



American Rescue Plan: Elementary and Secondary School Emergency Relief Fund (ARP ESSER)

The Elementary and Secondary School Emergency Relief (ESSER) Fund was authorized by Section 18003 of the [Coronavirus Aid, Relief and Economic Security \(CARES\) Act](#) to provide emergency aid to states to combat the COVID-19 pandemic. The Kentucky Department of Education (KDE) received \$193,186,874 – 90% of which is to be distributed to local education agencies (LEAs) to support their crisis response efforts.

On Dec. 27, 2020, a second ESSER Fund (ESSER II) appropriation was authorized by the enactment of the Consolidated Appropriations Act, 2021. That act includes the [Coronavirus Response and Relief Supplement Appropriations \(CRRSA\)](#). This supplemental appropriation provides \$928,274,720 in additional emergency aid to KDE, of which 90% goes to LEAs to combat the COVID-19 pandemic.

Most recently, on March 11, 2021, a third ESSER Fund (ARP ESSER) was authorized by the enactment of the [American Rescue Plan \(ARP\) Act](#). This act includes more than \$2 billion dollars for Kentucky public schools.

Throughout this document, ESSER funds appropriated from the CARES Act will be referenced as “ESSER I” funds, ESSER funds appropriated from the CRRSA Act will be referenced as “ESSER II” funds, and ESSER funds appropriated under the ARP will be referenced as “ARP ESSER.” As much of the guidance is applicable to both appropriations, the use of “ESSER funds” will be utilized where there is no distinction.

This guidance document provides an overview of the allocable and intended uses of ESSER funds to support leaders in their decision-making processes.

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Funding Information

The ESSER funds will be distributed to LEAs based on a proportional share of the district’s Title I, Part A allocation. ESSER I funding is based on an LEA’s 2019-2020 Title I, Part A allocation, while ESSER II funds are based on the LEA’s 2020-2021 allocation. Prior to receiving funds, LEAs must complete an assurance document through the Grants Management Application and Planning (GMAP) system.

Following the submission of the ESSER Fund Assurance by the superintendent, LEAs may request ESSER funds through the Federal Cash Request process. A funding matrix detailing allowable expenditures has been created to support LEAs. The Federal Cash Request process and the funding matrix can be found on [KDE’s Federal Grants webpage](#).

Expenditures beginning March 13, 2020, are eligible for reimbursement with ESSER funds. It is permissible for LEAs to partner with external education agencies to provide services that are allowable under ESSER funds. Any partnerships will need to be included in the LEA spending plan and annual report submitted in GMAP (discussed below).

Additional information about ESSER II funds can be found on the [ESSER II Frequently Asked Questions](#) webpage.

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Determining Need and Planning for Sustainability

KDE encourages LEAs to complete a needs assessment before determining how their portion of ESSER funds will be used. LEAs should follow existing needs assessment protocols to determine the most valuable and targeted use of ESSER funds.

A needs assessment should include a review of the current state as compared to the desired state, the identification of barriers to reaching the desired state, and an analysis of the potential sources of the identified barriers. It also is best practice to include a wide range of stakeholder voices in the planning process. Resources to support LEAs in the completion of a needs assessment can be found on [KDE's Comprehensive Improvement Planning for Schools and Districts](#) webpage.

In addition to their usual planning processes, LEAs should remain mindful that ESSER is an emergency fund meant to overcome barriers created by the COVID-19 pandemic. LEAs should prioritize existing emergency needs and consider unforeseen future needs during their planning process.

While ESSER funds do not have supplement-not-supplant requirements, KDE considers it best practice to use federal funds to supplement existing state and local funds and encourages LEAs to work within their established supplement-not-supplant methodologies. The use of ESSER funds does not override the supplement-not-supplant requirements of other programs, and replacing state or local funds with ESSER funds may result in future compliance findings.

For example, replacing local funds with ESSER funds to support the delivery of special education programs may result in an LEA failing to meet the maintenance of effort (MOE) compliance requirements of the Individuals with Disabilities Education Act (IDEA). While LEAs may use ESSER funds to support the delivery of special education, this should only be done to supplement the use of state and local funds already allocated to the program. When planning for the use of ESSER funds, LEAs should consider if similar implications exist related to other federal programs.

Reporting Requirements

LEAs are required to submit quarterly Comprehensive District Improvement Plan (CDIP) reports for ESSER funds and are required to track ESSER I, ESSER II, and ARP ESEER funds separately. LEAs should use:

- MUNIS Project number 613F for LEA expenses and 613FP for the equitable services set-aside portion of ESSER I funds;
- MUNIS Project number 554G for LEA expenses associated with ESSER II funds;
- MUNIS Project number 473G for LEA expenses in the same allowable uses as ESEER I and II; and
- 473GL for the 20% of the LEA allocation specified for Learning Loss.



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The deadlines for each quarter are Oct. 25, Jan. 25, April 25 and July 25.

To provide adequate monitoring while attempting to minimize reporting requirements for LEAs, all reporting will be conducted in GMAP. LEAs needed to complete a Spending Plan Template in GMAP by June 30, 2020, for ESSER I funds, by May 15, 2021, for ESSER II funds, and by July 31, 2021, for ARP ESSER funds. This is a short document outlining the intended uses of the ESSER funds. Also, LEAs will be required to complete an Annual Report Template in GMAP by Feb. 1, 2022, for ESSER I funds. No deadline has been established yet for the ESSER II or ARP ESSER Annual Report. Districts will be notified as soon as KDE receives that information from the U. S. Department of Education (USED). These narratives will summarize how the ESSER funds were used since the award was made.

Additional reporting may be required as more guidance is received from USED.

ARP ESSER (Only) – Required District Reservation and Use of Funds

Section 2001(e) of the ARP Act requires districts to reserve not less than 20 % of ARP ESSER funds to address learning loss through the implementation of evidence-based interventions – such as summer learning or summer enrichment, extended day, comprehensive afterschool or extended school year programs – and ensure those interventions respond to students’ social, emotional and academic needs, and address the disproportionate impact of COVID-19 on underrepresented student subgroups (each major racial and ethnic group, children from low-income families, children with disabilities, English learners, genders, migrant students, students experiencing homelessness, and children and youth in foster care).

Allowable Uses of Funds

The allowable uses of ESSER funds are outlined in Section 18003(d) of the CARES Act, Section 1867 of the CRRSA Act, and Section 2001 of the ARP Act. These sections are consolidated for ease of reading as follows:

“A local education 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.).*

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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 others 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 how to provide meals to eligible students, technology for online learning to all students, 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 after-school 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. *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, of the local educational agency, including by:*
 - (A) *Administering and using high-quality assessments that are valid and reliable to accurately assess students' academic progress and assists educators in meeting students' academic needs, including through differentiating instruction.*
 - (B) *Implementing evidence-based activities to meet the comprehensive needs of students.*

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(C) Providing information and assistance to parents and families on how they can effectively support students, including in a distance learning environment.

(D) Tracking student attendance and improving student engagement in distance education.

13. *School facility repairs and improvements to enable operation of schools to reduce risk of virus transmission and exposure to environmental health hazards, and to support student health needs.*

14. *Inspection, testing, maintenance, repair, replacement and upgrade projects to improve the indoor air quality in school facilities, including mechanical and non-mechanical heating, ventilation and air-conditioning systems, filtering, purification and other air cleaning, fans, control systems and window and door repair and replacement.*

15. *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.*

16. *Developing strategies and implementing public health protocols, including, to the greatest extent practicable, policies in line with guidance from the U.S. Centers for Disease Control and Prevention for the reopening and operation of school facilities to effectively maintain the health and safety of students, educators and other staff.”*

PLEASE NOTE: While the CRRSA Act and ARP Act include additional language regarding permissible uses of funds, the U. S. Department of Education, Office of Elementary and Secondary Education, states in its [ARP ESSER Fact Sheet](#) that the “uses of funds” for ESSER I, ESSER II and ARP ESSER are the same except for the required reservation under ARP ESSER:

Maintenance of Equity for LEAs:

As a condition of receiving funds under section 2001:

(A) An LEA shall not, in FY 2022 or 2023, reduce per-pupil funding (from state and local funds) for any high-poverty school served by the LEA by an amount that exceeds:

- (i) The total reduction in LEA funding (from state and local funding) for all schools served by the LEA in such fiscal year (if any); divided by
- (ii) The number of children enrolled in all schools served by the LEA in such fiscal year; or

(B) Reduce per-pupil, full-time equivalent staff in any high-poverty school by an amount that exceeds:

- (i) The total reduction in full-time equivalent staff in all schools served by such local educational agency in such fiscal year (if any); divided by
- (ii) The number of children enrolled in all schools served by the local educational agency in such fiscal year.



