


MEMORANDUM

TO: Superintendents and Business Managers
FROM: Daniel M. French, Ed.D., Secretary of Education 
SUBJECT: Use of ESSER Funds to Support Investments in School Safety
DATE: December 6, 2022

Purpose

The purpose of this memo is to highlight and clarify how LEAs might use funds they have received through the ESSER programs (ESSER II and ARP ESSER) to support investments in school safety infrastructure as part of their efforts to prepare, prevent or respond to COVID-19 and within the framework of Education Recovery and Revitalization.

Background and Overview

Throughout the COVID-19 pandemic, schools in Vermont have prioritized the health and safety of Vermont's students and worked tirelessly to keep students in the classroom to mitigate the harms of learning loss and impacts to mental health and wellbeing. Now, Vermont schools are facing what's next. Fueled by federal relief funds and guided by the accumulated wisdom of these pandemic years, schools are turning towards Education Recovery and Revitalization.

In addition to the investments being made in academic achievement and socialemotional learning and mental health, schools are using ESSER funds (ESSER II and ARP ESSER) to invest in safe and healthy schools by improving HVAC systems, updating learning spaces to meet students' needs and even addressing cybersecurity threats that might impact student privacy and learning outcomes.

The Agency of Education (AOE) has identified that improvements to school safety infrastructure are a key component that, as of this date, have not been directly addressed by the U.S. Department of Education (ED), although the Department has signaled that the prevention of crime and promotion of public safety is a goal in the use of ESSER funding.

In the guidance [How American Rescue Plan Funds Can Prevent and Respond to Crime and Promote Public Safety](#) of June, 2021, ED identified that ESSER funds,

...can be used to address student needs resulting from and exacerbated by the pandemic. SEAs and LEAs may use these funds to return to and maximize in-person instructional time and address the social, emotional, mental health, and academic

Contact Information:

If you have questions about this document or would like additional information please contact:
Josh Souliere at josh.souliere@vermont.gov or Jill Briggs Campbell at jill.briggscampbell@vermont.gov

needs of students, including violence prevention and intervention in schools... investing in violence prevention and intervention strategies is particularly important given that so many students and their families have experienced trauma—whether through the death of a loved one, hunger, loss of income, homelessness, social isolation, or other stressors—over the course of the pandemic.

ED further reiterated this goal, stating, “The Administration urges SEAs and LEAs to consider using their Federal resources on strategies to reduce violence and enhance public safety...to the benefit of their students, families, and communities, as part of their efforts to recover from the pandemic.”

Finally, in recent decisions on the allowability of specific uses of funds to improve the safety infrastructure of a Vermont school, the U.S. Department of Education’s Office of Elementary and Secondary Education identified that these improvements could fall under the ESSER allowable cost category of, “Other activities that are necessary to maintain the operation of and continuity of services in the LEA,” and was consistent with the overall purpose of the ESSER program to prepare, prevent or respond to COVID-19.

Allowable Use of ESSER Funds to Support Investments in School Safety

The AOE recognizes that inadequate school safety infrastructure hinders a school’s ability to prepare, prevent or respond to the COVID-19 pandemic in two ways, both of which impact the social, emotional, mental health and academic needs of students, “...as part of their efforts to recover from the pandemic.”

1. Schools that are not adequately prepared to prevent or respond to emergency situations (including, but not limited to, adverse weather events, threats of violence or disruption, or students or staff in need of emergency supports) will face a potential disruption in the maintenance and continuity of operations that will impact student access to in-person learning.
2. Disruptions, anxiety and stress from the potential threat of violence within the school community negatively impacts student and staff mental health and well-being as school communities are actively addressing the ongoing traumas and ramifications of COVID-19.

The AOE has therefore determined that reasonable and necessary investments to support school safety infrastructure are an allowable use of ESSER II and ARP ESSER funds as part of an LEA’s efforts to prepare, prevent or respond to COVID-19.

“Infrastructure” is broadly conceived to include, but is not limited to:

- Updates or repairs to physical spaces; improvements or purchase of technology;
- Contracting of professional services to assess and support emergency preparedness; or

- Investments to improve the human capacity within an SU/SD to prepare, prevent or respond to an emergency that might result in a disruption of operations or impact student or staff well-being.

LEAs are reminded that any proposed use of ARP ESSER funds to make investments in school safety should be included in their public-facing ARP ESSER LEA plan and must meet the same requirements for stakeholder engagement and public comment.

Activities supported by ESSER funds must be consistent with the LEA's application for funds approved by the AOE and other federal requirements that may apply. For example, all costs paid with ESSER funds must be consistent with the [Uniform Grant Guidance](#).

ESSER II or ARP ESSER funds might be used to support investments in school safety infrastructure by:

- Improving or replacing alarm or communications systems used in an emergency;
- Investing in audiovisual equipment at school entrances as part of efforts to control access to school spaces;
- Reconfiguring school plans to limit access points, such as connecting buildings to create a single entry point to the school community. (Please Note: this type of investment would fall under "capital expenditures" and would require prior approval through the GMS Federal Construction application);
- Contracting professional services to conduct threat assessments and develop plans for emergency preparedness or reconfiguration of school spaces to support school safety;
- Providing professional development to school teams to improve emergency preparedness protocols; or
- Making other improvements to school facilities, technology infrastructure, or human capacity that are reasonable and necessary to improve student and staff safety. (Please Note: these types of investments might fall under the definition of "equipment" or "capital expenditure" and would require prior approval by the AOE through the GMS Prior Approval for Equipment or Federal Construction application).

The AOE does not prohibit the use of ESSER II or ARP ESSER funds to support the hire of a School Resource Officer, but LEAs will be required to demonstrate a high level of need and evidence base for this investment. Instead the AOE encourages LEAs to invest in School-Community Liaisons, social workers, mental health and wraparound supports for students and families, Community Schools programs, and programs highlighted in the [Frequently Asked Questions guidance](#) of June 2021.

LEAs are reminded of the prohibition on the use of education dollars, specifically ESEA Title IV-A dollars, to purchase weapons or training for the use of weapons in the school. Similarly, the AOE will not approve ESSER funds for this use. For more information on this prohibition,

please refer to the Sept. 2, 2022 memo [ESEA Title IV-A: Prohibition on Use of Funds for Weapons or Weapons Training](#).

If you have questions regarding information contained in this memo, please contact Josh Souliere and Jill Briggs Campbell.