in the equitable services requirement? The definition of nonpublic schools in the CARES Act is (6) the term "Non-public school" means a non-public elementary and secondary school that (A) is accredited, licensed, or otherwise operates in accordance with State law; and (B) was in existence prior to the date of the qualifying emergency for which grants are awarded under this section;

In Wyoming, the definition of non-public school does encompass both private schools and home schools.

Can a district use CARES funding to purchase face masks for staff (for teaching, for professional development training, for meetings, etc...)? Yes, this would fall under resources to meet needs of individual schools.

Can ESSER funds be used to provide technology and internet access to teachers?

Yes, this would fall under resources to meet needs of individual schools.

Are administrative costs (direct and indirect) allowed? Yes. An LEA may charge direct costs that are reasonable and necessary for the administration of the ESSER funds. Keep in mind that all salaries paid for with ESSER funds must be supported by time and effort documentation..

The salary and benefits of a superintendent or district administrator cannot be charged to federal grants even if the administrator is providing support to this program (2 CFR § 200.444).

What are some general items of cost that would not be allowed for private/home/schools equitable services participation? The Education Department General Administrative Regulations (EDGAR) prohibits some specific items of cost for private school equitable participation. This includes construction, private school employee salaries, and equipment that can't be removed from the private school without remodeling (34 CFR 76.651-76.662).

Can ESSER funds be used to pay membership fees? No. Expenditures related to state or local teacher or faculty unions, or associations, are not allowed.

Can we purchase gift cards and/or other items as door prizes to incentivize students to participate in online learning? No. LEAs may not use federal funds to incentivize student participation. This is not allowed because it would be similar to paying students to attend class (Letter to: Anderson, U.S. Department of Education: U.S. Den 07-023021/SASA-127, January 15, 2008).

If a private school wants non-capital equipment (devices such as tablets, laptops, etc.) for equitable participation, once the ESSER funds are no longer available, what is the LEAs responsibility to support the technology? The non-capital equipment is the property of the LEA. Non-capital equipment purchased with ESSER funds would be available to the private school for the duration of the grant period (through September 2022).

If after September 2022, the private school does not participate in any other federal program where the items are allowable, then the LEA must collect the non-capital equipment for use with other federally funded programs in the LEA (2 CFR 200.314 and 34 CFR 76.661).

Can an LEA require the private school to use the same technology the LEA uses to better support the program at the private school (i.e. Chromebooks versus Macs)?

The LEA and private school should discuss this issue during consultation. If the LEA chooses to purchase technology they support rather than what the private

school uses, then the LEA must explain to the private school in writing the reasons why the LEA made the decisions it did (20 USC 6320(b)(1)(H)).

How will districts address Equitable Services when the US Department of Education does not have a final directive in place? UPDATED/TEMPORARY

Equitable Services Guidance from the WDE:

1. The WDE asks that LEAs calculate a best guess equitable services amount for Title I-A portion, and also a best guess amount for the non-regulatory guidance. Best guess will allow LEAs to submit applications and approved conditionally (so you can draw funds), with the requirement that evidence of consultation and required methodology are uploaded in Question #5 (in grant application) via grant amendment by September 30th showing evidence of consultation with private/home schools, methodologies used, and funding amounts are amended based on what the consultation reveals.
2. To budget for both best guess amounts and amounts after consultation, and while we await final decisions from the US Department of Education, please create two budget rows for non-public services in the Budget Pages tab. One will hold the Title I-A calculated shared, the other will hold the non-regulatory amount minus the Title I-A portion. An example:
 - a. Title I-A Equitable Services = \$5,000
 - b. Non-regulatory Equitable Services = \$50,000
 - c. One row in the Budget Pages tab for Non-public should be \$5,000.
 - d. A second row in the Budget Pages tab for Non-public should be \$45,000. (\$50,000 - \$5,000 = \$45,000)
3. Then create an amendment to upload evidence of consultation and used methodology for both equitable services calculations, and amend the budgeted figures to align with consultation, **by September 30th**.
4. Once we know the US Department of Education's final decision on equitable services, we will direct LEA's to create an amendment to applications based on what is decided.

USED Resources/FAQs:

[ESSER FAQ](#)

[Equitable Services](#) (pending rule making)

[MOE](#) (for SEAs)

WDE CARES GRANT APPLICATION - ESSER FUNDS

The following questions are going to be asked in the ESSER funds CARES grant application:

1. LEA Contact information
2. DUNS/SAMMI information, plus upload of screenshot showing evidence of expiration date. **This is just like the ESSA Consolidated Grant*
3. Program Detail tab, subtab General Questions: all questions must have a response
 - a. How did the LEA determine the most important educational needs resulting from COVID-19?
 - b. What is the LEA's proposed timeline for providing services and assistance to students and staff?
 - c. What are the LEA's plans to use ESSER funds to address remote learning?
 - d. What are the LEA's plans to assess and address student learning gaps resulting from disruption in educational services?
 - e. What is the LEA's methodology used to provide services and assistance to non-public schools/students? Guidance can be found [here](#).
 - f. What are the LEA's plans for use of ESSER funds to address the digital divide, including securing access to home-based connectivity and remote-use devices, or other related issues in supporting remote learning for all students?
 - g. How will the district track how many jobs/positions were able to be retained using ESSER funds for quarterly reporting through the grant life cycle?
4. Program Detail tab, Allowable Uses subtab: check box if applies, then provide narrative of LEA's plans
 - a. (1) Any activity authorized by the ESEA of 1965, including the Native Hawaiian Education Act and the Alaska Native Educational Equity, Support, and Assistance Act ([20 U.S.C. 6301](#) et seq.), the Individuals with Disabilities Education Act ([20 U.S.C. 1400](#) et seq.) ("IDEA"), the Adult Education and Family Literacy Act ([20 U.S.C. 1400](#) et seq.), the Carl D. Perkins Career and Technical Education Act of 2006 ([20 U.S.C. 2301](#) et seq.) ("the Perkins Act"), or subtitle B of title VII of the McKinney-Vento Homeless Assistance Act ([42 U.S.C. 11431](#) et seq.).

- b. (2) Coordination of preparedness and response efforts of local educational agencies 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.
- c. (3) Providing principals and other school leaders with the resources necessary to address the needs of their individual schools.
- d. (4) 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.
- e. (5) Developing and implementing procedures and systems to improve the preparedness and response efforts of local educational agencies.
- f. (6) Training and professional development for staff of the local educational agency on sanitation and minimizing the spread of infectious diseases.
- g. (7) Purchasing supplies to sanitize and clean the facilities of a local educational agency, including buildings operated by such agency.
- h. (8) 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 seq.) and how to ensure other educational services can continue to be provided consistent with all Federal, State, and local requirements.
- i. (9) 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.
- j. (10) Providing mental health services and supports.
- k. (11) 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.
- l. (12) 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.

5. Budget Detail tab: indicate by activity description the funding budgeted into each series. Please select non-public for any equitable services provided. Indirect costs will align with existing approved indirect cost rates.
6. GEPA tab: check boxes to acknowledge that you have answered GEPA requirements in the 19-20 ESSA Consolidated Grant Application.
7. Program Assurances tab: read through all assurances, then check the box to agree.

To draw funds, use the reimbursement request/payment request feature in the GMS just like you have for other grant applications.

Quarterly PERs are required for this grant. The WDE is required to monitor use of CARES funding, and will require supporting documentation (expenditure report with description detail) for every CARES grant PER submitted. Review and approval of these PERs will complete the required monitoring activities for this grant.