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Exceptions:

- (A) LEA total enrollment less than 1,000 students;
- (B) LEA operates a single school;
- (C) LEA serves all students in each grade in a single school;
- (D) LEA demonstrates an exceptional or uncontrollable circumstance, such as unpredictable changes in student enrollment or a precipitous decline in the financial resources of such agency, as determined by the U.S. Secretary of Education.

Suggested Uses of Funds

To support LEAs as they seek to make the best use of ESSER funds, KDE has created a series of suggested uses for consideration. In order to ensure LEAs fully consider all possible uses of ESSER funds, the suggested uses are presented here by program area, in alphabetical order. The suggested uses listed here do not represent a comprehensive list of possible expenditures, nor should they be interpreted as limiters to the acceptable uses listed above.

It is important to note that expenses incurred through ESSER funds are subject only to the rules and regulations of ESSER funds, regardless of which program area made the recommendation. For example, if an LEA elects to use ESSER funds to support a proposed expense listed under the 21st Century Community Learning Center (21st CCLC) section of this guidance, the funds are not required to meet the rules and regulations of the 21st CCLC program. Similarly, if an LEA elects to use ESSER funds to expand a program currently funded by the 21st CCLC program, the funds are not required to meet the rules and regulations of the 21st CCLC program; they remain ESSER funds and are subject only to the rules and regulations of ESSER funds.

PLEASE NOTE: To maximize effectiveness of federal funds, districts that are planning to use ESSER II funds for summer programs for students are strongly encouraged to collaborate with other federally funded summer programs in the district. For example, if the district has 21st CCLC program sites or implements a summer migrant program, these staff should be part of the district's summer program planning. ESSER II funds could support transportation to and from migrant and 21st CCLC summer programs, assist with providing meals and implement academic and enrichment activities.

21st Century Community Learning Centers (21st CCLC)

The Nita M. Lowey 21st Century Community Learning Center Program supports the creation of community learning centers that provide academic enrichment opportunities during non-school hours for children, particularly students who attend high-poverty and low-performing schools. LEAs could use ESSER funds to support 21st CCLC programs in the following ways:



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- Ensuring that students enrolled in 21st CCLC programs have the appropriate technology to participate in activities designed for afterschool delivery, such as tutoring, acceleration/remediation and enrichment;
- Providing access to technology to ensure families can attend skill-building sessions online;
- Providing internet access to families with students enrolled in a 21st CCLC program;
- Expanding home access to literacy books for all grade levels;
- Delivering programs that help families support their child at home during periods of remote learning, such as referrals to local resources and meal providers;
- Purchasing at-home learning kits that align with the goals and objectives of the LEA's 21st CCLC program. Kits could include simple materials such as paper, pencils, a pencil sharpener, construction paper, glue or tape, or more complex materials necessary to complete teacher-led STEM, art and music activities. Consideration should be given to activities that include parent and family participation; and
- Hiring additional staff to support expanded 21st CCLC programming.

Additionally, LEAs may use ESSER funds to expand existing 21st CCLC summer programs and address anticipated gaps created by the summer slide phenomenon. Grantees who already have received approval for their summer action plans could use ESSER funds to expand the scope of services for summer programs. LEAs should consider providing educational opportunities, such as literacy instruction, to families of students served by the 21st CCLC program in alignment with the goals of the program.

If districts are planning to use ESSER II funds for summer programs, to maximize effectiveness of these funds districts with 21st CCLC Programs should collaborate with these program staff on summer learning opportunities. For example, ESSER II funds could support transportation to and from 21st CCLC summer programs, assist with providing meals, and implement academic and enrichment activities. 21st CCLC programs are required to focus on math, reading, and science remediation/acceleration, credit recovery for older youth, and provide academic, artistic, and cultural enrichment activities. Programs help students meet state and local student standards in core academic subjects; offers activities that can complement the school's regular academic programs; and offers literacy and other educational services to the families of participating children.

Career and Technical Education

Career and technical education (CTE) is an essential component of the high school curriculum and can represent as much as a third of the high school experience. It is important that LEAs consider ways to continue to provide meaningful CTE experiences during extended periods of remote learning.



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LEAs may use the ESSER Fund to expand and support any existing programs funded by the Carl D. Perkins federal grant. Examples of allowable expenditures include:

- Programmatic equipment;
- Hardware and programmatic software;
- Professional development for CTE educators; and
- Interdisciplinary projects and other supplemental CTE resources.

Additionally, LEAs supplementing CTE funds with Title IV, Part A funds may consider utilizing the ESSER Fund to further expand on the needs of their CTE programs. Such considerations for Title IV, Part A might include:

- Salary and benefits for new and emerging CTE program personnel;
- Professional development for CTE educators;
- Technology or digital literacy initiatives;
- Software licenses for technology capacity and infrastructure;
- College and career counseling or Free Application for Federal Student Aid (FAFSA) initiatives; and
- Resources for new and emerging CTE programs, particularly in STEM fields.

LEAs may wish to consider the implementation of college and career readiness coaches, education/workforce/community liaisons and/or transition coordinators. These positions can coordinate outreach efforts with other agencies or organizations, as well as ensure successful student transition from K-12 to postsecondary education, the workforce and/or the military.

LEAs also may consider programming and/or instructional support strategies that reinforce the continued development of CTE students. Such programming could include summer training camps and skill workshops that focus on essential employability skills and/or in-demand career opportunities supported by the state's labor market information. Year-round strategies could be implemented, such as funding for mobile CTE labs and providing take-home student lab kits or simulation materials that may be used remotely for students to continue safe, hands-on learning and skill development during periods of remote learning.

Some additional considerations for ESSER funds are:

- Mentoring programs, as well as possible counseling resources that allow for virtual support for students' Individual Learning Plans (ILPs). Such resources allow for stronger and more responsive advising, mentoring and community connectedness for students in the absence of face-to-face coaching and counseling sessions.
- After-school and/or summer camps for a variety of CTE programs of study can be utilized for new and/or remedial learning for CTE students. Such camps can be tailored for a variety of special populations or conducted more inclusively for all CTE pathway students. Student transportation to and from such events is considered a permissible use of ESSER funds.



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- Career exploration workshops can be developed for upper elementary and middle school students. LEAs also may wish to develop or purchase supplemental curriculum that supports workplace readiness, essential employability skills and career studies and financial literacy standards for all K-12 students. Such resources, virtual or otherwise, may assist in the continuation of statutorily required programs and initiatives, such as Kentucky's essential workplace ethics instruction program mandated by [KRS 158.1413](#), as well as the state's financial literacy graduation requirement established within [KRS 158.1411](#).
- LEAs may wish to consider payment of CTE teacher stipends for the facilitation of summer learning programs and/or for small group lab-based learning that may occur on non-contracted teacher days.

To address continued needs surrounding the implementation of remote or hybrid learning strategies, KDE's Office of Career and Technical Education (OCTE) has created [a list of possible expenses](#) that may support the instructional needs of students enrolled in CTE programs.

Additionally, OCTE encourages LEAs to consider appropriate sanitation and cleaning supplies for state-operated area technology centers (ATCs). LEAs may wish to research vendor training opportunities regarding the proper cleaning and sanitation of industrial CTE equipment as it relates to infectious disease control and laboratory cleanliness. Funds also may be used to reimburse CTE programs for donated personal protective equipment (PPE) during the initial COVID-19 pandemic, as well as for the purchase of new and necessary PPE for staff throughout the continuation of the pandemic.

Educational Technology

The Office of Educational Technology (OET) encourages the use of ESSER funds to add technological capacity and access to support the remote learning needs identified by the LEAs.

LEAs discovered new successes and new barriers with educational technology while responding to the COVID-19 pandemic. Education technologies and digital learning strategies (including online, virtual, distance, remote and blended learning designs) were successfully implemented to tackle learning loss throughout the COVID-19 pandemic, with schools quickly pivoting to prevent complete pauses in learning. LEAs should continue to level up and maximize the effective uses of education technologies by getting the right content to the right students at just the right time.

