

FAQ: Considerations for Using ESSER Funds to Support Summer Programs

Purpose

Consistent with the intent of the ESSER funds and the AOE Recovery Plan pillars, summer provides an opportunity for the essential work of reengaging students in school and providing them with quality and absorbing educational experiences. To that end, this document serves to collect and answer some persistent and essential questions about use of funds for summer programs.

Funding Mechanisms

Q1. Our LEA is interested in doing a subgrant with a municipality and other partners for the purposes of supporting robust summer recreation programming available to all students for the entire summer. Are subgrants to a municipality an allowable use of ESSER funds?

No, an LEA cannot subgrant ESSER funds to a municipality or other partners (this is a difference between 21C and ESSER). An LEA could fund these programs through a contract/procurement. The work is an allowable cost through ESSER (Category 4: Plan and implement summer, extended, and afterschool learning opportunities for students).

Q2. Could we use ESSER to subsidize families to send their kids to summer camps? If we cannot subsidize the parents could we reach out to local camps/programs and reserve spots for a certain number of district students and pay the day program directly for students to participate?

Regarding subsidizing families directly, we have not received a direct response from the US Department of Education (USED). However, it seems unlikely that payments to parents will be allowed. We do believe it is allowable to work out funding agreements as part of contracts with local camps/programs to pay them directly for programming provided to students. LEAs also may contract directly with providers to provide programming in and through the LEA and may administer such programs directly with their own staff.

Q3. Do Federal procurement requirements permit noncompetitive procurements, if necessary, to enable an SEA or LEA to use ESSER funds to operate a summer enrichment program in 2021?

Yes. Under 2 CFR § 200.320(c), an LEA may, to the extent doing so is consistent with its policies and procedures, use noncompetitive procurement if any of the following conditions are met:

1. The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold as determined by the LEA;
2. The item is available only from a single source;
3. The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;
4. The Federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the non-Federal entity; or
5. After solicitation of a number of sources, competition is determined inadequate. Consistent with 2 CFR § 200.320(c)(3), an LEA may determine that its response to the COVID-19 pandemic qualifies as a public exigency or emergency that does not permit the delay that would result from competitive bidding.

Under these circumstances, and to the degree doing so is consistent with its own policies and procedures, an LEA could use noncompetitive procurement. The LEA should consult with the AOE before using this authority. Also, under 2 CFR § 200.320(c)(4), the AOE may authorize an LEA to use noncompetitive procurement in response to a written request. Requests for AOE approval of non-competitive procurement under #4 above should be sent to Abby Houle at abby.houle@vermont.gov.

General Considerations

Q1. What kinds of summer programs may ESSER funds support?

ESSER funds may provide broad support for summer learning and enrichment programs. Given that this summer affords students a critical opportunity, LEAs should consider a variety of options for procuring summer services with ESSER funds, including programs run by non-profit or community organizations as well as those run by the LEA.

Effective summer programming can address students' social, emotional, mental health and academic needs through a combination of activities that include strong partnerships with community-based organizations and other summer providers, including summer camps. These partnerships can help to sustain these programs and can also support programs in rural and remote communities.

LEAs are encouraged to maximize enrollment in summer programs, with a particular focus on underserved students and students most impacted by the COVID-19 pandemic, including providing transportation and meal services. Programs should target students of all ages, including high school students, and can include work-based or service-learning opportunities or summer bridge programs to support successful educational transitions.

USED has provided a list of evidence-based summer learning and enrichment programs in [Volume 2 of the Department's COVID-19 Handbook](#).

Q2. Do summer programs or summer program staff need to be licensed?

The LEA using ESSER funds to support additional summer activities should follow all of their usual contract requirements for non-school entities (for example, insurance or background checks). There is no requirement that staff be licensed Vermont educators, provided that students participating are not earning the equivalence of academic credit.

Q3. May ESSER and GEER funds be used for summer job or service-learning programs for high school students?

Yes. As part of LEA efforts to mitigate lost instructional time due to the COVID-19 pandemic, ESSER funds may be used to support summer learning and enrichment programs that provide training, work-based learning and jobs to high school students. Funds may be used both to support the training that high school students receive and to supplement the pay provided to students by employers that participate in the summer jobs program. Funds may also be used to support service learning or other volunteer opportunities for high school students.

Serving Students with Special Needs

Q1. What ADA considerations does an LEA need to consider for Summer Camps / Programs? (i.e. would funds be available for a program without special need provisions?)

All summer opportunities created through public funds or using public facilities must be ADA compliant and comply with anti-discrimination statutes. All applicants seeking State funding must either demonstrate the capacity to serve students with disabilities or have a stated plan by which they will have the capacity to serve students requiring support with additional funding.

Q2. Could ESSER funds be used to pay for 1:1 support or intervention for students so that a student may attend or access summer programs?

Yes. If the activity is incorporated into the student’s extended school year (ESY) program that is a part of their IEP. Funds may also be used for school-sponsored activities and programs (non-academic activities, sports, extra-curricular clubs, dances, etc.) in the same way LEAs make school-sponsored activities accessible during the school year.

Q3. What are the obligations of the LEA in its contracted relationship with a non-school summer or afterschool program in terms of ensuring access for all of its students?

LEAs cannot make payments to any organization that discriminate against students. LEAs should use a non-discrimination provision in their contracts to ensure vendors are aware of their obligations to ensure access to programs and activities for students with disabilities (ADA, Section 504, Vermont Public Accommodations Act, etc.).
