

REQUEST FOR APPLICATION

---

# Program Guidelines

## 2020-2021 Elementary and Secondary School Emergency Relief (ESSER) Grant

Authorized by Coronavirus Aid, Relief, and Economic Security  
(CARES) Act, Section 18003, Elementary and Secondary School  
Emergency Relief (ESSER) Fund

Application Closing Date—5:00 p.m., Central Time  
August 24, 2020

TEXAS EDUCATION AGENCY

---

**Department of Grant Compliance and Administration  
1701 North Congress Avenue  
Austin, Texas 78701**

© Copyright 2020 by the Texas Education Agency. All Rights Reserved.

# Contents

<b>Introduction to the Program Guidelines</b> .....	<b>4</b>
Reference to the General and Fiscal Guidelines .....	4
<b>Contact for Clarifying Information</b> .....	<b>5</b>
Program Contact .....	5
Funding Contact.....	5
<b>US Department of Education and/or State Appropriations</b> .....	<b>5</b>
<b>Grant Timeline</b> .....	<b>5</b>
<b>Grant at a Glance</b> .....	<b>6</b>
Program Purpose, Goals, and Objectives .....	6
Eligible Applicants .....	6
Eligibility List.....	6
Shared Services Arrangement.....	6
Cost Share or Matching Requirement .....	6
Supplement, Not Supplant.....	6
Limitation of Administrative Funds .....	6
Direct Administrative Costs.....	6
Indirect Costs .....	7
Pre-Award Costs .....	7
Application Requirements and Assurances .....	7
Statutory Requirements .....	7
TEA Program Requirements .....	8
Program-Specific Assurances.....	8
Allowable Activities and Use of Funds .....	8
Statutorily Allowable Activities.....	8
Field Trips .....	9
Advisory Council.....	10
Cost of Membership in Any Civic or Community Organization .....	10
Out-of-State Travel.....	10
Travel Costs for Officials such as Executive Director, Superintendent, or Board Members.....	10
General Allowable Activities and Use of Funds.....	10
Unallowable Activities and Use of Funds.....	10
Performance Measures .....	11
Federal Grant Requirements .....	11
Equitable Access and Participation.....	11
Private Nonprofit School Participation .....	11
Maintenance of Effort.....	11
<b>Attachments</b> .....	<b>11</b>
Required Fiscal-Related Attachments .....	11
Required Program-Related Attachments .....	12

# Introduction to the Program Guidelines

TEA, as the pass-through entity<sup>1</sup>, is the grantee<sup>2</sup> from the U.S. Department of Education (USDE) and TEA awards subgrants to non-federal entities<sup>3</sup> such as local educational agencies (LEAs), including school districts, charter schools, and education service centers (ESCs), and to a lesser degree institutions of higher education (IHEs), and nonprofit organizations (NPOs) who are the agency's subgrantees<sup>4</sup>. These guidelines apply to all subgrantees of TEA, regardless of whether referenced herein as subgrantee or grantee. For purposes of this document, TEA may use the terms grantee and subgrantee synonymously for its subrecipients.

This part of the request for application (RFA), Program Guidelines, is to be used in conjunction with the [General and Fiscal Guidelines](#) and any application instructions. The Standard Application System (SAS) consists of Application Part 1 (PDF – narrative schedules) and Application Part 2 (Excel - budget schedules) to be completed in order for the applicant to be eligible for funding.

For applicants selected for funding, all guidelines and instructions will be incorporated by reference into the Notice of Grant Award (NOGA).

## Reference to the General and Fiscal Guidelines

The Program Guidelines provide information specifically relevant to this grant program. The [General and Fiscal Guidelines](#) provide information relevant to all TEA grant programs. Throughout the Program Guidelines, cross-references are given to applicable sections of the [General and Fiscal Guidelines](#). It is critical that you review all referenced sections of the [General and Fiscal Guidelines](#) when preparing your application.