The combination of great teachers implementing student-friendly, high-quality digital learning strategies has proven to be vital for the continuation of learning and minimized learning loss. ESSER Fund use can include a focus on identifying students who have been disconnected or disengaged and are showing the need for additional resources, possibly delivered in new ways.



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Additionally, access to digital learning opportunities during periods of remote learning remain a focus for Kentucky's low-income students. The ESSER Fund can be used to increase access to instructional technology (including education technologies targeting student learning loss). LEAs should continue to consider the current technological needs of students by determining which students have access to digital instructional resources at home and providing necessary guidance or partnerships to close this gap.

Kentucky was an early adopter of digital learning initiatives, including increasing the number of devices available to students. While this early adoption led to a greater level of comfort with digital learning, it also has created a legacy system where many devices are stationary and housed within classrooms, computer labs, libraries and ATCs. Statewide purchasing contracts are in place with Dell, Hewlett Packard, Lenovo, Microsoft and other statewide partners to support LEAs working to provide a portable device to every student. Along with the [Kentucky Education Technology System \(KETS\) Master Plan](#), these contracts support equity in schools by ensuring equitable costs and establishing technical specifications, internet security and filtering provisions. OET continues to encourage LEAs to leverage existing statewide and local contracts to use ESSER funds to increase or improve:

- The allocation of portable devices for students and teachers,
- Education technologies to target learning loss strategies, such as:
 - Implementing evidence-based digital learning activities to meet comprehensive needs;
 - Digital strategies for communicating with parents (for effective support, including distance learning);
 - Including high-quality digital assessments (to accurately assess student progress) and
 - Tracking student attendance and improving student participation and engagement.
- The further upgrade of school facilities digital capabilities and connectivity to better serve students and leverage blended learning strategies while on school campuses.
- Education technology activities necessary to maintain continuation of services.

Similarly, ESSER funds may be used to support LEAs in the acquisition, monitoring and deployment of appropriate software to support digital learning. KDE maintains a statewide pool of shared services that allow LEAs to opt into software opportunities that enhance student learning. These shared services contracts include programs such as Kentucky's student information system, computer and user account management services, statewide collaboration and communications systems, financial management, data security and student privacy services and standard internet and networking services.

Additionally, KDE supports LEAs in monitoring the deployment and student use of technology. KDE is dedicated to ensuring that software and digital curriculum purchases are intentional and

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regularly monitored with the understanding that LEAs must be able to gauge the adoption and impact of new technologies through Kentucky's [Digital Learning Guidelines](#).

Connectivity to further support remote learning for low-income, migrant and homeless student populations should continue to be a focus. KDE supports the LEAs' decision-making authority in establishing protocols for facilitating in-home internet access by providing technical guidance and objective feedback on unique plans and innovations.

Staff support for in-home connectivity also continues to be a barrier for most LEAs. KDE regularly highlights partnership opportunities with localities that have pioneered free public Wi-Fi access points, as well as businesses and public institutions that have made Wi-Fi access available to the public. ESSER funds may be used to expand these opportunities. However, strong consideration should be placed on the total cost of ownership of these services as well as the ongoing funding that will be required to maintain the services. LEAs also should ensure that any in-home internet access is intended to be used for student learning purposes.

LEAs should consider the staff necessary to support an expanded digital infrastructure that includes the distribution of educational technology to student homes. KDE's report, "[The People Side of K-12 Tech: A Human Capital Call to Action](#)," outlines considerations for LEAs as they seek to expand staff to support newly acquired technology.

The OET also recommends that LEAs consider the professional learning needs of staff when deploying new digital learning tools and maintaining extended periods of remote learning. When building a professional learning plan for remote learning, KDE suggests that LEAs consider some of the following topics:

- Strategies for remote learning
 - Remote learning theories, practices and applications
 - Navigating your learning management system
 - Planning considerations for learning experiences designed and delivered remotely
 - Relationship-building during periods of remote learning
- Addressing the individual needs of all students (including learning loss strategies)
 - Career and technical education
 - Early childhood education
 - English learners
 - Gifted and talented education
 - Homeless, transient and foster care
 - Low socioeconomic status
 - Special education
 - Library media learning
- Expanding and optimizing digital learning
 - Developing a digital learning coaching model to target distance and remote learning



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- Creating digital tools for integrating digital workflows and digital collaboration (including hardware/software)
- Focusing on digital connectivity
- Creating learning experiences and instructional capacity
- Understanding the adoption and impact of digital content being used during remote learning
- Leadership skills that facilitate remote learning
 - Creating a remote learning culture
 - Building a strong family engagement for remote learning
 - Creating distance management techniques

As LEAs work to build technological capacity to support remote learning and digital learning loss mitigation strategies, KDE encourages them to focus on four areas: connectivity, learning management systems (LMS) consistency, support personnel and digital learning experiences. Detailed information about each of these four focus areas can be found in [KDE's Four Digital Strategies](#) workshop resources, as well as continuing to reference KETS contracts and statewide education technology shared services.

Extended School Services

Local districts may consider reserving a portion of their ESSER funds to pay for additional Extended School Services (ESS) expenses for students in grades K-12.

ESS funds are provided through state grants to LEAs so schools can provide ESS services for students. Kentucky regulation [704 KAR 3:390, Section 2](#) describes the provision of ESS services:

“Priority for ESS services shall be placed on designing and delivering services to students at academic risk with the specific objective that students are able to:

- a) Progress from grade to grade with their cohort;*
- b) Exit elementary school ready to meet academic expectations at the middle school level;*
- c) Exit middle school ready to meet academic expectations at the high school level; and*
- d) Exit high school ready to meet academic expectations at the postsecondary education level and in the workplace, with particular emphasis on literacy and mathematics.”*

LEAs should consider allocating funds to assist ESS coordinators and ESS staff with professional development on highly effective intervention activities and virtual supports for students, as well as programs, curriculum or materials for interventions. Technology supports for ESS students to aid in access for virtual interventions also could be provided (e.g., headphones, flash drives, hotspots).

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ESSER funds could be used to support summer programming to address skill recoupment and transition needs. This includes instructional supplies, transportation and food services for summer programs.

Additionally, supports could be provided to parents of ESS students. This could include developing online training and resources on instructional strategies, use of technology to support access to interventions, and social-emotional learning to support ESS students transitioning back to school following periods of remote learning.

ESSER II funds could be used to purchase assessments to identify students in need of ESS services. Additionally, staff could be hired to support interventions to address potential learning loss as a result of the pandemic.

Facilities

The CRRSA Act clarifies specifically that ESSER funds may be used for “any activity authorized by the ESEA” as it applies to construction and renovation of facilities. As construction is an allowable activity under the ESEA’s Impact Aid program, an LEA may use ESSER funds for construction, subject to this guidance and approvals (as required) by KDE. Specifically, in ESEA Section 7013(3) the Impact Aid definition of “construction” includes (A) the preparation of drawings and specifications for school facilities; (B) erecting, building, acquiring, altering, remodeling, repairing or extending school facilities; (C) inspecting and supervising the construction of school facilities; and (D) debt service for such activities.

As is the case with all activities charged to the ESSER grant, construction costs must be reasonable and necessary to meet the overall purpose of the program, which is “to prevent, prepare for, and respond to” the COVID-19 pandemic. Therefore, any construction activities, including renovations or remodeling, that would be necessary for an LEA to prevent, prepare for and respond to COVID-19 would be allowable. This might include renovations that would permit an LEA to clean effectively (e.g., replacing old carpet with tile that could be cleaned more easily) or create a learning environment that could better sustain social distancing (e.g., bringing an unused wing of a school into compliance with fire and safety codes in order to reopen it to create more space for students to maintain appropriate social distancing).

Approved construction projects must comply with applicable Uniform Grant Guidance requirements, as well as the Department’s EDGAR regulations regarding construction at 34 CFR § 76.600. As is the case with all construction contracts using laborers and mechanics financed by federal education funds, an LEA that uses ESSER funds for construction contracts over \$2,000 must meet all Davis-Bacon prevailing wage requirements and include language in the construction contracts that all contractors or subcontractors must pay wages that are not less than those established for the locality of the project (prevailing wage rates).



