

COVID-19 Relief Education Funding: *What's In It for Students with Disabilities?*

The Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA), 2021, Public Law 116-260, was passed by Congress and signed into law by the President on Dec. 27, 2020. It provides **\$81.9 billion** for a **Education Stabilization Fund**.

Elementary and Secondary School Emergency Relief Fund

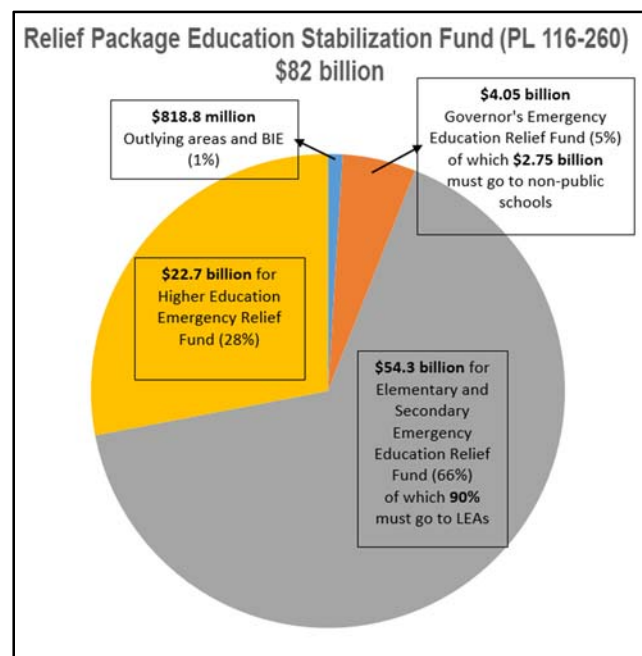
The largest part of these funds - **\$54.3 billion** - is directed to the **Elementary and Secondary School Emergency Relief Fund (ESSER II)** to provide grants to states and, in turn, grants to local educational agencies.

ESSER II funds to states are distributed via formula grants based on the Title I formula under the Elementary and Secondary Education Act, currently known as the Every Student Succeeds Act or ESSA. States must distribute **90%** of these funds to local educational agencies (LEAs) to meet needs of all students, including students with disabilities. (LEA is a term that refers to school districts, including charter schools that are LEAs.) This is **4 times** the amount provided for the first ESSER in the CARES Act passed in March 2020 (\$13.5 billion).

The ESSER II allocation for each state is available at

https://oese.ed.gov/files/2021/01/Final_ESSERII_Methodology_Table_1.5.21.pdf

Funds remain available for obligation through September 30, 2022. See the USED ESSER II Fact Sheet at https://oese.ed.gov/files/2021/01/Final_ESSERII_Factsheet_1.5.21.pdf for primary differences between the CARES Act and the CRRSA Act.



ESSER II funds may be used for:

- Any activity authorized by the Individuals with Disabilities Education Act (IDEA)
- Providing principals and other school leaders with the resources necessary to address the needs of their individual schools
- Activities to address the unique needs of children with disabilities
- Planning for, coordinating, and implementing activities during long-term closures, including providing meals to eligible students, providing technology for online learning to all students, providing guidance for carrying out requirements under the IDEA and ensuring other educational services can continue to be provided consistent with federal, state and local requirements
- Purchasing educational technology (including hardware, software, and connectivity) for students who are served by the LEA that aids in regular and substantive educational interaction between students and their classroom instructions, including children with disabilities
- Providing mental health services and supports
- 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 children with disabilities
- Addressing learning loss among students including children with disabilities
- Administering and using high-quality assessments that are valid and reliable, to accurately assess students' academic progress and assist educators in meeting students' academic needs
- Implementing evidence-based activities to meet the comprehensive needs of students
- Providing information and assistance to parents and families on how they can effectively support students, including in a distance learning environment
- Tracking student attendance and improving student engagement in distance education
- School facility repairs and improvements to enable operation of schools to reduce risk of virus transmission and exposure to environmental health hazards, and support student health needs
- Inspection, testing, maintenance, repair, replacement, and upgrade projects to improve indoor air quality in school facilities
- Other activities that are necessary to maintain the operation of and continuity of services to LEA and continuing to employ existing staff of LEAs.

Here's what you can do to ensure that students with disabilities are included in activities funded by ESSER II grants:

- **Contact** your [State Department of Education and Special Education Agency](#) to ensure that guidance to LEAs on the use of funds includes students with disabilities. You can also contact your state's Special Education Advisory Panel and inquire about its involvement in formulating plans for use of ESSER II funds.

- **Contact** your LEA (school district) to work on developing plans for funds being used to benefit students with disabilities. These plans can include any of the activities listed above.
- **Encourage** maximum transparency on planned uses of these new federal funds by posting plans on LEA websites and the state website in languages accessible to students/families in the district.
- **Ensure** that ESSER II funds are not used to supplant local funds spent on special education. LEAs are required by the IDEA to maintain the same level of spending on special education from one year to the next – called “maintenance of effort or MOE.” If an LEA uses ESSER II funds to pay for activities previously funded by local funds, this would violate the MOE requirement. Therefore, ESSER II funds spent on students with disabilities must fund activities above and beyond those funded in the previous year.

Governor's Emergency Education Relief Fund

The **CRRSA Act** also provides **\$4.05 billion** for a **Governor's Emergency Education Relief Fund (GEER II)** to provide flexible funding to states to use for early childhood education, elementary and secondary education, or higher education, based on the needs of the state. Of that amount, **\$2.75 billion** is to be used to provide **Emergency Assistance to Non-Public Schools (EANS)** grants. The state educational agency in each state will administer the EANS program.

Information about GEER II and EANS is available at <https://www.ed.gov/news/press-releases/secretary-devos-announces-more-4-billion-available-emergency-education-grants-governors-help-students-continue-learning>. Allocation for each state is available at https://oese.ed.gov/files/2021/01/FINAL_GEERII_EANS-Methodology_Table_1.8.21.pdf. Allocations are based on States’ student-aged population and poverty levels. Funds are available for obligation through September 30, 2023. **These funds can be used for all of the activities listed above in both K-12 and higher education.**

A GEER II Fact Sheet is available at [https://oese.ed.gov/files/2021/01/FINAL - GEER FactSheet 1.8.21.pdf](https://oese.ed.gov/files/2021/01/FINAL_-_GEER_FactSheet_1.8.21.pdf).

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