

# Michigan Department of Education (MDE)

## Frequently Asked Questions about the Elementary and Secondary School Emergency Relief Fund (ESSER Fund)

### **1. Are ESSER funds a supplement to an LEA's ESEA Title I, Part A grant award?**

**No.** The ESSER Fund is a separate Federal program. ESSER funds must be awarded and tracked separately from Title I, Part A funds.

### **2. Is there a deadline by which MDE must award ESSER funds to subrecipients?**

**Yes.** MDE must award ESSER formula subgrants to LEAs within one year of receiving the State allocation. MDE must also make awards with its MDE Reserve funds within one year of receiving the State allocation. Any funds that MDE fails to award by the one-year deadline must be returned to the Department for reallocation consistent with the CARES Act.

### **3. What is the MDE Reserve Fund?**

There are two grant programs associated with the ESSER fund. 90% of Michigan's award will be awarded based on formula. The state can keep a serve (up to 9.5% of the federal award) for grants to support technological capacity and access to support remote learning. MDE will provide additional information on this program at a later date.

### **4. Is a charter school eligible to receive ESSER formula funds?**

A charter school that is an LEA, as defined in section 8101(30) of the ESEA, may receive an ESSER formula subgrant like any other LEA. In Michigan, a charter school is a Public School Academy (PSA). Any PSA that received a 2019-20 Title I, Part A allocation, is eligible to receive the 2019-20 Elementary and Secondary School Emergency Relief (ESSER) formula funds under the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

### **5. If an LEA did not receive an FY 2019 Title I, Part A subgrant for school year 2019- 2020, is it eligible to receive ESSER formula funds?**

**No,** the LEA is not eligible to receive a formula subgrant.

**6. Are new PSA's eligible for an MDE Reserve Fund grant?**

A new or significantly expanded charter school LEA in the 2020-2021 school year is eligible to receive an MDE reserve fund subgrant in accordance with ESEA section 4306 and 34 CFR §76.792.

**7. Must an LEA submit a local application to MDE in order to receive ESSER formula funds?**

**Yes.** An LEA must file a local application with MDE in order to receive an ESSER formula subgrant.

**8. May MDE restrict, or limit LEA uses of ESSER formula funds?**

**No.** The ESSER Fund provides a broad, permissive list of allowable LEA activities in Section 18003(d). MDE does not have the authority to limit the uses of ESSER formula funds.

**9. How much flexibility does an LEA have in determining the activities to support with ESSER funds?**

The ESSER Fund provides LEAs considerable flexibility in determining how best to use ESSER funds (see Section 18003(d)). For example, LEAs may use ESSER funds for personal protective equipment (PPE), cleaning and sanitizing materials, and similar supplies necessary to maintain school operations during and after the COVID-19 pandemic. Since learning can and should continue, the encourages LEAs to target ESSER funding on activities that will support remote learning for all students, especially disadvantaged or at-risk students, and their teachers.

**10. Are an LEA's ESSER formula funds subject to the requirements of Title I, Part A of the ESEA (or other Federal education program requirements), if an LEA uses ESSER formula funds for an allowable activity under such program?**

**No.** Although an LEA receives ESSER formula funds via the Title I, Part A formula, ESSER formula funds are not Title I, Part A funds and are not subject to Title I, Part A requirements. The CARES Act authorizes a broad array of potential uses of ESSER formula funds under several Federal education statutes; no associated statutory requirements of any of those programs apply to ESSER funds.

**11. May an LEA use its ESSER formula funds to support any school in the district, regardless of a school's Title I, Part A status?**

**Yes.** The CARES Act does not define how an LEA distributes funds to schools An LEA may support any school in the district or it may target funds based on poverty, indication of school needs, or other targeting measures.

**12. Is there any difference in the amount of funds, or allowable uses of funds, for a school that implements a schoolwide program under Title I, Part A as compared to a school that provides targeted support under Title I, Part A?**

**No.** The requirements of Title I, Part A do not apply to ESSER funds. An LEA may support any of its schools using ESSER funds for any allowable activities under 18003(d) without regard to Title I eligibility, program type, or funding.

**13. Are LEAs required to provide equitable services to nonpublic schools with ESSER funds?**

**Yes.** Please see the document “Providing Equitable Services to Students and Teachers in Non- Public Schools under the CARES Act Programs” for more information. Please see <https://oese.ed.gov/offices/education-stabilization-fund/elementary-secondary-school-emergency-relief-fund/>

**14. Are ESSER funds subject to a supplanting prohibition?**

**No.** 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. However, the program does contain a Maintenance of Effort (MOE) requirement, which is designed to keep States from substantially reducing their support for K-12 education.

**15. May the LEA use ESSER funds for allowable costs incurred prior to receiving grant funds?**

**Yes.** LEAs may use ESSER funds for any allowable expenditure incurred on or after March 13, 2020.

**16. Should MDE and LEAs anticipate monitoring or auditing of ESSER funds?**

**Yes.** The ESSER funds will be monitored by MDE. The State of Michigan Office of the Auditor General will audit this program. The Department of Technology Management and Budget will require MDE to provide reports and other information related to these funds. ESSER funds are subject to audit requirements under the Single Audit Act, therefore ESSER expenditures will also be subject to audit in subsequent Single Audits.