---

<sup>1</sup> Pass-through entity is defined as a non-Federal entity that provides a subaward to a subrecipient to carry out part of a federal program. (2 CFR 200.74)

<sup>2</sup> Grantee is defined as the legal entity to which a grant is awarded and that is accountable to the federal government for the use of the funds provided. The term “grantee” does not include any secondary recipients, such as subgrantees and contractors that may receive funds from a grantee. (34 CFR 77)

<sup>3</sup> Non-federal entity is defined as a state, local government, Indian tribe, institution of higher education, or nonprofit organization that carries out a federal award as a recipient or subrecipient. (2 CFR 200.69)

<sup>4</sup> Subgrantee is defined by TEA to be the same as a subrecipient which is defined as a non-federal entity that receives a subaward from a pass-through entity to carry out part of a federal program; but does not include an individual that is a beneficiary of such program. (2 CFR 200.93) Subgrantee is defined in 34 CFR 77 as the legal entity to which a subgrant is awarded and that is accountable to the grantee for the use of the funds provided.

# Contact for Clarifying Information

## Program Contact

Cory Green, Associate Commissioner  
Department of Grant Compliance and Administration  
[cory.green@tea.texas.gov](mailto:cory.green@tea.texas.gov)  
Phone: (512) 463-8992  
Fax: (512) 463-9176

## Funding Contact

Karyn Gukeisen, Grant Manager, Grants Administration Division  
[karyn.gukeisen@tea.texas.gov](mailto:karyn.gukeisen@tea.texas.gov)  
Phone: (512) 463-8525  
Fax: (512) 463-9811

# US Department of Education and/or State Appropriations

The following is provided in compliance with the US Department of Education Appropriations Act:

Category	Amount
Total funds available for this project	\$1,157,297,458
Percentage to be financed with federal funds	100%
Amount of federal funds	\$1,157,297,458
Percentage to be financed from nonfederal sources	0%
Amount of nonfederal funds	\$0

## Grant Timeline

For all dates related to the grant, including reporting dates, see the [TEA Grant Opportunities](#) page. If a report due date falls on a weekend or holiday, the report will be due the following business day. All dates except the grant ending date may vary slightly as conditions require.

# Grant at a Glance

This section provides detailed information about the grant program.

## Program Purpose, Goals, and Objectives

The intent and purpose of the CARES Act education funding is to prevent, prepare for, and respond to the coronavirus.

## Eligible Applicants

See the [General and Fiscal Guidelines](#), Eligibility Requirements.

Local Educational Agencies (LEAs), including Public School Districts and Open-Enrollment Charter Schools.

## Eligibility List

An eligibility list, including planning amounts, is posted with the RFA.

## Shared Services Arrangement

See the [General and Fiscal Guidelines](#), Shared Services Arrangements.

Shared services arrangements (SSAs) are allowed.

## Cost Share or Matching Requirement

See the [General and Fiscal Guidelines](#), Cost Share/Match Requirement.

There is no cost share or matching requirement for this grant program.

## Supplement, Not Supplant

For supplement, not supplant guidance, see the Supplement, Not Supplant Handbook on the Grants Administration Division's [Administering a Grant](#) page.

The supplement, not supplant provision does not apply to this grant program.

## Limitation of Administrative Funds

See the [General and Fiscal Guidelines](#), Administrative Costs.

NOTE: Administrative funds include **both** direct administrative costs **and** allowable indirect costs.

## Direct Administrative Costs

TEA permits applicants to budget reasonable and necessary direct administrative costs for this grant program.

## Indirect Costs

The grantee may claim a maximum for indirect costs equal to its current approved unrestricted indirect cost rate for this federally funded grant.

To calculate the maximum indirect costs that can be claimed for a grant, complete the [Maximum Indirect Costs Worksheet](#), posted on the Administering a Grant page, under the Handbooks and Other Guidance section.

## Pre-Award Costs

See the [General and Fiscal Guidelines](#), Pre-Award Costs.