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In order to provide expedited state processes and reviews for projects utilizing ESSER funds, the following should be noted:

- ESSER funds are a unique fund source. For the purposes of District Facility Plans (DFPs), ESSER funds will be considered an “unrestricted” fund source as commonly applied to Kentucky school funding.
- Projects utilizing only ESSER funds should be titled “ESSER Funds – School Name.” The fund source should be identified under “Other Available Funds” titled “ESSR Funds” with the appropriate amount.
- For projects addressing work with components that qualify for ESSER funds, but also components that do not qualify for ESSER II funds and which include additional fund source(s), we recommend that the district contact the KDE staff architect assigned to their district to discuss before submitting a BG-1.
- Projects which propose work identified as Need on a DFP require a BG-1 for reporting purposes related to the Need/Unmet Need Report.
- To streamline the requirements of [702 KAR 4:160](#), Capital Construction Process, projects requiring a BG-1 and using these funds will be considered Tier 3 which will eliminate schematic and design development submittals and reviews.
- Projects impacting current data reported in KFICS and therefore included in the Ranked Report require the new information to be reported in AssetPlanner when the project has been completed.
- Projects for which audits have not yet been conducted should report the information in KFICS when the project has been completed.

As with any construction project, LEAs are strongly encouraged to consult with their assigned KDE staff architect to answer any questions before commencing construction or renovation projects with the planned use of ESSER funds.

Gifted and Talented Education

Local districts may consider reserving a portion of the ESSER funds to pay for additional gifted and talented (GT) expenses for students in the Primary Talent Pool (PTP) and those who have been formally identified for GT services in grades 4-12.

GT students are considered exceptional children and, as such, should be receiving ongoing services to ensure their educational needs are addressed. Implementation of Gifted Student Service Plans (GSSPs) must continue during periods of remote learning. If the LEA’s GSSP form has a comments section, it is recommended that the LEA’s and school’s remote learning procedures be recorded there. Remote learning procedures would vary depending on a student’s individual needs but could include the GT teacher creating enrichment lessons and activities, or the creation of a long-term project related to the goals in the GSSP. GT teachers must be available to students during periods of remote learning.



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LEAs may use ESSER funds to support network access and devices for families of GT students to ensure they can participate in virtual enrichment and acceleration activities. Additionally, funds could be used to assist with professional development to support the virtual identification of students for the GT program; virtual instructional options for students to ensure continuous program delivery; research-based programs to support enrichment and acceleration opportunities; for students, or materials for project-based learning, such as books and consumables. Assessments for GT are costly and additional funding may be necessary for students who were unable to be assessed for GT identification during the periods of remote learning.

Funds also could be allocated to support parents of GT students. This includes developing resources or online training for parents on appropriate instructional strategies to assist their children, as well as supporting GT students with social and emotional learning.

LEAs could use ESSER II funds to implement more comprehensive GT assessment and identification procedures. This may include hiring additional federally funded time-limited staff or paying stipends for assessment administration. When administering assessments, LEAs might consider using multiple, non-biased measures of giftedness in addition to national norms when determining student eligibility.

To address potential learning loss during the pandemic, LEAs may use ESSER II funds to support educators, school staff, parents and guardians with professional learning focused on engaging students as they transition from remote learning to in-person or hybrid learning. Topics of professional development may include strategies on how to connect with underachieving students and strategies for addressing learning gaps.

Funds could be used for professional learning on acceleration strategies and assessments. Many types of acceleration other than whole-grade acceleration are possible. LEAs might provide teaching strategies on subject acceleration, curriculum compacting and tiered lessons. Funds may be used to support independent study for students who are ready to take a deeper dive into a subject or an area of interest. There are assessments that could be purchased to assist LEAs with determining if students are ready for full-grade or subject acceleration.

When offering summer camps and enrichment opportunities, LEAs may need to purchase additional materials. LEAs could set aside funds for hands-on materials and technology hardware and software. Additional books for staff and students could be purchased to assist with teaching strategies and topics of interest to students. Registrations for extracurricular opportunities and online classes could be paid with these funds.

McKinney-Vento Act

The McKinney-Vento Act (MVA) supports a rigorous education for all students by promoting educational success for students who are experiencing homelessness. All allowable expenditures



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under the MVA are allowable under the ESSER Fund. When responding to the COVID-19 pandemic, the KDE Division of School and Program Improvement (DSPI) suggests that LEAs direct their attention to renewed identification and outreach efforts and expanded access to relevant educational resources and opportunities.

LEAs may use ESSER funds to maintain communication with families and unaccompanied youth experiencing homelessness. This could include methods such as prepaid cellphones, e-mail or other alternatives. By contacting these students and their families, LEAs can ensure they are connected to school instruction and other school and/or community-based supports during extended periods of remote closure.

Additionally, LEAs should connect with families to:

- Determine basic living situations of families and unaccompanied youths;
- Reassess needs of students and young children who had been identified as homeless;
- Identify any students who are now eligible for MVA rights due to the COVID-19 pandemic;
- Provide flyers, posters or other MVA awareness materials to programs serving families with young children – such as preschool or Head Start programs – and post them in areas where families may be living, such as motels or campgrounds;
- Identify and communicate safe and stable housing options for quarantine/recovery;
- Identify where and how youth and families can access basic needs, such as food, health care and mental health services;
- Keep certain schools or community sites open for food, hygiene and health care, or provide drive-by options;
- Consider strategies that will allow families and youth who have no reliable transportation to access the same supports as families with transportation, whether through the provision of transportation assistance, “home” delivery or other appropriate options;
- Modify processes to ensure that unaccompanied youth can access meals and services consistent with applicable MVA requirements;
- Raise awareness and coordinate with state and local housing agencies, as well as with the U.S. Department of Housing and Urban Development’s Continuum of Care, so students experiencing homelessness can access housing supports through new federal funding; and
- Work with local public health officials and community partners to identify temporary, safe and stable shelter options for families or youth experiencing homelessness who must quarantine.

LEAs also may use ESSER funds to support expanded access to equitable learning opportunities in the following ways:

- Include additional flexibility for deadlines and participation requirements;
- Provide access to mobile hotspots, laptops/tablets and any other materials necessary to fully participate in online learning;



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- Establish and implement a sensitive and discreet protocol for asking students and their families about their possible lack of supplies or other barriers to learning;
- Provide support to general education and special education teachers who service homeless students who have Individual Education Plans (IEPs);
- Adapt strategies from traditional home visiting to virtual home visits during the crisis; and
- Support unaccompanied youth completing the Free Application for Federal Student Aid (FAFSA) documents.

Additionally, the DSPI encourages LEAs to provide educators with access to professional learning focused on meeting the needs of student served by the MVA. This may include professional learning and technical assistance opportunities that address specific roles and responsibilities for supporting homeless students and families. In some instances, LEAs may find it necessary to increase the number of personnel designated to carry out the duties of the homeless education liaison.

As LEAs seek to support students experiencing homelessness, they may benefit from a review of the following resources:

- [“COVID-19 Checklist for State Education Leaders on Children and Youth Experiencing Homelessness,” SchoolHouse Connection](#)
- [“Five Ways to Protect Infants, Toddlers, and Preschoolers Experiencing Homelessness During COVID-19,” SchoolHouse Connection](#)
- [“Supporting Children and Youth Experiencing Homelessness during the COVID-19 Outbreak: Questions to Consider,” U.S. Interagency Council on Homelessness](#)
- [“The Realities of Life for Homeless Students Must Be Part of Remote Learning Strategies During Coronavirus Shutdowns,” SchoolHouse Connection](#)

Measuring Learning Loss

Evaluating students’ learning loss is one of the first steps to take with students as they return to in-person learning and back into the classroom. LEAs have and should consider ways to determine the learning loss that has occurred during the COVID-19 pandemic. When determining learning loss, the use of assessment data will help district and school staff guide curriculum and instruction based on students’ needs. Currently, LEAs have been using a variety of measures such as diagnostic assessments, classroom assessments, interim assessments, and formative assessments and should continue to do so.

Learning loss should be measured through a variety of high-quality assessments that are valid and reliable so that they accurately assess students’ academic progress and assist educators in meeting student’s academic needs. High-quality assessments provide information and feedback

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about student learning and growth. Specifically, data gathered from assessments give educators information they need to adjust their instruction. Assessments should:

- Align to the *Kentucky Academic Standards (KAS)*;
- Provide valid results; and
- Yield useful results.

