

Federal COVID Funding for Education: Community Engagement Requirements for ESSER III Funds

The U.S. Department of Education published an Interim Final Rule that states the requirements for a state educational agency (SEA) or local educational agency (LEA) to receive funds through the American Rescue Plan Elementary and Secondary School Emergency Relief Fund (ESSER III Fund). This Interim Final Rule has the force of law.

What are the community engagement requirements for a local school district?

The Interim Final Rule requires that for an LEA like a local school district to receive funds, it must “engage in meaningful consultation with stakeholders and give the public an opportunity to provide input in the development of its plan.”

What counts as “meaningful consultation”?

The Department of Education has not provided a specific definition of “meaningful consultation.” Instead, it has stated that there are “many ways” to engage in meaningful consultation. The Department also estimates that an SEA will need 80 staff hours to engage in meaningful consultation, and an LEA (like a school district) will need 30 staff hours. It could be argued that this time estimate should be higher for larger school districts who must consult with a greater number of stakeholders.

When is “meaningful consultation” required?

The meaningful consultation is required when the SEA or LEA develops its plan for the use of the ESSER III funds.

Who are the “stakeholders” that the LEA must meaningfully consult?



Students



Families



School and district administrators (including special education administrators)



Teachers, principals, school leaders, other educators, school staff, and their unions

Additionally, an LEA must engage in meaningful consultation with each of the following, to the extent present in or served by the LEA:

- » Tribes
- » Civil rights organizations (including disability rights organizations)
- » Stakeholders representing the interests of children with disabilities, English learners, children experiencing homelessness, children in foster care, migratory students, children who are incarcerated, and other underserved students.

Note: The LEA must meaningfully consult with ALL of the stakeholders on this list. It cannot pick and choose which stakeholders to consult.