Pre-award costs are permitted, if requested, from March 13, 2020, to stamp-in date.

## Application Requirements and Assurances

This section identifies the two types of requirements in which applicants must comply to be eligible for funding:

- Statutory requirements (requirements defined in the authorizing statute)
- TEA program requirements (requirements defined by TEA program staff)

### Statutory Requirements

See the [General and Fiscal Guidelines](#), Statutory Requirements.

Per Section 22.0834 of the Texas Education Code (TEC), any person offered employment by any entity that contracts with TEA or receives grant funds administered by TEA (i.e., a grantee or subgrantee) is subject to the fingerprinting requirement. TEA is prohibited from awarding grant funds to any entity, including nonprofit organizations, that fails to comply with this requirement. For details, refer to the [General and Fiscal Guidelines](#), Fingerprinting Requirement.

The following requirements are defined in the statute that authorizes this program. The applicant must comply with each of these requirements in the application to be considered for funding:

1. Provide equitable services in the manner described in USDE Equitable Services Guidance, as determined in consultation with representatives of private, non-profit schools.
2. Comply with reporting requirements, at least quarterly, which may include:
  - a. Methodology used by the LEA to provide services or assistance to students and staff in both public and non-public schools; and
  - b. Uses of funds by the LEA or other entities and demonstration of their compliance with Section 18003(d), such as any use of funds addressing the digital divide, including securing access to home-based connectivity and remote-use devices, related issues in supporting remote learning for all students, including disadvantaged populations.
3. Complete and submit Standard Form-LLL, “Disclosure Form to Report Lobbying.”
4. Have on file with TEA a set of assurances that meets the requirements of section 442 of the General Education Provisions Act (GEPA) (20 U.S.C. 1232e).

5. Comply with the provisions of all applicable acts, regulations, and assurances; the following provisions of Education Department General Administrative Regulations (EDGAR) 34 CFR parts 76, 77, 81, 82, 84, 97, 98, and 99; the OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485; and the Uniform Guidance in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.
6. Cooperate with any examination of records with respect to such funds by making records available for inspection, production, and examination, and authorized individuals available for interview and examination, upon the request of (i) the Department and/or its Inspector General; (ii) any other federal agency, commission, or department in the lawful exercise of its jurisdiction and authority; or (iii) TEA.

## **TEA Program Requirements**

See the [General and Fiscal Guidelines](#), TEA Program Requirements.

In addition to the statutory requirements, TEA has established the following program requirements. The applicant must comply with each of these requirements in the application to be considered for funding:

1. The LEA must document a plan for the expenditure of ESSER grant funds per the statutorily allowable activities and an estimated timeline of the planned expenditures.
2. The LEA must document how it determined its needs caused by COVID-19.
3. The LEA must document how it prioritized the needs in determining its use of the ESSER grant funds.

## **Program-Specific Assurances**

See the [General and Fiscal Guidelines](#), Provisions and Assurances.

The program-specific assurances for this grant program are listed in the Application Part 1.

## **Allowable Activities and Use of Funds**

See the [Administering a Grant](#) page for general guidance on allowable activities and use of funds.

## **Statutorily Allowable Activities**

1. LEA discretion for any activity authorized under:
  - Elementary and Secondary Education Act (ESEA)
  - Individuals with Disabilities Education Act (IDEA)
  - Adult Education and Family Literacy Act (AEFLA)
  - Carl D. Perkins Career and Technical Education Act
  - McKinney-Vento Homeless Education Act

2. Coordination of preparedness and response efforts of LEAs with State and local 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 LEAs;
6. Training and professional development for staff of the LEA on sanitation and minimizing the spread of infectious diseases;
7. Purchasing supplies to sanitize and clean the facilities of an LEA, including buildings operated by such agency;
8. Planning for and coordinating during long-term closures, including for how to provide meals to eligible students, how to provide technology for online learning to all students, how to provide guidance for carrying out requirements under the Individuals with Disabilities Education Act (20 U.S.C. 1401 et seq.) and how to ensure other educational services can continue to be provided consistent with all Federal, State, and local requirements;
9. Purchasing educational technology (including hardware, software, and connectivity) for students who are served by the LEA 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 support;
11. Planning and implementing activities related to summer learning and supplemental afterschool programs, including providing classroom instruction or online learning during the summer months and addressing the needs of low-income students, students with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care; and/or
12. Other activities that are necessary to maintain the operation of and continuity of services in LEAs and continuing to employ existing staff of the LEA.