The Council of Chief State School Officers (CCSSO) has published two documents that may be helpful to LEAs on high-quality assessments: [Criteria for Procuring and Evaluating High-Quality Assessments](#) and [Fundamental Insights about Formative Assessment](#).

Preschool Services

The OSEEL is advising LEAs to consider reserving a portion of their ESSER funds to support and expand existing preschool services.

LEAs are required to actively recruit and enroll children who are eligible for the state-funded preschool program, including 3- and 4-year-olds with disabilities and 4-year-olds living in households up to 160% of the federal poverty level. Programs cannot have a waiting list and any child found to be eligible for the state-funded preschool program, either by income or disability, must be offered services.

More than 400,000 Kentuckians filed for unemployment insurance this spring due to the effects of the COVID-19 pandemic. There are approximately 55,900 4-year-old children in Kentucky and as a result of the high unemployment rate, an unprecedented number of children may qualify for state-funded preschool services. LEAs must be equipped and ready to serve these additional children who are eligible for services, including 4-year-old children who are income eligible.

LEAs may consider using ESSER funds to ensure equitable access to the state-funded preschool program. This may include purchasing portable devices and securing hotspots for preschool students, providing preschool teachers with professional development related to distance learning curriculum and instruction, as well as developing interactive, online parent training for preschool parents with a focus on child development, use of technology and social emotional well-being.

LEAs may want to consider reserving a portion of their ESSER II funds to prevent learning loss in preschool and to support and expand existing preschool services. Preschool students may be disproportionately adversely impacted by the pandemic, raising concerns about children experiencing homelessness, isolation, trauma, abuse and neglect. LEAs may use funds to ensure preschool students receive appropriate services, including health and mental health, nutrition, vision, dental and follow-up care services.

LEAs may use funds to strengthen preschool student identification and recruitment efforts, including collaboration and coordination with Head Start and childcare providers.



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As teaching and learning activities move from online to in-person settings, funds may be used to extend preschool from half-day to full-day services. [Research](#) indicates preschool students who participate in full-day programs are more prepared for kindergarten than children participating in half-day programs.

LEAs may consider offering preschool summer learning programs using ESSER II funds. Enrichment programs have the potential to help students strengthen and reinforce school readiness skills they learned in preschool over the summer months.

During early childhood, young children and families experience many transitions between program services and settings. However, the systems designed to support these transitions have been disrupted by COVID-19, possibly making the adjustment to kindergarten more difficult for preschool students and families. LEAs may use funds to support transition to kindergarten activities, including transition planning, development and implementation.

LEAs might use ESSER II funds to support culturally responsive family engagement practices. This may include professional development for teachers and leaders to strengthen relationships with families. Also, funds may be used to coordinate family engagement activities across early childhood initiatives and systems.

School Improvement

Those LEAs supporting schools identified for Targeted Support and Improvement (TSI), Additional Targeted Support and Improvement (ATSI) or Comprehensive Support and Improvement (CSI) may consider using a portion of their ESSER funds to support the continuous improvement efforts of their identified schools. ESSER funds may be used to continue or expand upon any items already listed in school turnaround plans or school improvement fund (SIF) applications.

KDE's District 180 Branch encourages LEAs to consider the following supports for schools identified for improvement:

- Instructional resources and technology to support distance learning, such as mobile devices, headsets or learning management systems;
- Instructional resources and technology to support underperforming subgroups, such as assistive applications, translation programs or technological readers;
- Culturally diverse instructional materials that are representative of the students, their families and their unique experiences;
- Resources and materials to reach and support diverse families, such as translation services;



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- Professional learning to support distance learning and the continuation of existing improvement efforts;
- Professional learning on supporting special populations, especially those in underperforming subgroups;
- Expanded training, implementation and monitoring of school improvement systems, such as the purchase of eProve Effective Learning Environments Observation Tool seats, National Institute for School Leadership training or attendance at the Continuous Improvement Summit;
- Increasing access to mental health services through the hiring of a full-time mental health counselor;
- Summer camps targeting low-performing student groups or students in transitional grades;
- Hiring of additional staff to support underperforming student groups and lower caseloads; and
- After-school tutoring or remediation programs.

Special Education

LEAs must ensure that students with disabilities have equal access to the same opportunities as students without disabilities, including the provision of a free appropriate public education (FAPE). LEAs must continue to ensure each student is provided the special education and related services identified in the student's Individual Education Program (IEP) developed under the IDEA.

LEAs may use ESSER funds to implement special education and related services to educate students with Individual Education Programs (IEPs). However, as stated previously in this guidance, it is important to note that LEAs **must** continue to maintain local or state and local funds previously spent to provide special education and related services to meet the IDEA's maintenance of effort requirements. To ensure an LEA continues to meet the IDEA's MOE requirements, the use of ESSER funds **should not supplant or replace** the use of local or state and local funds previously used to provide these services.

Suggestions for the use of these funds to support students with disabilities include, but are not limited to, the following:

- Providing specially designed instruction and related services to individual students with disabilities;
- Providing students with disabilities one-to-one access to electronic devices such as laptops, iPads, tablets or other equipment and devices to enable these students to receive instruction through distance learning and virtual online options;



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- Providing students with any assistive technology devices or supplementary aides and services as determined by the Admissions and Release Committee (ARC);
- Making internet access available to individual students in their homes to enable equitable participation in remote instruction;
- Supporting the cost of meals for students, including students who have special dietary requirements;
- Providing for travel costs of employees incurred when providing services for students with disabilities;
- Supporting the costs of interpreters for Deaf or Hard of Hearing (DHH) students;
- Supporting the costs of large print or other devices for visually impaired students;
- Providing professional development opportunities for special education teachers and related service personnel;
- Providing mental health services to students; and
- Creating lending libraries for assistive technology and other resources.

Emergency Contingency Plans

Admissions and Release Committees (ARCs) may choose to develop emergency contingency plans to determine how a student's current IEP will be implemented in order to provide a Free Appropriate Public Education (FAPE) during periods of remote learning. Including a contingency plan in a student's IEP offers the LEA and the student's parents an opportunity to discuss and plan for periods of remote learning.

[“Questions and Answers on Providing Services to Children with Disabilities During the Coronavirus Disease 2019 Outbreak”](#) from the U.S. Department of Education addresses contingency plans and states the following:

“IEP teams may, but are not required to, include distance learning plans in a child’s IEP that could be triggered and implemented during selective closure due to a COVID-19 outbreak. Such contingent provisions may include the provision of special education and related services at an alternate location or the provision of online or virtual instruction, instructional telephone calls, and other curriculum-based instructional activities, and may identify which special education and related services, if any, could be provided at the child’s home. Creating a contingency plan before a COVID-19 outbreak occurs gives the child’s service providers and the child’s parents an opportunity to reach agreement as to what circumstances would trigger the use of the child’s distance learning plan and the services that would be provided during the dismissal.”

Developing a contingency plan provides an opportunity for staff and parents to clearly communicate the expectations for periods of remote learning and to document how special education and related services will be provided during these unique circumstances. Establishing

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a contingency plan minimizes questions that may arise regarding how to implement a student's IEP if changes occur and schools quickly transition to remote instruction.

Contingency plans will vary depending on a student's individual needs but may include the regular classroom teacher adjusting the lesson to meet the needs of the individual student, the special education teacher creating student-specific lessons, or the regular education and special education teachers working together to adjust or create lessons.

The ARC must consider the technology needs of the student while learning at home during periods of remote learning and determine how appropriate technology will be provided to the student. The ARC also must consider how accommodations such as a human reader or scribe will be provided in a digital environment. Decisions must be based on the individual needs of the student rather than administrative convenience.

Procedures for periods of remote learning could include sending familiar manipulatives home to the students; downloading lessons or educational games onto a tablet and sending it home; creating lessons focusing on life skills; or using technology to create face-to-face learning experiences, creating student-specific lessons or adjusting lessons to meet the needs of the student. Both general education and special education teachers must be available to students during periods of remote learning.

Compensatory Education

The OSEEL advises LEAs to consider reserving a portion of their ESSER Funds to pay the cost of providing compensatory education services to students with disabilities.

