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Subject: ESSER/GEER Extra, Volume 14

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This week's volume of [ESSER/GEER Extra](#) includes questions and answers regarding the use of ESSER funds for lead remediation or asbestos abatement, purchasing land or buildings, paying building leases, hiring substitutes, and paying retroactive pay increases; and notice that ARP ESSER 7% set-aside applications will be accepted beginning today, November 12, through November 29, 2021.

All editions of [ESSER/GEER Extra](#) are archived on PDE's website.

Can an LEA use ESSER funds to pay for lead mitigation or asbestos abatement?

Yes. An LEA can use ESSER funds to pay for lead mitigation or asbestos abatement if the project meets [the three-part test for allowability](#). The LEA must articulate that the project is an eligible use under the ARP Act; the expenditure assists the LEA in preventing, preparing for, or responding to COVID-19; and the expenditure is reasonable and necessary under Uniform Guidance.

For example, renovation of an existing building—including asbestos abatement and/or lead remediation—to prepare previously unused space for instruction to maximize the LEA's efforts to social distance students and mitigate the spread of COVID-19—could be an allowable expenditure of ESSER funds. However, using ESSER funds for lead remediation and/or asbestos abatement that was identified, planned, or known prior to the pandemic or for which there is no COVID connection would not be allowable.

Can an LEA use ESSER funds to buy land or a building?

It depends. To buy land or a building, the expenditure must meet [the three-part test of allowability](#) (i.e., the LEA would need to articulate the eligible use under the ARP Act; how the expenditure assists the LEA prevent, prepare for, or respond to COVID-19; and that the purchase of land or a building is reasonable and necessary under Uniform Guidance). Additionally, the LEA must seek prior approval from PDE.

An LEA purchasing land or a building must also review [section 200.311](#) of Uniform Guidance, which outlines the provisions relating to title, use, and disposition of real property purchased with a federal award. LEAs should also be aware of lengthy reporting requirements that apply to such purposes (see [section 200.330](#)).

Can an LEA use ESSER funds to pay for a building lease?

Any use of ESSER funds must meet [the three-part test of allowability](#). In some cases, payment of a lease may be appropriate, such as leasing space for a finite period to implement mitigation measures. In other cases, however, payment of a lease may not be allowable. For example, ESSER funds may not be used to pay an existing and ongoing lease, since there would be no connection to COVID-19.

Can an LEA use ESSER funds to hire or increase the pay for substitutes?

Yes. LEAs can use ESSER funds to address COVID-19-related staffing shortages and maintain in-person instruction. This could include pay for substitute teachers or increasing the pay to substitutes to

incentivize participation. Expenditures for this purpose would be allowable, provided the LEA detailed that the use met [the three-part test for allowability](#) in its ESSER application.

Can an LEA use ARP ESSER funding to pay for retroactive pay increases?

An LEA may use ARP ESSER funds to provide “premium pay” or other additional compensation for educators, as described in the U.S. Department of Education’s [Frequently Asked Question](#) (see D-6). Consistent with these provisions, an LEA may, for example, establish a plan to retain educators as a result of the pandemic by using ARP ESSER funds to provide enhanced compensation to current teachers dating back to March 13, 2020, when the national emergency was declared.

Submit ARP ESSER 7% Set-aside Applications Now

School districts and charter schools eligible to receive an allocation of the ARP ESSER 7% set-aside for learning loss, summer enrichment, and afterschool programs (as defined by the ARP Act and Act 24 of 2021) **may begin submitting applications TODAY, Friday, November 12, in eGrants.**

Applications must be submitted to PDE no later than Monday, November 29, 2021.

PDE developed several resources to assist LEAs in planning for use of the 7% ARP ESSER set-aside:

- [7% ARP ESSER Set-aside Allocations for School Districts and Charter Schools](#)
- [PDE recording on the learning loss component of the 7% ARP ESSER Set-aside](#)
- [PDE ARP ESSER Guidance on Social and Emotional Learning](#)
- [PDE ARP ESSER Guidance on Reading Improvement for Students](#)

Additionally, PDE staff will hold virtual Office Hours to assist LEAs in planning for 7% ARP ESSER set-aside funds on the following days and times. Please register in advance for these one-hour sessions, which will allow you to ask questions and receive assistance from PDE staff.

- [Tuesday, 11/16 at 2:00-3:00 PM](#)
- [Friday, 11/19 at 8:30-9:30 AM](#)
- [Monday, 11/22 at 1:00-2:00 PM](#)
- [Tuesday, 11/23 at 11:30 AM-12:30 PM](#)
- [Monday, 11/29 at 11:00 AM-12:00 PM](#)

Tell Us How You’re Using Your ARP ESSER 7% Set-Aside Funds

As you finalize your **ARP ESSER 7% Set-Aside fund** applications, let us share your great ideas with your colleagues across the state. Please send an email to ra-edarpesser@pa.gov so we can reach out to learn more.