## **Field Trips**

Field trips may be funded under the grant program.

Field Trips will require a written justification form to be maintained locally and made available to TEA upon request. To access the Field Trips Justification form, refer to the [Administering a Grant page](#).

## Advisory Council

An advisory council may be funded under the grant program. These costs should be minimal.

## Cost of Membership in Any Civic or Community Organization

The cost of membership in any civic or community organization may be funded under the grant program.

- The membership must be in the name of the LEA.
- These costs should be minimal.

## Out-of-State Travel

Out-of-state travel costs are allowable. Out-of-state travel costs should be minimal. Travel costs are allowable as long as the expenses for transportation, lodging, subsistence, and related items are only incurred by employees on official business of the grantee and follow the grantee's regular business operations and written travel policy.

Out-of-State Travel will require a written justification form to be maintained locally and made available to TEA upon request. To access the Out-of-State Travel Justification form, refer to the [Administering a Grant page](#).

## Travel Costs for Officials such as Executive Director, Superintendent, or Board Members

The cost of travel costs for officials such as the executive director, superintendent, or board members may be funded under the grant program.

- These costs must be specific to the grant program.
- These costs should be minimal.

## General Allowable Activities and Use of Funds

- Stipends for non-employees
- Non-employee costs for conferences—while allowable, participant support costs such as these require prior approval from TEA
- Travel for students to conferences (does not include field trips)—while allowable, participant support costs such as these require prior approval from TEA

## Unallowable Activities and Use of Funds

In general, refer to the Budgeting Cost Guidance Handbook on the [Administering a Grant](#) page for unallowable costs.

In addition, unallowable activities and use of funds for this grant may include but are not limited to the following:

- Debt service (lease-purchase)
- Hosting or Sponsoring of Conferences

- Subsidizing or offsetting executive salaries and benefits of individuals who are not employees of TEA or LEAs
- Expenditures related to state or local teacher or faculty unions or associations
- Bonuses, merit pay, or similar expenditures unless specifically related to disruptions or closures resulting from COVID-19

## Performance Measures

The applicant agrees to collect data and report on the following mandatory performance measures:

1. Any performance measures, reporting, or evaluation requirements as established by TEA.

## Federal Grant Requirements

### Equitable Access and Participation

See the [General and Fiscal Guidelines](#), Equitable Access and Participation.

This requirement does apply to this federally funded grant program.

### Private Nonprofit School Participation

See the [General and Fiscal Guidelines](#), Private Nonprofit School Participation.

This requirement does apply to this federally funded grant program.

### Maintenance of Effort

See the [General and Fiscal Guidelines](#), Maintenance of Effort.

This requirement does not apply to this federally funded grant program.

# Attachments

See the following sections of the [General and Fiscal Guidelines](#):

- Required Fiscal-Related Attachments
- Required Program-Related Attachments

This section describes the two types of attachments that may be required to be submitted with the application: fiscal-related attachments and program-related attachments.

### Required Fiscal-Related Attachments

See the [General and Fiscal Guidelines](#), Required Fiscal-Related Attachments, for a general description of fiscal-related documents that can be required as attachments to the application.

## **Required Program-Related Attachments**

See the [General and Fiscal Guidelines](#), Required Program-Related Attachments, for a general description of program-related documents that can be required as attachments to the application.

No program-related attachments are required for this grant program.