Under the IDEA, compensatory education services are necessary whenever a LEA is unable to provide a free appropriate public education (FAPE) to a student with a disability as described in the IEP. Compensatory education services include the educational program to which the child is entitled under the FAPE provisions of the IDEA that the LEA failed to provide. The purpose of compensatory education is not to punish LEAs for denying the student FAPE, rather, the goal is to place the student in the position they would be in had the LEA provided the appropriate services as prescribed in the IEP.

During extended periods of remote learning, a student with a disability may not be able to receive full implementation of the services specified in the IEP. ARCs must review the status of services on a student-by-student basis and make individualized determinations whether, and to what extent, compensatory education services are needed. The ARC should consider if the student received all IEP services during distance instruction through the COVID-19 pandemic, discuss whether a denial of a Free Appropriate Public Education has occurred and whether compensatory education services are necessary.



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All the information needed to make this determination likely will not be known until in-person classes resume. Thus, the most appropriate time for the ARC to decide on compensatory education services for the student may be when schools return to normal operations. However, LEAs should continue ongoing communications with parents regarding the implementation of the IEP. Virtual ARC meetings must continue to occur during periods of remote learning. Districts and parents may use virtual means such as conference calls or video conferencing to conduct ARC meetings remotely.

Maintenance of Effort

The LEA should make sure that it is continuing to spend from local or state and local funds (generally there are expenditures made from the LEA's general fund account) to provide special education and related services, an amount necessary to meet the maintenance of effort (MOE) compliance requirements of the IDEA before it supplements the use of those funds with ESSER funds, or any other fund source. If local or state and local funds are supplanted by ESSER or other funds, it could result in the LEA failing to meet the MOE compliance requirements of the IDEA. Failure to meet the IDEA's MOE compliance requirements could result in having to pay back the U.S. Department of Education, an amount equal to the LEA's failure to meet the requirement, not to exceed the amount of the LEA's entire IDEA allocation for that year.

In planning for the use of ESSER/ESSER II funds, specifically when providing special education and related services to children with disabilities, the OSEEL again, cautions LEAs to be aware of the impact of failing to budget or spend the amount of local or state and local funds necessary to meet the IDEA's MOE requirements to provide special education and related services to children with disabilities.

This year, due to the number of school days being conducted through remote instruction LEAs may experience a reduction in the amount of local or state and local funds used to provide special education and related services. This is especially true as it pertains to students with disabilities who are normally provided special transportation and other related services, such as speech language therapy, occupational therapy, physical therapy and other specially designed instruction. LEAs should take measures necessary to ensure that special education and related services this year are provided from the LEA's general fund (which includes both state and local funds) in an amount sufficient to meet the IDEA's MOE requirements before paying the cost of these services from ESSER/ESSERII funds or other funding sources.

OSEEL is concerned that if state funding to LEAs through the state's SEEK funding formula is reduced next year due to a loss of revenue caused by the COVID-19 pandemic, this could result in a district's failure to meet the IDEA's MOE requirements. Therefore, to assure this requirement is met, OSEEL encourages LEAs to consider maintaining the use of general fund resources to provide special education and related services while using ESSER funds to replace



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those state and local funds typically spent in other areas. Once an LEA is certain that it has spent from the general fund, an amount necessary to meet the IDEA's MOE compliance requirements, ESSER or ESSER II funds may be used to supplement, not supplant these general fund expenditures.

As stated previously, under the MOE compliance requirements of the IDEA, when an LEA fails to spend the required amount of local or state and local funds, an amount equal to the LEA's failure (up to the amount of the LEA's IDEA allocation) must be paid back to USED.. Without a waiver from Congress, it is not within the authority of USED's Office of Special Education Programs (OSEP) to expand upon the exceptions listed in [Section 1413 \(a\)\(2\)\(B\)](#). OSEEL is not aware of any indication that Congress is considering such a waiver. If conversations of this nature do occur at the national level and Congress takes action, OSEEL will update its recommendation and KDE will relay this information to LEAs immediately.

As a result, for the 2020-2021 school year, LEAs must continue to be aware of the MOE requirements of the IDEA and continue to spend from local or a combination of state and local funds to the highest level it did so in previous years. OSEEL will continue to monitor the MOE requirements of the IDEA, using the LEA MOE Tracker it has used to document these expenditures over the last several years.

Assistive Technology

LEAs may use ESSER funds to purchase assistive technology to ensure students with disabilities are able to access the curriculum during periods of remote learning. Assistive technology is defined by [707 KAR 1:002, Section 1 \(3\)](#) as "any item, piece of equipment, or product system, whether acquired commercially, 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 mean a medical device that is surgically implanted, or the replacement of such a device."

Assistive technology can include both high-tech and low-tech tools. Some examples of assistive technology include but are not limited to:

- Computer software and hardware, such as voice recognition programs, screen readers and screen enlargement applications, that help people with mobility and sensory impairments use computers and mobile devices;
- Adaptive switches and utensils that allow those with limited motor skills to eat, play games and accomplish other activities;
- Tools such as automatic page turners, book holders and adapted pencil grips that help students with disabilities participate in educational activities; and
- Communication devices and programs that help students with limited language skills communicate.



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Additional information on assistive technology tools that may help students with disabilities access the curriculum from home may be found by clicking on the following links:

- [“What are Some Types of Assistive Devices and How are They Used?” National Institutes of Health, Eunice Kennedy Shriver National Institute of Child Health and Human Development](#)
- [“Assistive Technology for Learning: What You Need to Know,” Understood](#)

Certain software that enables students with disabilities to access the curriculum may be more costly than other pieces of assistive technology. LEAs should be mindful of this. The cost cannot be a barrier to ensuring all students receive a free appropriate public education, even during closures.

Title I, Part A and Title V, Part B – Rural and Low-Income School Program

The Title I, Part A program provides financial assistance to LEAs and schools with high numbers of children from low-income families to ensure that all children meet challenging state academic content and achievement standards. Similarly, the Title V, Part B program directs federal resources to schools in rural areas. ESSER funds may be used for any of the established purposes of Title I, Part A or Title V, Part B. KDE’s Division of School and Program Improvement (DSPI) recommends that LEAs consider the following allowable uses when distributing ESSER funds:

- Providing professional learning for teachers on how to develop a platform for students to receive lessons from home;
- Administering and using high-quality assessments that are valid and reliable to accurately assess students’ academic progress and assist teachers in meeting students’ academic needs, including differentiating instruction;
- Implementing evidence-based activities to meet the comprehensive needs of students;
- Increasing access to remediation programs to be used at the school level that would provide interventions in a wide range of subjects;
- Distributing take-home books for struggling readers that incorporate parent involvement;
- Providing supplemental curriculum for reading and math that would enhance at-home learning, such as software programs that students can access from home;
- Expanding access to intersession programs during the summer;
- Expanding access to after-school programs, including Saturday instruction for struggling students;
- Acquiring new technology such as laptops or tablets for teachers and students that support in-home instruction;
- Providing information and assistance to parents and families on how they can effectively support students, including a distance learning environment;



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- Facilitating the distribution of mobile internet devices to be used for home learning;
- Creating learning labs that work in conjunction with summer feeding programs; and,
- Tracking student attendance and improving student engagement in distance education.

Title I, Part C – Migrant

Migrant education is a federal entitlement program designed to provide supplementary education and human resources services to highly mobile children up to and through age 21. All the allowable expenditures under the Title I, Part C program also are allowable under the ESSER Fund. KDE's Division of School and Program Improvement (DSPI) recommends that LEAs consider the needs of migrant students when planning for the use of ESSER funds.

The LEA may elect to use ESSER funds to support existing programs and services for migrant students in the following ways:

- Providing opportunities for face-to-face interactions between migrant tutors/advocates and the migrant students. Methods to promote communication and social interaction through digital storytelling activities, phone conversations, using technology to promote person-to-person communication may be deployed;
- Providing access to wireless internet for migrant students and their families so they can access online learning platforms and academic content;
- Acquiring new technology devices to allow migrant students and their families to participate and communicate meaningfully in their child's education and academic content;
- Creating virtual learning opportunities through learning management systems to allow migrant advocates and tutors to deliver instruction directly to students;
- Purchasing programs to help migrant students obtain online diplomas or to improve technology skills;
- Developing alternative methods of delivering instruction, such as printed materials and the digital recording of lessons while providing accommodations for language supports, video or telephone conferencing, online learning software, etc.; and
- Purchasing hands-on STEM kits, robotics kits, circuit boards or math/science kits that students could use at home.

