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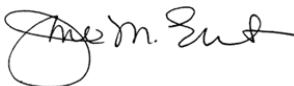


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**MEMORANDUM**

**TO:** School District Superintendents  
State Public Charter School Authority

**FROM:** Jhone M. Ebert, Superintendent of Public Instruction 

**DATE:** February 10, 2021

**SUBJECT:** Overview of Federal Coronavirus Response and Relief Supplemental Appropriations Act

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The purpose of this memo is to share the most up-to-date information available regarding the additional relief funding the U.S. Department of Education has made available to help state and local educational agencies prevent, prepare for, and respond to the coronavirus pandemic.

The Nevada Department of Education (NDE) remains committed to supporting students, educators, staff, and families throughout this challenging time. In partnership with the State Board of Education, NDE has established the following Statewide priorities for our COVID-19 response and recovery, which have guided all funding decisions:

- Closing opportunity gaps for students who have been traditionally underserved;
- Safe, efficient, and equitable re-opening of school buildings;
- Access to technological capacity for educators, students, and families;
- Social and emotional support of students in response to COVID-19;
- Access to high-quality professional development in delivering distance education for educators;
- Access to high-quality instructional materials through distance education for educators and students;
- Support of parents, families, and communities; and
- Access to adult education and workforce development opportunities.

COVID-19 response and recovery activities can benefit all students and schools or be targeted to select students and schools, depending on local needs. Local education agencies (LEAs) are encouraged to think strategically about their needs, equity, and resource allocation, and consider high-impact activities like:

- Health and safety initiatives that permit students and staff to safely return to school in-person,
- Academic recovery and accelerated learning initiatives (including extended-time or extended-year initiatives, changing school master schedules to promote accelerated learning and access to effective teachers, and high-quality high-dose tutoring),
- High-quality instructional materials to address learning loss or accelerate learning, and
- High-quality, evidence-based literacy initiatives.

## **Background**

The Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA) was signed into law on December 27, 2020. It provides additional money for the Elementary and Secondary School Emergency Relief Fund (ESSER) and the Governor's Emergency Education Relief Fund (GEER) programs that were initially created by the Coronavirus Aid, Relief, and Economic Security Act (CARES) in March 2020.

It is important to note that ESSER and GEER funds under CRRSA will come to local educational agencies (LEAs) as **new awards that must be tracked separately** from the ESSER and GEER funds LEAs received under CARES. Going forward, NDE will refer to the CARES funds as ESSER I and GEER I and the CRRSA funds as ESSER II and GEER II.

## **ESSER II Overview**

### *Allocations*

The amount of ESSER II funds awarded to Nevada is \$477,322,438. The majority - \$429,590,194 – of ESSER II funds will be allocated to LEAs in the same way as ESSER I, based on the proportion of Title I, Part A funds each LEA received in the most recent fiscal year. The balance of ESSER funds will be reserved for NDE priorities. For ESSER II purposes the most recent fiscal year is 2020-21, so ESSER II awards will be based on each LEA's 2020-21 Title I, Part A allocation. Although ESSER II award amounts are calculated based on Title I, Part A allocations, they are *not* Title I, Part A funds. Title I requirements do not apply to ESSER II.

### *Period of Availability*

While ESSER II funds are available for obligation through September 30, 2022 and may be used for pre-award costs dating back to March 13, 2020, NDE recommends that funds be expended within the current or subsequent fiscal year. Because ESSER I funds expire a year prior to ESSER II funds (ESSER I funds expire September 30, 2022 as opposed to September 30, 2023 for ESSER II), LEAs are strongly encouraged to spend ESSER I funds first.

### *Allowable Uses of Funds*

ESSER II funds are *not* subject to a supplement not supplant requirement. ESSER II funds can be spent on all the same activities as ESSER I funds. While the CRRSA law lists three categories of allowable activities under ESSER II that were not specifically listed in ESSER I (addressing learning loss, school facility repairs and improvements, and improving indoor air quality in school facilities), the U.S. Department of Education (USED) has noted that these activities are also allowable under ESSER I.