Additionally, LEAs may use ESSER funds to address frequently identified barriers and gaps as follows:

- Providing access to internet and devices to the many migrant students and their families who do not have such devices. This would allow them to participate in an online learning environment;



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- Providing self-paced online learning software, programs and supplemental resources. LEAs should be mindful of migrant students with language difficulty who may require academic language support from a migrant advocate or tutor. LEAs should provide virtual opportunities for tutors and advocates to provide instruction and language support to migrant students; and
- Supporting the needs of migrant families who may not be working, including access to basic supplies (laundry detergent, soap, etc.) and food.
- In order to maximize the effectiveness of ESSER II funds, districts with Migrant Programs should collaborate together on summer learning opportunities. For example, ESSER II funds could support transportation to and from migrant summer programs, assist with providing meals, and implement academic and enrichment activities. Migrant summer programs are required to provide instructional services focusing on math, reading, science and social studies. Migrant programs help students meet state and local student standards in core academic subjects; offers activities that can supplement the school's regular academic programs; and offers literacy and other educational services to the families of participating children.

Title I, Part D – Neglected and Delinquent

The Title I, Part D (TIPD) program provides services and interventions to students who are identified as neglected, delinquent or at-risk. All allowable expenditures under the TIPD program also are allowable under the ESSER Fund. The Division of School and Program Improvement (DSPI) at KDE recommends that LEAs consider using ESSER funds to expand existing TIPD efforts and remedy existing or newly identified barriers to program implementation.

One way that ESSER funds may be used is to increase staffing within TIPD programs. This could include the addition of a liaison, teachers, coordinator, classroom assistant or a transition specialist.

LEAs may find it beneficial to direct ESSER funds to support the continued education of students within the TIPD program by acquiring new supplemental instructional materials for use during periods of remote learning. This could include materials such as books, textbooks, pens, paper etc. ESSER funds also can be used to support students in the TIPD program by providing supplemental resources such as technology hardware — like portable devices, tablets, personal earbuds and calculators – but are not limited to these items.

Funds may be used to purchase software or subscriptions that enable continued educational services. This could include learning management systems that house instruction, and discussion and collaborative tools. This also could include subscriptions to educational programs that provide engaging literacy-based educational materials and resources for students. Professional



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learning to support the implementation of these initiatives also would be an appropriate use of ESSER funds.

ESSER funds may be used to implement and expand counseling and mentoring services for students in alignment with the goals of the TIPD program. Additional services could consist of dropout prevention, vocational/technical education, teaching life skills, supplemental mental health approaches, trauma-informed care strategies, cognitive behavioral therapy, substance treatment (i.e. drug or alcohol) and opportunities to increase wellness such as fitness, yoga, mindfulness and meditation resources.

LEAs may elect to use ESSER funds to increase access to transitional services. The purpose of transitional services is to ensure a smooth transition from the institution to a community setting to reduce recidivism. This can include, but is not limited to, further schooling, aid for employment, career and technical education and postsecondary education. During extended periods of remote learning, additional focus may be necessary to ensure students transition successfully. Students who qualify for TIPD programs also may benefit from access to GED preparation programs and testing during extended periods of remote learning.

In order to protect students in residential facilities supported by the TIPD program, LEAs may consider using ESSER funds for the following health and safety considerations:

- Screening to ensure staff are not coming into work with a fever, shortness of breath and/or cough. LEAs also should consider additional screening for offenders. The overall goal should be to administer COVID-19 testing for all TIPD institutions.
- Ensuring social distancing by arranging furniture in facilities and implementing a 14-day rotation for staff members.
- Providing personal protective equipment to staff. Staff need access to masks, thermometers, alcohol wipes, helmets, shoes, aprons, uniforms, disinfectant sprays, goggles, cleaning supplies, gloves and other protective garments.
- Ensuring students' basic needs are met by providing resources for personal hygiene supplies, clothing, food/snacks, transportation and lodging.
- Providing telehealth services to offenders. Using telehealth services will ensure a more collaborative approach between the therapist, guardian of the offender, caseworker, social worker, parole officer and or any other staff, and help maintain a safe environment in the institution.

Title II, Part A – Supporting Effective Instruction

Title II, Part A provides support to LEAs as they seek to build educator capacity and ensure high-quality instruction. Per the Elementary and Secondary Education Act (ESEA), Section 2001, the purpose of Title II, Part A for LEAs is to (1) increase student achievement consistent with the challenging state academic standards; (2) improve the quality and effectiveness of

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teachers, principals and other school leaders; (3) increase the number of teachers, principals and other school leaders who are effective in improving student academic achievement in schools; and (4) provide low-income and minority students greater access to effective teachers, principals and other school leaders. The ESSER Fund can be used to support all the allowable areas under Title II Part A. KDE's Office of Teaching and Learning (OTL) has provided some possible focus areas below.

Professional Development

ESSER funds may be used to provide a full range of professional development activities to better leverage and support school leadership, such as:

- Supporting peer-led, evidence-based professional development in LEAs and schools (ESEA sections 2101(c)(4)(B)(v)(I) and 2103(b)(3)(E));
- Developing and providing training to principals, other school leaders, coaches, mentors, and evaluators on how to accurately differentiate performance, provide useful and timely feedback, and use evaluation results to inform decision-making about professional development, improvement strategies and personnel decisions (ESEA Section 2101(c)(4)(B)(ii)(II));
- Providing assistance to LEAs for the development and implementation of high-quality professional development programs for principals that enable the principals to be effective and prepare all students to meet the challenging state academic standards. (ESEA Section 2101(c)(4)(B)(viii)); and
- Supporting efforts to train teachers, principals or other school leaders to effectively integrate technology into curricula and instruction, which may include training to assist teachers in implementing blended learning projects (as defined in section 4102(1)) (ESEA Section 2101(c)(4)(B)(ix)); and improving teaching and student learning and achievement, including supporting efforts to train teachers, principals or other school leaders to (i) effectively integrate technology into curricula and instruction (2103(b)(3)(E)).

Additionally, ESSER funds may be used to provide a full range of professional development activities related to addressing 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. For example, funding may be used for developing programs and activities that increase the ability of teachers to effectively teach children with disabilities, including children with significant cognitive disabilities, and English learners, which may include the use of a multi-tiered system of supports and positive behavioral intervention and supports so that such children with disabilities and English learners can meet the challenging state academic standards (ESEA Section 2103(b)(3)(F)).



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As LEAs work to mitigate the long-term impact of the COVID-19 pandemic, they may elect to use ESSER funds to provide professional development for staff on sanitation and minimizing the spread of infectious diseases. This could include supporting peer-led, evidence-based professional development in LEAs and schools (ESEA sections 2101(c)(4)(B)(v)(I) and 2103(b)(3)(E)) carrying out in-service training for school personnel in (iv) addressing issues related to school conditions for student learning, such as safety (ESEA Section 2103(b)(3)(I)).

ESSER funds also may be used to provide professional learning to assist educators in addressing learning loss among students. Professional learning considerations could include the following:

- Administering and using high-quality assessments that are valid and reliable to accurately assess student academic process, including possible learning loss, and assist educators in meeting students' academic needs, including through differentiated instruction;
- Implementing evidence-based activities to meet the comprehensive needs of students;
- Reducing class size to an evidence-based level that positively affects student outcomes;
- Providing high-quality, personalized professional learning for teachers, instructional leadership teams, principals or other school leaders that is focused on learning loss or student achievement in a distance learning setting;
- Collaborating with diverse shareholder groups to positively impact student outcomes;
- Providing information and assistance to parents and families on how they can effectively support students, including in a distance learning environment; and
- Tracking student attendance and improving student engagement in distance education.

This could include supporting peer-led, evidence-based professional development in LEAs and schools (ESEA 2101(c)(4)(B)(v)(I)), or be used to guide coaches, mentors and evaluators on how accurately to differentiate performance, provide useful feedback and use evaluation results to inform decision-making about professional development improvement strategies and personnel decisions (ESEA Section 2103(b)(3)(B)(v)).