USED encourages LEAs to spend ESSER funds to safely reopen school buildings as soon as possible, to restore and maintain high-quality learning environments, and to take comprehensive action to mitigate learning loss. The allowable uses of ESSER funds include, but are not limited to:

- Activities to address the unique needs of students eligible for free-or-reduced-price lunch, students with disabilities, students who are English learners, students of color, students experiencing homelessness, and foster care youth, including outreach and service delivery;
- Providing mental health services and supports to students and staff;
- Addressing learning loss among students, including for traditionally underserved populations, by administering and using valid and reliable high-quality assessments to assess academic progress, implementing evidence-based activities to meet the comprehensive needs of students, providing information and assistance to parents and families on how to effectively support students, improving student engagement in distance education, and planning and implementing summer learning and supplemental after-school programs;
- Coordination of short- and long-term COVID-19 preparedness and response efforts, including procedures and systems such as training and professional development for LEA staff on sanitation and minimizing the spread of infectious disease and supplies to sanitize and clean facilities;

- Providing principals and other school leaders with resources to address individual school needs, such as the implementation of competency-based education, personalized learning, or blended learning;
- Planning for and coordinating potential closures of school buildings as necessitated by current or future public health conditions, including how to provide meals, technology for online learning, guidance for carrying out IDEA requirements, and providing educational services consistent with federal and State requirements;
- School facility repairs and improvements to support student health needs and inspection, testing, maintenance, repair, replacement and upgrade projects to improve the indoor air quality in school facilities; and
- Any activity authorized by the Elementary and Secondary Education Act (ESEA), the Individuals with Disabilities Education Act (IDEA), the Adult Education and Family Literacy Act (AEFLA), the Strengthening Career and Technical Education for the 21<sup>st</sup> Century Act (Perkins V), or McKinney-Vento.

For a full description of allowable activities, please see Section 313(d) of the CRRSA<sup>1</sup>.

According to USED, LEAs may *not* spend ESSER funds on:

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

#### *Maintenance of Effort*

ESSER II does not include a local maintenance of effort (MOE) requirement. LEAs must, however, continue to comply with MOE requirements in other federal education laws such as ESEA and IDEA.

#### *Additional Spending Rules and Considerations for ESSER II*

ESSER II funds are subject to the Education Department General Administrative Regulations (EDGAR) and the federal government's Uniform Grant Guidance (UGG), including the requirement that spending be necessary and reasonable.

In light of the necessary and reasonable requirement, LEAs should keep in mind that ESSER provides LEAs with short-term relief funds to address the effects of COVID-19. While it is possible Congress may appropriate additional relief funds in the future, ESSER is not an ongoing program to support long-term expenses. As noted above, because ESSER I funds expire a year prior to ESSER II funds, LEAs are strongly encouraged to spend ESSER I funds first.

### **GEER Overview**

#### *Allocation*

The amount of GEER II funds awarded to Nevada is \$31,385,542. A portion – \$19,375,550 – is reserved for Emergency Assistance to Non-Public Schools, (EANS) leaving a remaining balance of \$12,009,992. Like GEER I, GEER II funds are awarded to governors who have discretion over how to distribute them.

#### *Period of Availability*

GEER II funds are available for obligation through September 30, 2023 and will be available for pre-award costs back to March 13, 2020.

#### *Allowable Uses of Funds*

GEER II funds are *not* subject to a supplement not supplant requirement. Governors may use these funds to:

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<sup>1</sup> <https://www.congress.gov/116/bills/hr133/BILLS-116hr133enr.pdf> (starting on page 749).

- Provide emergency support grants to LEAs most significantly impacted by coronavirus (as determined by the state educational agency) so they can continue to provide educational services and support ongoing functionality;
- Provide emergency support grants to institutions of higher education (IHEs) serving students that have been most significantly impacted by coronavirus (as determined by the Governor) so they can continue to provide educational services and support ongoing functionality; and
- Provide support to any other LEA, IHE, or other educational entity the Governor deems essential for carrying out emergency educational services to students for the following activities:
  - Allowable ESSER activities (see above),
  - Activities under the Higher Education Act,
  - The provision of childcare and early childhood education,
  - Social and emotional support, and
  - The protection of education-related jobs.

*Maintenance of Effort*

GEER II does not include a local MOE requirement. LEAs must, however, continue to comply with MOE requirements in other federal education laws such as ESEA and IDEA.

*Additional Spending Rules and Considerations*

GEER II funds are subject to the Education Department General Administrative Regulations (EDGAR) and the federal government’s Uniform Grant Guidance (UGG), including the requirement that spending be necessary and reasonable.

**Equitable Services**

LEAs must continue to comply with the CARES Act equitable services requirements for ESSER I and GEER I. However, LEAs are *not* required to provide equitable services with ESSER II or GEER II funds. Instead, Congress created the Emergency Assistance for Non-Public Schools (EANS) program for non-public schools, which must be administered by the state education agency.

**Reporting**

ESSER II and GEER II are subject to the same reporting requirements as ESSER I and GEER I. Therefore, the State will continue to collect the information necessary to comply with CARES reporting requirements, which is done through Federal Funding Accountability and Transparency Act (FFATA). In addition, NDE will collect additional information as required by USED.

For questions regarding the EANS program, please contact Karl Wilson at [karlwilson@doe.nv.gov](mailto:karlwilson@doe.nv.gov).

Attachment(s):        ESSER II Allocations