Mental Health Services and Supports

In addition to physical health concerns, the COVID-19 pandemic may have a lasting impact on the mental health of Kentucky's students. As such, ESSER funds may be used to provide professional development concerning mental health services and supports, including "carrying out in-service training for school personnel in – (i) the techniques and supports needed to help educators understand when and how to refer students affected by trauma, and children with, or at risk of, mental illness; (ii) the use of referral mechanisms that effectively link such children to appropriate treatment and intervention services in the school and in the community, where appropriate; (iii) forming partnerships between school-based mental health programs and public or private mental health organizations; and (iv) addressing issues related to school conditions for student learning, such as safety, peer interaction, drug and alcohol abuse, and chronic absenteeism" (ESEA, Section 2103 (b)(3)(I)).



Summer Learning and After-School Programs

Finally, LEAs may consider using funds to provide a full range of professional development activities related to planning and implementing summer learning and supplemental after-school programs. This could include topics such as:

- Supporting peer-led, evidence-based professional development in LEAs and schools (ESEA sections 2101(c)(4)(B)(v)(I) and 2103(b)(3)(E));
- Developing programs and activities that increase the ability of teachers to effectively teach children with disabilities, including children with significant cognitive disabilities, and English learners, which may include the use of a multi-tiered system of supports and positive behavioral intervention and supports, so that such children with disabilities and English learners can meet the challenging state academic standards (ESEA Section 2103(b)(3)(F));
- Providing programs and activities to increase – (i) the knowledge base of teachers, principals or other school leaders on instruction in the early grades and on strategies to measure whether young children are progressing (ESEA Section 2103(b)(3)(G)); and
- Providing training, technical assistance and capacity-building in local educational agencies to assist teachers, principals or other school leaders with selecting and implementing formative assessments, designing classroom-based assessments, and using data from such assessments to improve instruction and student academic achievement, which may include providing additional time for teachers to review student data and respond, as appropriate (ESEA Section 2103(b)(3)(H)).
- Providing training to support the identification of students who are gifted and talented, including high-ability students who have not been formally identified for gifted education services, and for implementing instructional practices that support the education of such students (ESEA Section 2103(b)(3)(j)).
- Developing and implementing programs and activities to address learning loss among students, including low-income students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness and foster care children and youth (ESEA Section 2103(b)(2)).

Title III – English Language Proficiency

Title III of the ESEA was enacted to ensure that English learners (EL), including immigrant children and youth, develop English proficiency, learn the same academic content and achieve the same standards as other children. All allowable expenditures under the Title III program are allowable under the ESSER Fund. KDE's Division of School and Program Improvement (DSPI)

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recommends that LEAs consider the following suggested uses when planning for the use of ESSER funds:

- Support collaboration between core content and English learner teachers to develop lessons that include appropriate language supports;
- Provide opportunities for face-to-face interactions between teachers and English learners;
- Promote methods of communication and social interaction through digital storytelling activities, phone conversations and using technology for person-to-person communication;
- Provide access to wireless internet for English learners and their families so they can access online learning platforms and academic content;
- Increase the number of technology devices that allow English learners and their families to participate and communicate meaningfully in their child’s education and academic content;
- Create virtual learning opportunities through learning management systems so teachers may deliver instruction to students;
- Provide alternative methods for delivering instruction, such as printed materials and digital recording of lessons while providing accommodations for language supports, video or telephone conferencing, online learning software, etc.; and
- Provide self-paced online learning software and programs to supplement resources.

It is important for LEAs to remember that many English learners and their families do not have access to the internet or technology devices that would allow them to participate in an online learning environment. Since the Civil Rights obligations of the ESEA have not been waived under the CARES Act, LEAs must provide ways for families to meaningfully participate and communicate.

Title IV, Part A – Student Support and Academic Enrichment

The Title IV, Part A program – also known as Student Support and Academic Enrichment – is intended to help increase capacity in LEAs to (1) provide all students with access to a well-rounded education; (2) improve school conditions for student learning; and (3) improve the use of technology in order to improve the academic achievement and digital literacy of all students. All allowable uses under Title IV, Part A are allowable under the ESSER Fund.

One way that LEAs can use the ESSER Fund in alignment with their Title IV, Part A program is through the effective use of technology during extended periods of remote learning. Some considerations for the effective use of technology include:

- Technology infrastructure
 - Providing access to digital devices;

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- Purchasing new online learning platforms for math, reading, writing and science;
- Acquiring new software licenses for educational programs; and
- Providing access to virtual instruction programs, platforms or tools.
- Professional learning
 - Maximizing and enhancing the effective use of education technology;
 - Utilizing remote learning strategies, particularly to remediate learning loss and provide advanced coursework opportunities for gifted and talented students;
 - Utilizing supplemental equipment and devices (e.g., computers, web cameras) for virtual learning/online instruction;
 - Training on the use of online learning platforms; and
 - Communicating about tools or services to help parents assist their children in virtual education.

Additionally, LEAs may consider using ESSER funds to bolster existing health and safety efforts. Students and staff may have additional need for supports during the COVID-19 pandemic. Possible support strategies and accompanying resources include:

- Behavior counseling for students/parents dealing with social distancing;
- Preventing bullying and harassment, including digital citizenship and cyberbullying – see the [Kentucky Center for School Safety's Cyberbullying webpage](#);
- Training for school personnel and parents on suicide prevention, trauma and related mental health issues – see [KDE's Suicide Prevention and Awareness webpage](#) and the website for the [Sources of Strength suicide prevention program](#);
- Telehealth services for students/parents that include mental health assistance and suicide preventions for at-risk students – visit the [National Consortium of Telehealth Resource Centers' website](#) and [Kentucky's Telehealth Program webpage](#);
- Virtual healthy schools – see the U.S. Centers for Disease Control and Prevention's [Virtual Healthy Schools webpage](#);
- Online platforms or programs to facilitate and manage two-way communication with families;
- Substance abuse and violence prevention – see the webpage for the [Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities](#);
- Dropout prevention initiatives and credit recovery programming – see [KDE's Persistence to Graduation webpage](#);
- Virtual mentoring and school counseling;
- Training to preventing human trafficking – see [KDE's Human Trafficking webpage](#) and the U.S. Department of Education's Integrating Human Trafficking With School Emergency Operations Plans document;
- Providing healthy, active lifestyle and nutritional education and virtual physical education instruction;
- Training on trauma-informed classroom management;



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- Support for relationship-building skills; and
- Violence prevention, crisis management and conflict resolution.

Finally, another goal of the Title IV, Part A program is to provide a well-rounded education for all students. LEAs may use ESSER funds to continue their work toward achieving this goal by:

- Supporting alternative education programming within LEAs;
- Establishing or enhancing career and technical education opportunities;
- Implementing project-based learning opportunities;
- Providing accelerated learning opportunities, such as dual credit through virtual university offerings;
- Developing civics instruction related to the government roles in pandemic response;
- Offering online foreign language instruction;
- Connecting students to online art history and appreciation opportunities;
- Providing virtual music and art instruction;
- Leveraging STEM and environmental education activities packets for student learning;
- Providing virtual math and science camps;
- Supporting students through social emotional curriculum and programming;
- Working with postsecondary institutions to offer virtual visits to help students make informed choices about college and career goals; and
- Creating virtual tours and field trips to museums, science centers, planetariums, national parks, zoos, etc.

Points of Contact

- Budget and Fiscal Contact: [Thelma Hawkins](#)
- 21st Century Community Learning Centers: [Brigette Stacy](#)
- Career and Technical Education: [Leslie Slaughter](#)
- Educational Technology: [Marty Park](#)
- Extended School Services: [April Pieper](#)
- Facilities: [Greg Dunbar](#)
- Gifted and Talented Education: [April Pieper](#)
- McKinney-Vento Act: [Melissa Ferrell](#)
- Preschool Services: [Andrea Bartholomew](#)
- School Improvement: [Natasha Napier](#)
- Special Education: [Carol Morrison](#)
- IDEA Fiscal Considerations (MOE): [Jonathan Compton](#)
- Title I, Part A and Title V: [Brenda Considine](#)
- Title I, Part C – Migrant: [Christina Benassi](#)

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- Title I, Part D – Neglected and Delinquent: [Monica Shack](#)
- Title II, Part A – Supporting Effective Education: [Kris Jarboe](#)
- Title III – English Language Proficiency: [Jessica Sanderson](#)
- Title IV, Part A – Student Support and Academic Enrichment: [Lalah Brewer](#)

(mc)